AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-4-80
Vol. 45—No. 3
BOOK 1:
PAGES
989-1250
BOOK 2:
PAGES
1251-1410

federal register

Book 1 of 2 Books
Friday, January 4, 1980

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

989 **International Trade Functions** Executive order

1017 **Black Lung Benefits** Labor/ESA extends the deadline for Part-B miner-beneficiaries to file claims for medical benefits until June 30, 1980; effective 1-2-80

1392 **Handicapped Individuals** Labor/Sec'y proposes regulations to prohibit discrimination in programs receiving or benefiting from Federal financial assistance; comments by 3-4-80 (Part VII of this issue)

1274 **Privacy Act** FTC issues annual publication of systems of records; comments by 3-4-80

1180 **Extraordinary Nuclear Occurrence** NRC panel makes recommendation to the Commission regarding a determination on the accident at Three Mile Island

1114 **School Breakfast and Lunch Programs** USDA/FNS gives notice of national average payment from January 1 to June 30, 1980; effective 1-1-80 (2 documents)

999 **School Lunch and Breakfast Program** USDA/FNS amends regulations on biennial survey to gather racial and ethnic data; effective 1-4-80

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

1026 **Trans-Alaska Pipeline** Interior/Sec'y issues regulations providing for indemnification of members of the board of trustees and officers of fund; effective 1–4–80

1016 **Prisoners** Labor/ETA issues regulations to limit the eligibility of prisoners for CETA programs to those who have reasonable expectation of release; effective 1–4–80

1086 **National Environmental Policy** DOD/Army proposes policy and guidance for consideration of environmental matters in Army decisionmaking process; comments by 2–4–80

1049 **Direct Investment Surveys** Commerce/BEA proposes to abolish present mandatory reporting requirement and proposes to establish mandatory reporting requirement for new statistical survey; comments by 2–4–80

1152 **Credit Life Insurance Income** FDIC, FRS, Treasury/Comptroller, FHLBB, NCUA propose to issue a policy statement to prohibit financial institution insiders from benefiting personnally; comments by 3–31–80

1020 **Treasury Checks** Treasury/FS issues regulations to decrease the number of claims arising from unauthorized endorsement and to decrease number of double payments; effective 2–1–80

1007 **Export Administration** Commerce/ITA publishes interim rule requesting monitoring of exports or the imposition of export control; effective 1–1–80; comments by 3–4–80

1012 **Customs** Treasury/Customs issues regulations regarding informal entry of merchandise which qualifies for entry free of duty under generalized System of Preferences; effective 2–4–80

1081 **Incremental Pricing** DOE/FERC proposes rule under which a State may apply for State-wide exemption; comments by 2–15–80, hearing 2–5–80

1223 **Sunshine Act Meetings**

Separate Parts of This Issue

1252 **Part II, EPA**
1274 **Part III, FTC**
1298 **Part IV, DOE/Solar**
1315 **Part V, Labor/MSHA and NRC**
1318 **Part VI, Labor**
1392 **Part VII, Labor/Sec'y**

Contents

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

The President
EXECUTIVE ORDERS
989 Trade functions, international (EO 12188)

Executive Agencies

Agricultural Marketing Service
RULES
1001 Lemons grown in Ariz. and Calif.

Agricultural Stabilization and Conservation Service
RULES
1001 Tobacco (Fire-cured, etc.); marketing quotas and acreage allotments; 1978–1979 average market price and 1979–1980 penalty rate; correction

Agriculture Department
See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service; Food Safety and Quality Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
1003 Horses, male, from countries affected with CEM
Livestock and poultry quarantine:
1002 Contagious equine metritis (CEM)
NOTICES
Environmental statements; availability, etc.:
1113 Rangeland grasshopper cooperative control program

Blind and Other Severely Handicapped, Committee for Purchase From
NOTICES
1126 Procurement list, 1980; additions and deletions (2 documents)
1126 Procurement list, 1980; change in GSA Region designation

Civil Aeronautics Board
NOTICES
Hearings, etc.:
1121 Cascade Airways, Inc., fitness investigation
1121 Former large irregular air service investigation
1122 International Air Transport Association
1123 Orlando-Los Angeles Subpart Q proceeding
1123 Priority and nonpriority domestic service mail rates investigation

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
1124 Colorado
1124 Florida
1124 Hawaii
1124 New Jersey
1124 Ohio
1124 West Virginia

Commerce Department
See Economic Analysis Bureau; International Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
PROPOSED RULES
Loan and purchase programs:
1042 Grain

Commodity Futures Trading Commission
NOTICES
1223 Meetings; Sunshine Act

Comptroller of Currency
NOTICES
1152 Credit life insurance income disposition; proposed policy statement, interagency; inquiry

Conservation and Solar Energy Office
PROPOSED RULES
Energy conservation:
1298 Furnaces, pulse combustion and condensing; test procedures; technical revisions

Cost Accounting Standards Board
PROPOSED RULES
Cost accounting standards:
1038 Facilities under construction costs; cost of money as element

Customs Service
RULES
1012 Consumption, appraisement, and informal entries; Customs Form 7523, informal entry free of duty for merchandise imported for noncommercial purposes
Liquidation of duties; countervailing duties:
1013 Non-rubber footwear, castor oil products, scissors and shears, and cotton yarn from Brazil
PROPOSED RULES
1084 Antidumping duties, revision; treatment of merchandise (subject to a finding of dumping in effect on January 1, 1980)
NOTICES
Countervailing duty petitions and preliminary determinations:
1219 Wool top from Australia

Defense Department
See Engineers Corps.

Drug Enforcement Administration
NOTICES
Registration applications, etc.; controlled substances:
1161 Mercedes Pharmacy; revocation

Economic Analysis Bureau
PROPOSED RULES
Direct investment surveys:
1049 Reporting requirements, mandatory; BE–133 discontinued and BE–11 established

Economic Regulatory Administration
NOTICES
Decisions and orders:
1133 Gary Energy Corp.
Natural gas; fuel oil displacement certification applications:
1143 Cement Asbestos Products Co.
1135 International Minerals and Chemical Corp.
1135 Kaiser Aluminum & Chemical Corp.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
1127 Arizona Electric Power Cooperative, Inc.
1128 Carolina Power & Light Co.
1129 Grand Island, Nebr.
1129 Lakeland, Fla.
1136 Louisiana Power & Light Co.
1137, 1138 Nevada Power Co. (2 documents)
1139 Omaha Public Power District
1130 Ottawa, Kans.
1140 San Diego Gas & Electric Co.
1141, 1142 Southern California Edison Co. (2 documents)
1131 Tallahassee, Fla.
Remedial orders:
1132 Flajole Brothers

Educational Research, National Council
NOTICES
1224 Meetings; Sunshine Act

Employment and Training Administration
RULES
Comprehensive Employment and Training Act Programs:
1016 Prisoners eligibility requirements; reasonable expectation of release
Unemployment compensation:
1014 Ex-servicemembers; remuneration schedule
1015 Federal extended benefits; "on" and "off" indicators; computation; republication

Employment Standards Administration
RULES
1017 Black Lung Benefits program; claims deadline extended; republication
NOTICES
1318 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Ark., Conn., Fla., Ga., Ky., La., Md., Miss., NJ., N. Mex., N.C., Okla., Pa., S.C., Tenn., Tex., and Va.)

Energy Department
See also Conservation and Solar Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission.
NOTICES
Environmental statements; availability, etc.:
1144 Baltimore Gas & Electric Co. facilities; burning of petroleum or natural gas; prohibition; meeting, etc.

Engineers Corps
PROPOSED RULES
1086 National Environmental Policy Act; implementation

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States etc.:
1024 District of Columbia
1022 Ohio
Noise abatement programs:
1252 Transportation equipment; interstate rail carriers
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
1108 New York
Noise abatement programs:
1109 Transportation equipment; interstate rail carriers; cross reference
NOTICES
Air pollution; ambient air monitoring reference and equivalent methods applications, etc.:
1147 Sodium dioxide (SO_2)
Environmental statements; availability, etc.:
1148 Agency statements; weekly receipts
Meetings:
1147 Administrator's Toxic Substances Advisory Committee

Environmental Quality Council
NOTICES
1223 Meetings; Sunshine Act

Environmental Quality Office, Housing and Urban Development Department
NOTICES
Environmental statements; availability, etc.:
1156 Rockrimmon Development, Colorado Springs, Colo., et al.

Farmers Home Administration
RULES
1002 Loan payments and collections; deposits in local Treasury General Accounts; correction

Federal Deposit Insurance Corporation
NOTICES
1152 Credit life insurance income disposition; proposed policy statement, interagency; inquiry

Federal Election Commission
NOTICES
1223 Meetings; Sunshine Act

Federal Energy Regulatory Commission
PROPOSED RULES
Natural Gas Policy Act of 1978:
1081 Incremental pricing; State-wide exemptions
NOTICES
Hearings, etc.:
1145 El Paso Electric Co.
1145 Union Electric Co.
1146 Vermont Public Power Supply System, Inc.

Federal Financial Institutions Examination Council
NOTICES
1152 Credit life insurance income disposition; proposed policy statement, interagency; inquiry

1153 International banks; quarterly report of condition; submission to Federal banking supervisory agencies; final reporting form

Federal Home Loan Bank Board
NOTICES
1152 Credit life insurance income disposition; proposed policy statement, interagency; inquiry

Federal Maritime Commission
NOTICES
1223 Meetings; Sunshine Act

Federal Mine Safety and Health Review Commission
NOTICES
1223 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Applications, etc.:
1154 Commerce Bank Corp.
1155 Commercial Bancshares, Inc.; correction
1155 Ferryville Bancshares, Inc.
1155 First Virginia Banks, Inc.
1155 Hi-Bancorp., Inc.
1155 Western Michigan Corp.
1152 Credit life insurance income disposition; proposed policy statement, interagency, inquiry

Federal Trade Commission
RULES
Prohibited trade practices:
1011 C. I. Energy Development, Inc., et al.
1011 Vocational and home study schools, proprietary; indefinite stay of effective date
NOTICES
1274 Privacy Act; systems of records; annual publication

Fiscal Service
RULES
1020 Checks drawn on U.S. Treasury; endorsement and extension of reclamation authority; forms of endorsement

Fish and Wildlife Service
RULES
Fishing:
1027 Charles Sheldon Antelope Range, et al., Nev.
1026 Colusa National Wildlife Refuge, et al., Calif.
PROPOSED RULES
Endangered Species Convention:
1110 Cacti and primates; proposed addition to appendix I; advance notice

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
1019 Oxytocin injection; correction
1020 Tylosin
Food additives:
1018 Pentaerythritol adipate-stearate
GRAS or prior-sanctioned ingredients:
1019 Gum guaiac
PROPOSED RULES
Food additives:
1085 Gum guaiac; termination of rulemaking
Human drugs:
1085 Erythromycin estolate; extension of time and informal conference

Food and Nutrition Service
RULES
Child nutrition programs:
999 Meals and free milk in schools; racial and ethnic data collection
996 School lunch program; State educational agencies, requirements to establish advisory councils
999 School lunch program and State administrative expense funds; AIMS; interim rule and inquiry; extension of time; cross reference
PROPOSED RULES
Child nutrition programs:
1041 School lunch program and State administrative expense fund; Assessment, Improvement and Monitoring System (AIMS); extension of time
NOTICES
Child nutrition programs:
1114 School breakfast program; payment factors, National average (January–June, 1980)
1114 School lunch program; payment factors, National average (January–June, 1980)

Food Safety and Quality Service
PROPOSED RULES
1046 Brussels sprouts; grade standards
Meats, prepared meats, and meat products:
1049 Grading, certification, and standards; comment period reopened

Forest Service
PROPOSED RULES
Grazing:
1108 Fee system; Eastern Region; correction; cross reference
NOTICES
Grazing:
1115 Fee system; Eastern Region; correction

Health, Education, and Welfare Department
See also Food and Drug Administration; Health Services Administration; Public Health Service.
NOTICES
Meetings:
1156 Women, Rights and Responsibilities, Secretary's Advisory Committee

Health Services Administration
NOTICES
1156 Advisory committees; annual reports filed, availability

Historic Preservation, Advisory Council
NOTICES
1113 Meeting; cancellation

Housing and Urban Development Department
See also Environmental Quality Office, Housing and Urban Development Department.
PROPOSED RULES
1109 Procurement; contracting officers; selection, designation and termination of designation

Interior Department
See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

RULES
1026 Trans-Alaska Pipeline Liability Fund; members of Board of Trustees and Officers; indemnification for claims and liabilities

International Trade Administration
RULES
Export licensing:
1007 Short supply controls and monitoring; petition and hearing procedures; interim rules

International Trade Commission
NOTICES
1223 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
Motor carriers:
1154 Operating rights applications
Rail carriers:
1154 Car service compensation, basic per diem charges: formula revision; informal conference

Justice Department
See Drug Enforcement Administration.

Labor Department
See also Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Wage and Hour Division.
PROPOSED RULES
Nondiscrimination:
1392 Handicapped in federally-assisted programs
NOTICES
Adjustment assistance:
1161 Abbott Machine Co., Inc.
1177 Acme Boot Co., et al.
1162 Avtex Fibers, Inc. (2 documents)
1172 Bela Manufacturing Corp., et al.
1162 Bobby's Casuals
1179 Boss Manufacturing Co., et al.
1163 Braemoor Garment Co.; correction
1163 Chrysler Corp.
1164 Consolidation Coal Co.
1164 Corcol Energy, Inc.
1164 Crane Co.
1165 Elektra Asylum Nonesuch Records
1165 Fairchild, Inc.
1166 Farmington Manufacturing Co.
1166 Fashion Rite Corp./Mikan Originals, Inc.
1167 Flavorland Industries, Inc.
1166 Ford Aerospace and Communications Corp.
1167 Ford Motor Co.
1168 Freddi-Gail, Inc.
1168 Gold Seal Garter Corp.
1169 Humphreys Mining Co.
1169 Instrument Specialties Co., Inc.
1170 Kentucky Pants Co., et al.; correction
1170 Kimberly-Clark Corp.
1170 Lee Dress Manufacturing Co., Inc.
1171 Luzerne Outerwear Manufacturing Co.
1171 Mr. Knit, Inc.
1171, 1172 National Steel Corp. (2 documents)
1172 New Haven Coat Shop
1173 Palm Beach Co.
1173 Quality Coat Co., Inc.
1173 Quality Mills, Inc.
1174 Riverside Novelty Printers, Inc.
1174 Seth Thomas
1175 Stern-Siegman-Prins Co.
1175 Teledyne Surface Chemicals
1175 Universal Technology, Inc.
1175 Virginia Crews Coal Co.
1176 Walworth Co.
1176 West Virginia Auger Corp.
1176 Witcher Creek Coal Co.

Land Management Bureau
NOTICES
Meetings:
1158 National Public Lands Advisory Council
Opening of public lands:
1159 Nevada
Wilderness areas; characteristics, inventories, etc.:
1159 Idaho

Mine Safety and Health Administration
NOTICES
1315 Occupational safety and health protection in milling of minerals used to produce atomic energy; memorandum of understanding with NRC

Minimum Wage Study Commission
NOTICES
1180 Meetings; republication

National Aeronautics and Space Administration
RULES
Boards and committees:
1006 Contract Appeals Board

National Credit Union Administration
NOTICES
1152 Credit life insurance income disposition; proposed policy statement, interagency; inquiry
1224 Meetings; Sunshine Act

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
1028 Bering Sea and Aleutian Islands groundfish fishery
PROPOSED RULES
Fishery conservation and management:
1112 Atlantic groundfish; permit sanctions; extension of time

National Park Service
NOTICES
Environmental statements; availability, etc.:
1159 Bandelier National Monument, N. Mex., feral burro management program

Nuclear Regulatory Commission
NOTICES
1315 Occupational safety and health protection in milling of minerals used to produce atomic energy; memorandum of understanding with MSHA
1180 Three Mile Island accident, investigation; report availability on extraordinary nuclear occurrence determination

Personnel Management Office
RULES
995 National security information program; implementation; mandatory review of classified documents
Retirement:
996 Law enforcement officer and firefighters; special retirement coverage
995 Temporary assignment of employees between Federal agencies and State governments, etc.
PROPOSED RULES
1040 Promotions, term; positions of project nature and in specialized fields for specified period
Retirement:
1041 Law enforcement officer and firefighter "experience" qualification elimination
NOTICES
Health benefits program, Federal:
1181 Choice Care Health Services, Inc.; program terminated

Postal Service
NOTICES
1224 Meetings; Sunshine Act (2 documents)

Public Health Service
NOTICES
Meetings; advisory committees:
1156 Vital and Health Statistics National Commission; January

Rural Electrification Administration
NOTICES
Environmental statements; availability, etc.:
1116 United Power Association
Loan guarantees proposed:
1115 Allied Power Cooperative of Iowa; meeting

Securities and Exchange Commission
NOTICES
1224 Meetings; Sunshine Act

Small Business Administration
NOTICES
Applications, etc.:
1182 Commercial Credit Financial Corp.

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
1116 Bangor Parks Critical Area Treatment and Land Drainage R.C. & D. Measure, Mich.
1116 Barnegat Elementary School Critical Area Treatment R.C. & D. Measure, N.J.
1117 Buffalo Creek Watershed, Ohio
1117 First Capitol Watershed, Wis.
1117 Harry Oppold Marina Public Water-based Recreation R.C. & D. Measure, Ill.
1118 Highland County Roadside Critical Area Treatment R.C. & D. Measure, Ohio
1118 Lewellen Drainage System Flood Prevention and Land Drainage R.C. & D. Measure, Nebr.
1118 Mayesville Flood Prevention and Land Drainage R.C. & D. Measure, S.C.
1119 Noah Tyson Park Water-based Recreation R.C. & D. Measure, La.
1119 Progress Park Public Water-based Recreation R.C. & D. Measure, Ill.
1120 Richardson, J. L. Jones, and Harper Schools Critical Area Treatment R.C. & D. Measure, La.
1120 Spring Brook Watershed, Wis.
1121 Wesmin R.C. & D. Area, Critical Area Treatment Measures, Minn.
1121 Willow Creek Watershed, Wis.
1120 Snow survey and water supply forecasting program; study and meetings

State Department
NOTICES
Fishing permits, applications:
1183 Taiwan, et al.
Meetings:
1183 International Telegraph and Telephone Consultative Committee
1183 Private International Law Advisory Committee

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, and man-made textiles:
1125 India
1125 Philippines

Trade Negotiations, Office of Special Representative
NOTICES
1181 International trade agreements (Tokyo Round); determinations

Treasury Department
See also Comptroller of Currency; Customs Service; Fiscal Service.
RULES
Antidumping:
1013 Water circulating pumps from United Kingdom
NOTICES
Antidumping:
1220 Portable electric typewriters from Japan

Wage and Hour Division
NOTICES
1179 Learners, certificates authorizing employment at special minimum wages

MEETINGS ANNOUNCED IN THIS ISSUE

CIVIL RIGHTS COMMISSION
1124 Colorado Advisory Committee, 1–26–80
1124 Florida Advisory Committee, 2–1–80
1124 Hawaii Advisory Committee, 1–26–80
1124 New Jersey Advisory Committee, 2–5–80
1124 Ohio Advisory Committee, 1–26–80
1124 West Virginia Advisory Committee, 1–24–80

ENVIRONMENTAL PROTECTION AGENCY
1147 Administrator's Toxic Substances Advisory Committee, 1–21 and 1–22–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Office of the Secretary—
1156 Vital and Health Statistics Committee, 1–22 and 1–23–80
1156 Secretary's Advisory Committee on the Rights and Responsibilities of Women, 1–22–80

INTERIOR DEPARTMENT
Land Management Bureau—
1158 National Public Lands Advisory Council, 1–28, 1–29, and 1–30–80

INTERSTATE COMMERCE COMMISSION
1154 Railroad Revitalization and Regulatory Reform, Car Service Compensation, 1–15–80

MINIMUM WAGE STUDY COMMISSION
1180 Meeting, 1–8–80

STATE DEPARTMENT
1183 Secretary of State's Advisory Committee on Private International Law, Study Group on International Child Abduction, 1–19–80
1183 Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee, 1–23 and 1–24–80

CANCELLED MEETING—

HISTORIC PRESERVATION ADVISORY COUNCIL
1113 Lexington-Paris Road widening project (Kentucky) public information 1–10–80

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.

3 CFR

Administrative Orders:

Memorandums:

December 14, 1979 (Amended by EO 12188)..... 989

Executive Orders:

11269 (Amended by EO 12188)..... 989
11539 (Amended by EO 12188)..... 989
11651 (Amended by EO 12188)..... 989
11703 (Amended by EO 12188)..... 989
11846 (Amended by EO 12188)..... 989
11858 (Amended by EO 12188)..... 989
12096 (Revoked by EO 12188)..... 989
12188..... 989

4 CFR

Proposed Rules:

421..... 1038

5 CFR

175..... 995
334..... 995
831..... 996

Proposed Rules:

335..... 1040
351..... 1040
432..... 1040
752..... 1040
771..... 1040
831..... 1041

7 CFR

210 (2 documents).....996, 999
235..... 999
245..... 999
724..... 1001
910..... 1001
1864..... 1002
1942..... 1002
1951..... 1002
1955..... 1002

Proposed Rules:

210..... 1041
235..... 1041
1421..... 1042
2852..... 1046
2853..... 1049

9 CFR

75..... 1002
92..... 1003

10 CFR

Proposed Rules:

430..... 1298

14 CFR

1209..... 1006

15 CFR

377..... 1007

Proposed Rules:

806..... 1049

16 CFR

13..... 1011
438..... 1011

18 CFR

Proposed Rules:

282..... 1081

19 CFR

143..... 1012
153..... 1013
159..... 1013

Proposed Rules:

153..... 1084

20 CFR

614..... 1014
615..... 1015
676..... 1016
725..... 1017

21 CFR

178..... 1018
182..... 1019
522..... 1019
558..... 1020

Proposed Rules:

172..... 1085
452..... 1085

29 CFR

Proposed Rules:

32..... 1392

31 CFR

240..... 1020

32 CFR

Proposed Rules:

651..... 1086

36 CFR

Proposed Rules:

222..... 1108

40 CFR

52 (2 documents).... 1022, 1024
201..... 1252

Proposed Rules:

52..... 1108
201..... 1109

41 CFR

Proposed Rules:

24–1..... 1109

43 CFR

29..... 1026

50 CFR

33 (2 documents).... 1026, 1027
611..... 1028

Proposed Rules:

23..... 1110
651..... 1112

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

Presidential Documents

Title 3—

The President

Executive Order 12188 of January 2, 1980

International Trade Functions

By the authority vested in me by the Trade Agreements Act of 1979, the Trade Act of 1974, the Trade Expansion Act of 1962, section 350 of the Tariff Act of 1930, Reorganization Plan No. 3 of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1–101. *The United States Trade Representative.*

(a) Except as may be otherwise expressly provided by law, the United States Trade Representative (hereinafter referred to as the "Trade Representative") shall be chief representative of the United States for:

(1) all activities of, or under the auspices of, the General Agreement on Tariffs and Trade;

(2) discussions, meetings, and negotiations in the Organization for Economic Cooperation and Development when trade or commodity issues are the primary issues under consideration;

(3) negotiations in the United Nations Conference on Trade and Development and other multilateral institutions when trade or commodity issues are the primary issues under consideration;

(4) other bilateral or multilateral negotiations when trade, including East-West trade, or commodities is the primary issue under consideration;

(5) negotiations under sections 704 and 734 of the Tariff Act of 1930 (19 U.S.C. 1671c and 1673c); and

(6) negotiations concerning direct investment incentives and disincentives and bilateral investment issues concerning barriers to investment.

For purposes of this subsection, the term "negotiations" includes discussions and meetings with foreign governments and instrumentalities primarily concerning preparations for formal negotiations and policies regarding implementation of agreements resulting from such negotiations.

(b) The Trade Representative, in consultation with the Trade Negotiating Committee, shall invite such members of the Trade Negotiating Committee and representatives of other departments or agencies as may be appropriate to participate in the negotiations and other activities listed in subsection (a).

(c) The Trade Representative, in consultation with the Trade Negotiating Committee, may delegate to any member of the Trade Negotiating Committee, or to any other appropriate department or agency, primary responsibility for representing the United States in any of the negotiations and other activities set forth in subsection (a).

(d) The Trade Representative, or any department or agency to which responsibility for representing the United States in a negotiation or other activity has been delegated pursuant to subsection (c), shall consult with the Trade Policy Committee and with any affected regulatory agencies on the policy issues arising in connection with the negotiations and other activities listed in subsection (a).

Section 1–102. *The Trade Policy Committee.*

(a) As provided by section 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872), the Trade Policy Committee (hereinafter referred to as the "Committee")

is continued. The Committee shall have the functions specified by law or by the President, including those specified in section 1(b)(3) of Reorganization Plan No. 3 of 1979.

(b) The Committee shall be composed of the following:

(1) The Trade Representative, who shall be Chair

(2) The Secretary of Commerce, who shall be Vice Chair

(3) The Secretary of State

(4) The Secretary of the Treasury

(5) The Secretary of Defense

(6) The Attorney General

(7) The Secretary of the Interior

(8) The Secretary of Agriculture

(9) The Secretary of Labor

(10) The Secretary of Transportation

(11) The Secretary of Energy

(12) The Director of the Office of Management and Budget

(13) The Chairman of the Council of Economic Advisers

(14) The Assistant to the President for National Security Affairs

(15) The Director of the United States International Development Cooperation Agency.

The Chair and any member of the Committee may designate a subordinate officer whose status is not below that of an Assistant Secretary to serve in his stead when he is unable to attend any meetings of the Committee. The Chair may invite representatives from other agencies to attend the meetings of the Committee.

(c)(1) There is established, as a subcommittee of the Committee, a Trade Negotiating Committee which shall advise the Trade Representative on the management of negotiations referred to in section 1–101(a) of this order. The members of such subcommittee shall be the Trade Representative (Chair), the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(2) The Trade Representative, with the advice of the Committee, may create additional subcommittees thereof.

(d) In advising the President on international trade and related matters, the Trade Representative shall take into account and reflect the views of the members of the Committee and of other interested agencies.

Section 1–103. *Delegation of Functions.*

(a) The function vested in the President by section 412(b) of the Trade Agreements Act of 1979 (19 U.S.C. 2542(b)) is delegated to the Secretary of Commerce with regard to the technical office established under section 412(a)(1) of such Act and to the Secretary of Agriculture with regard to the technical office established under section 412(a)(2) of such Act. In prescribing the functions of each technical office, the Secretary concerned shall consult with the Trade Representative and with all affected regulatory agencies. The functions delegated by this section shall be exercised in coordination with the Trade Representative.

(b) The functions of the President under sections 2(b) and 303 of the Trade Agreements Act of 1979 (19 U.S.C. 2503(b) and 2513) and section 701(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)) are delegated to the Trade Representative, who shall exercise such authority with the advice of the Trade Policy Committee.

Section 1–104. *Authority Under the Foreign Service Act and Related Laws.*

(a) The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish a Foreign Commercial Service in the Department of Commerce, and a category of career officers of the Foreign Commercial Service to be known as Foreign Commercial Officers. For purposes of the utilization by the Secretary of the authorities granted to the Secretary under this section, the terms "Foreign Service" and "Foreign Service Officer" shall be construed to mean "Foreign Commercial Service" and "Foreign Commercial Officer," respectively.

(b)(1) Except as provided in paragraph (3), and except with regard to career ministers and career ambassadors, the Secretary is authorized to exercise, with respect to Foreign Service commercial officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees employed to perform the functions transferred under section 5(b)(1) of Reorganization Plan No. 3 of 1979 (hereinafter referred to as the "Plan"), all authority available to the Secretary of State under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.) or under any other existing or future provision of law applicable to the Foreign Service of the United States, Foreign Service staff officers and employees, and alien clerks and employees. Such authority shall include, but not be limited to, the prescription of regulations incident to the exercise of such authority.

(2) All provisions of the Foreign Service Act of 1946, as amended, or of any other existing or future law, that apply to Foreign Service officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees of the Department of State shall be applicable to Foreign Commercial officers, Foreign Service officers, Foreign Service Reserve officers, Foreign staff officers and employees, or alien clerks and employees of the Department of Commerce.

(3) There are excluded from the authority granted to the Secretary by paragraph (1) the following powers now vested in or delegated to the Secretary of State:

(A) to issue regulations pertaining to overseas differentials and allowances;

(B) to administer the Foreign Service Retirement and Disability System under title VIII of the Foreign Service Act of 1946, as amended (22 U.S.C. 1061 et seq.); and

(C) to commission or to recommend that the President commission Foreign Service officers, Foreign Service Reserve officers, and Foreign Service staff officers as diplomatic and consular officers under sections 512, 514, 524, and 533 of the Foreign Service Act of 1946, as amended (22 U.S.C. 907, 909, 924, and 938).

(5) The Secretary is authorized to exercise, with regard to the functions transferred under section 5(b) of the Plan, the authority of the Secretary of State under section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658) to promulgate such rules and regulations as may be necessary to the performance of such functions.

(c) The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order 11264 of December 31, 1965, as amended, shall exercise with respect to Foreign Service personnel of the Department of Commerce the functions delegated to them by that order with respect to Foreign Service personnel of the Department of State. The Boards shall perform such additional functions with respect to Foreign Service personnel of the Department of Commerce as the Secretary may from time to time delegate or otherwise assign, consistent with the functions of such boards.

Section 1–105. *Prior Executive Orders and Determination.*

(a) Section 1(b) of Executive Order 11269 of February 14, 1966, as amended, is amended by adding "the United States Trade Representative," after "the Secretary of State,".

(b)(1) Section 1 of Executive Order 11539 of June 30, 1970, is amended to read as follows:

"Section 1. The United States Trade Representative, with the concurrence of the Secretary of Agriculture and the Secretary of State, is authorized to negotiate bilateral agreements with representatives of governments of foreign countries limiting the export from the respective countries and the importation into the United States of—

(1) fresh, chilled, or frozen cattle meat,

(2) fresh, chilled, or frozen meat of goats and sheep (except lambs), and

(3) prepared and preserved beef and veal (except sausage) if articles are prepared, whether fresh, chilled, or frozen, but not otherwise preserved, that are the products of such countries.".

(2) Section 4 of such order is amended by striking out "the Secretary of State" and inserting in lieu thereof "the United States Trade Representative".

(c) The last sentence of section 1(a) of Executive Order 11651 of March 3, 1972, as amended, is amended to read as follows: "The United States Trade Representative, or his designee, also shall be a member of the Committee.".

(d) The first sentence of section 3 of Executive Order 11703 of February 7, 1973, is amended to read as follows: "The Oil Policy Committee shall henceforth consist of the United States Trade Representative, chair, and the Secretaries of State, Treasury, Defense, the Interior, Commerce and Energy, the Attorney General, and the Chairman of the Council of Economic Advisers, as members.".

(e) Sections 2(b) and 3(a), the first sentence of section 3(c), and sections 3(e), 3(f), and 6 of Executive Order 11846 of March 27, 1975, as amended, are revoked.

(f)(1) Section 1(a)(5) of Executive Order 11858 of May 7, 1975, is amended to read: "(5) The United States Trade Representative".

(2) Section 1(a)(6) of such order is amended to read: "(6) The Chairman of the Council of Economic Advisers".

(g) Executive Order 12096 of November 2, 1978, is revoked.

(h) The last paragraph of the Presidential Determination Regarding the Acceptance and Appplication of Certain International Trade Agreements (dated December 14, 1979) (44 FR 74781, at 74784; December 18, 1979), delegating functions under section 2(b) of the Trade Agreements Act of 1979 and section 701(b) of the Tariff Act of 1930, is revoked.

(i) Any reference to the Office of the Special Representative for Trade Negotiations or to the Special Representative for Trade Negotiations in any Executive order, Proclamation, or other document shall be deemed to refer to the Office of the United States Trade Representative or to the United States Trade Representative, respectively.

Section 1–106. *Incidental Transfers and Reassignments.*

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions transferred or reassigned by the provisions of this order as the Director of the Office of Management and Budget shall determine shall be transferred or reassigned for use in connection with such functions.

Section 1–107. *Effective Dates.*

(a) Sections 1, 2(a), 2(b)(2), 2(c), 2(d), 3, 4, 5(a), 5(b)(2), 5 (c) through (e), and 6 through 8 of Reorganization Plan No. 3 of 1979, and the provisions of this order, shall take effect as of January 2, 1980.

(b) Section 5(b)(1) of such plan shall take effect as of April 1, 1980.

Jimmy Carter

THE WHITE HOUSE,
January 2, 1980.

[FR Doc. 80–450
Filed 1–3–80; 10:59 am]
Billing code 3195–01–M

Editorial Note: The President's remarks of Jan. 2, 1980, on signing Executive Order 12188, are printed in the Weekly Compilation of Presidential Documents (vol. 16, No. 1).

Rules and Regulations

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 175

OPM Mandatory Review of Classified Documents

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: The Office of Personnel Management (OPM) is revising its regulations on the mandatory review of classified documents to reflect the requirements of Executive Order 12065, "National Security Information," and its implementing directive (Information Security Oversight Office Directive #1).

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Samuel E. Zattiero, Chief, Security and Support Section, Office of Management, Office of Personnel Management, Room 7H27, 1900 E Street, N.W., Washington, D.C. 20415. Telephone (202)–632–4470.

SUPPLEMENTARY INFORMATION: This revision implements the mandatory document review provisions of Executive Order 12065, 43 FR 28949 (1978). The Office of Personnel Management has also issued internal instructions in chapter 22 of the OPM Administrative Manual. These internal instructions reflect the requirements of this part, and all of the appropriate requirements of the Executive order and the Information Security Oversight Office Directive relating to the classification, safeguarding, and declassification of national security information. Copies of the internal instructions are available from the information contact shown above.

The Director, OPM, has determined under 5 U.S.C. 553(b), that notice and public comment procedures are unnecessary since the regulations concern procedures that are directed by Executive order which have been adopted from the order without substantive refinement. Publication of the regulations for the 30-day period specified in 5 U.S.C. 553(d) prior to the effective date is also unnecessary for the same reason.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is revising 5 CFR Part 175 to read as follows:

PART 175—OPM MANDATORY REVIEW OF CLASSIFIED DOCUMENTS

Sec.
175.101 Policy.
175.102 Requests for the declassification of documents.

Authority: E.O. 12065, 43 FR 28949.

§ 175.101 Policy.

The Office of Personnel Management bases its procedures for handling national security information on Executive Order 12065, "National Security Information," and Information Security Oversight Office Directive No. 1 concerning national security information.

§ 175.102 Requests for the declassification of documents.

Any Federal agency, Government employee or member of the public has the right to request a mandatory review of any classified document, held by the Office of Personnel Management, which was classified for national security purposes by the Civil Service Commission. The Office of Personnel Management does not have the authority to classify documents.

(a) Requests for mandatory declassification review should be addressed to the Director, Office of Management, or the designee of the Director, who will act on requests within 60 days. Requests need not be made in any special form but shall, as specified in section 3–501 of the Executive order, reasonably describe the information.

(b) Based upon the review, the document, or any reasonably segregable portion thereof that no longer requires protection under the Executive order, shall be declassified and released unless withholding is otherwise warranted under applicable law.

(c) No OPM official will refuse to confirm the existence or non-existence of any document requested under the Freedom of Informaton Act or the mandatory review provisions of the Executive order, unless the fact of its existence or non-existence would itself be classifiable under the Executive order.

OPM Administrative Manual chapter 22, covering OPM policies and procedures relating to classified information or material is available for inspection by the public in the OPM Library, Room 5H27, 1900 E. St., N.W., Washington, D.C., or in one of the 10 OPM regional offices in the following cities: Atlanta, Boston, Chicago, Dallas, Denver, New York, Philadelphia, St. Louis, San Francisco and Seattle.

Appendix A. [Revoked]

[FR Doc. 80–288 Filed 1–3–80; 8:45 am]
BILLING CODE 6325–01–M

5 CFR Part 334

Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations

AGENCY: Office of Personnel Management.

ACTION: Final Regulation.

SUMMARY: These regulations amend the Intergovernmental Personnel Act (IPA) mobility program requirements. They authorize the Office of Personnel Management: (A) to certify the eligibility of organizations to participate in the mobility program as instrumentalities of State and local governments and as "other organizations"; and (B) to direct Federal agencies to terminate assignments or take other corrective actions when assignments are found to violate the IPA requirements.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jo Anner Wilson, Faculty Fellows and Personnel Mobility Division, Office of Intergovernmental Personnel Programs, Room 2306, 1900 E Street, NW., Washington, DC 20415, telephone (202) 632–5373.

SUPPLEMENTARY INFORMATION: On September 18, 1979, OPM published proposed regulations at 44 FR 54067, with comments invited for consideration

in final rulemaking. The comment period ended October 18, 1979. Since no comments were received, OPM is adopting the regulations as proposed.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management amends 5 CFR Part 334 as set out below:

§§ 334.103–334.107 [Redesignated]

(1) §§ 334.103 through 334.107 are renumbered as §§ 334.104 through 334.108, respectively.

(2) A new § 334.103 is added, to read as follows:

§ 334.103 Certification of instrumentalities or authorities of State and local governments and "other organizations".

(a) Organizations interested in participating in the mobility program as an instrumentality or authority of a State or local government or as an "other organization" as set out in this Part must have their eligibility certified by the Office of Personnel Management before they will be eligible to enter into a mobility agreement with a Federal agency.

(b) Written requests for certification shall include a copy of the organization's:

(1) Articles of incorporation;

(2) Bylaws;

(3) Internal Revenue Service nonprofit statement; and

(4) Any other information describing the organization's activities as they relate to the public management concerns of governments or universities.

(c) Requests should be mailed to the following address: Assistant Director for Intergovernmental Personnel Programs, Office of Personnel Management, P.O. Box 14184, Washington, DC 20044.

(3) A new paragraph (d) is added to § 334.107 to read as follows:

§ 334.107 Termination of assignment.

* * * * *

(d) The Office of Personnel Management shall have the authority to direct Federal agencies to terminate assignments or take other corrective actions when assignments are found to have been made in violation of the requirements of the Intergovernmental Personnel Act and/or this Part.

(5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971–1975).

[FR Doc. 80-252 Filed 1-3-80; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 831

Retirement

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation, issued under the authority of the Civil Service Retirement and Disability Law, as amended, allows a law enforcement officer or firefighter who satisfies the initial direct transfer requirement from a basic law enforcement officer or firefighter covered position to a supervisory/administrative covered position, to separate, or enter a non-law enforcement officer or firefighter position, and still resume special retirement coverage upon subsequent re-entry in another supervisory/administrative covered position.

DATE: These regulations are effective on February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jane Lohr, [202] 632–4634.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is publishing regulations to supplement and implement Pub. L. 93–350. Proposed regulations were published in the **Federal Register** on August 24, 1979 [44 FR 49694]. Editorial changes only have been made in the regulations.

Analysis of Comments: The proposed regulations provided a 60-day period for public comment. The Office of Personnel Management received two formal responses from labor organizations and many informal telephone comments. All were favorable and supportive of the proposed rule. One comment dealt with the additional ½% retirement contribution which will be due in some cases retroactively to January 1, 1975. Since the additional ½% contribution is required by law, there will be no waiver in such cases. As a result, the Office has made no change in the final regulations. The Office will supplement the regulations with guidance issued through the Federal Personnel Manual System.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, OPM is amending 5 CFR Part 831 as follows:

1. A new paragraph (d) is added to § 831.903 to read as follows:

§ 831.903 Law enforcement officer.

* * * * *

(d) A law enforcement officer, as defined in section 8331(20) of title 5, United States Code, who has transferred to a position identified by paragraph (c) of this section, under the conditions described in this paragraph, shall be deemed to have met the transfer requirements for all subsequent employment in supervisory/administrative law enforcement positions, except for any period of reemployment as an annuitant under title 5, United States Code, section 8335(b) or section 8336(c). This applies only to law enforcement officers who are employed on or after December 31, 1979.

2. A new paragraph (c) is added to § 831.904, to read as follows:

§ 831.904 Firefighter.

* * * * *

(c) A firefighter, as defined in section 8331(21), of title 5, United States Code, who has transferred to a position identified by paragraph (b) of this section, under the conditions described in this paragraph, shall be deemed to have met the transfer requirements for all subsequent employment in supervisory and/or administrative firefighter positions, except for any period of reemployment as an annuitant under title 5, United States Code, section 8336(b) or section 8336(c). This applies only to firefighters who are employed on or after December 31, 1979.

(5 U.S.C. 8336)

[FR Doc. 80-287 Filed 1-3-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[Amdt. 34]

7 CFR Part 210

Child Nutrition Programs; National School Lunch Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On January 5, 1979, a proposed rule was published in the **Federal Register** (44 FR 1379–1380) revising the regulations governing the National School Lunch Program. This proposed rule was to implement the provisions of section 6(e) of Public Law 95–166 requiring that each State educational agency receiving food assistance payments for any school year shall establish for such year an advisory council, which shall be composed of representatives of schools that participate in the National School Lunch Program. The proposed rule also provided: (1) that the council shall meet at least once a year and report to the

State agency no later than April 1 of each year its preferred selection and distribution of food assistance for the following school year; (2) the State educational agency shall notify FNS of the advisory council's findings no later than April 15 of each year; and (3) advisory councils may be funded by State Administrative Expense (SAE) funds. In an effort to bring about greater responsiveness to schools' donated food preferences, the proposed amendment is being adopted with several changes.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, School Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–8130).

SUPPLEMENTARY INFORMATION: Section 6 of the National School Lunch Act, as amended, 42 U.S.C. 1755, requires the Secretary of Agriculture to make available to States, for distribution to schools conducting nonprofit lunch programs under the Act, a national average value of donated foods or—where applicable—cash in lieu thereof, of not less than 10 cents for each lunch served. This amount is subject to adjustment each year to reflect changes in the Price Index for Foods Used in Schools and Institutions published by the Bureau of Labor Statistics of the Department of Labor. Section 6 of Public Law 95–166, enacted November 10, 1977, amended section 14 of the Act by adding a new subsection (e) to require each State educational agency to establish an advisory council to advise that State agency with respect to the needs of schools relating to the manner of selection and distribution of food assistance for the school lunch program.

Previously, participating schools provided State agencies their food preferences on Form FNS–35. These responses were summarized and used as a guideline in the Department's purchase of foods for distribution to child nutrition programs. The use of this report was discontinued by FNS in the early part of fiscal year 1979 because of the need for a new report form which could be sent to the school districts through the advisory councils. It was believed that the State advisory councils would be in position to explain FNS' reporting needs to the districts and to elaborate on the data elicited, so that the State educational agencies and the Department would receive more and better information than previously. Meanwhile, the summary of the reports received in fiscal year 1979 is being used as a guideline in the Department's food purchase plan for the 1979–80 school year.

The proposed amendments require each State educational agency receiving food assistance payments under the National School Lunch Act to establish an advisory council which was to be composed of not less than ten representatives of the schools in the State participating in the lunch program. They also required that the advisory council notify its State educational agency no later than April 1 of each year of its preferred selection and distribution of commodity assistance for the following school year and that the State educational agency notify FNS of the advisory council's findings no later than April 15 of each year. Further, the proposal provided that the advisory council may be funded by State Administrative Expense funds; and, where the State educational agency is also the State food distributing agency, that funding may then also be used from the State food distribution assessment fund.

Analysis of Comments

Interested persons and groups were given 60 days in which to submit written comments, suggestions, or objections regarding the proposed amendments. A total of 33 comments were received. Of these, six were supportive but offered no substantive comments or recommendations. Five respondents were opposed to the establishment of the advisory councils.

Two of the unfavorable comments were from State educational agencies, two from food service directors, and one from a local Community Service Agency.

Nineteen State agencies responsible for school food distribution, six school districts, four public action groups, one child care institution, one national trade association, and two FNS Regional Offices submitted comments objecting to the proposal in one or more respects. These comments contained various alternative suggestions. Of the State agencies, 13 were Departments of education or public institutions and the remainder were agencies with another primary responsibility such as agriculture, general services, or social and health services. The issues most frequently raised are discussed in the following paragraphs.

Name of Advisory Council

Paragraph (u) defining State advisory council was added to § 210.2, Definitions. Concern was expressed about confusion with existing advisory councils serving some of the same target groups as the Department's food assistance programs. To assure there is no confusion between the advisory councils required by Public Law 95–166 established by each State educational agency (SEA) and others that may serve the same target group, the title of the advisory council in the proposed rule has been redesignated "State Food Distribution (SFD) Advisory Council."

Composition of Advisory Council

A majority of the comments received reflected on the composition and structure of the advisory council, which, in the proposed rule was given as follows:

(1) The Chairman of the advisory council shall be the Chief State school officer or his designee.

(2) The Vice Chairman of the advisory council shall be the Chief Officer of the State distributing agency (SDA) which makes USDA-donated foods available to schools within the State unless the SEA and the SDA are the same entity within the State, in which case the Vice Chairman of the Advisory Council shall be the Chief Food Distribution Officer of the SEA.

(3) Other representatives shall include but are not limited to:

(i) A representative from a large urban school.

(ii) A representative from a small rural school.

(iii) A representative from the Parent Teachers Association.

(iv) A student of high school grade or under.

(v) A representative from a private school.

Concerning the Chairman and Vice Chairman of the council in the proposed rule, various respondents suggested that the State school officer in charge of child nutrition programs should be Chairman: that if the SEA and the SDA are not the same entity, the Chief Officer of the SDA should be named the Chairman or Co-Chairman; that the school food and nutrition program director would be a more appropriate Vice Chairman; that the SEA should select the Vice Chairman; that the words, "or his designee" be entered after the chief officer of the SDA as it applies to the Vice Chairman; that the Chairman and Vice Chairman should be representatives of the schools and elected by the advisory council members; that the SEA and SDA representatives be ex officio members inasmuch as they would otherwise be advising themselves; and that the proposal tends to diminish the SDA's role when it is not the SEA.

The proposal has been modified to provide for the election of the Chairman and Vice Chairman by the advisory council members. The Chief State school

and Chief food distribution officers, or their designees, are to be ex officio, non-voting members of the advisory council acting in an advisory capacity.

Some respondents suggested that the advisory council membership consist of representatives other than those listed under the proposed § 210.21(b) and expressed the need for a larger number of representatives other than food service personnel on the advisory council, or the concern that such members were not provided for in the proposal. Suggestions included the addition of another student, a nutritionist or dietician, a teacher, a welfare rights or anti-hunger representative, one or more school administrators, a food supplier, a small-scale farmer, a representative of a juvenile detention center, and a representative of a child care institution.

Other respondents suggested that representation should be restricted to not less than seven members; that the advisory council should be a subcommittee of the State's Nutrition Education and Training Advisory Committee; that a USDA representative from the National or Regional Office should attend all meetings; that parent-teacher organizations besides the Parent Teachers Association (PTA) should be represented where locally recognized, or that there be as a representative a parent to represent all parents. Also, one respondent suggested that no parent-teacher group be represented.

Inasmuch as Public Law 95–166 requires that the advisory council be established by the SEA to advise "such State agency," it would be inappropriate to have the advisory council report to anyone other than the SEA. The law also states that the advisory council shall be composed of representatives of schools in the State that participate in the school lunch program. Thus, it would not be appropriate to require representation from any organization or group of persons not specifically associated with schools or the operation of the school lunch program. Further, a food supplier cannot be properly included due to the potential conflict of interest. The USDA representative would also be an improper inclusion although FNS Regional Office personnel are available to provide advice and assistance when requested.

In response to these suggestions, the requirement that the advisory council consist of not less than 10 members has been changed to provide for at least five members. These five members are in addition to the two ex officio members referred to above. The Department recommends a range of five to ten members. However, the advisory council may consist of more than ten members whenever the SEA determines that additional members are warranted. Also, the requirement that representatives listed under § 210.21(b) of the proposed regulations be included as members of the advisory council has been revised to provide the SEA with a list of representatives which should be considered when appointing members for the advisory council. Members of the advisory council should be appointed based on an assessment of the State's current situations and needs. This list has been expanded to include: a nutritionist, a teacher, a school administrator, and a representative of a residential child care institution.

Food Assistance Payments Received Through Agencies Other Than the State Educational Agency

Some respondents perceived the need for two advisory councils since some food assistance payments are received by participants in the school lunch program through agencies other than the State educational agency. This includes such outlets as private schools and nonprofit residential child care institutions included under the broadened definition of school by Public Law 94–105, enacted October 7, 1975. It was not the intent of Public Law 95–166 to have more than one advisory council in each State; therefore, they have been included in § 210.20(b)(3) as representatives which should be considered in the selection of members for the advisory council.

Format to be Used in Collection and Submission of Data by State Agency

Only one suggestion was received relating to the format or method to be used by the advisory councils to assure that the view of all participating schools are considered in the preparation of their report to the State agency. The advisory council will obtain food preference information from all school food authorities within the State. To reduce the time of summarizing the data and to assure continuity of information received from advisory councils, FNS will provide guidelines and a simple format to be used in obtaining the information and developing a report for submission to the State agency and FNS.

Reporting Dates

Some respondents expressed concern as to the sufficiency of the lead time available to the Department using the proposed April 15th deadline each year for the State educational agencies to notify FNS of the advisory councils' findings. After a review of the increased lead time the Department has been able to provide State agencies to canvass schools and school districts before submitting orders on a greater number of foods the past two years, and the length of time required to summarize the findings of the advisory councils, it has been determined that the reporting dates for the advisory councils and the State agencies should be advanced. Therefore, the reporting dates referred to in the proposal have been advanced from April 1 to January 15 and from April 15 to February 15 of each year. These changes will permit ample lead time for both the State agencies and the Department to obtain and summarize the required information. Because of the delay in issuing this final rule, the advisory council will not be required to submit its first report to the SEA until January 15, 1981. The SEA will not be required to submit its first report to FNS until February 15, 1981.

State Administrative Expense (SAE) Funds

Some respondents reported that their SAE budgets were strained; that there were no funds to pay for advisory council expenses; that the advisory council meeting could be held in conjuction with other State meetings, when most members would already be in attendance; that States should be provided two percent of their total entitlement for administrative expenses; that there is no mandate that SAE funds be used; that there is a need for clarification for a required assessment of SAE funds or a funding source; and that funding of the councils constitutes an unnecessary expense.

For many years food distribution assessment funds have been available in a large number of States to assist in various program expenses. More recently, SAE funds have been made available for the use of the food distribution program under the interim amendments to SAE regulations issued under Part 235 of this chapter (43 FR 37170). The proposal has been modified to give general guidelines for the expenditure of these funds to be used by the State Food Distribution Advisory Councils. The proposal has also been modified to provide the SEA the option of using SAE funds in making payments of justified expenses incurred for or by the SFD Advisory Council.

Accordingly, Part 210 of Title 7 CFR is amended as follows:

1. Section 210.2 is amended by adding a new paragraph (u) to read as follows:

§ 210.2 Definitions.

* * * * *

(u) "State Food Distribution Advisory Council" means a group of not less than

five representatives, excluding ex officio representatives, of schools participating in the lunch program in the State that meet and advise the State agency with respect to the needs of schools concerning the manner of selection and distribution of commodity assistance for the school lunch program.

* * * * *

2. Section 210.20 is redesignated § 210.21. A new § 210.20 is added to read as follows:

§ 210.20 State Food Distribution Advisory Councils.

(a) Each State educational agency shall establish a School Food Distribution (SFD) Advisory Council, to be composed of representatives of schools in the States that participate in the program. The SFD Advisory Council shall meet at least once each year and after the school year beginning July 1, 1980, report to the State agency no later than January 15 of each year its recommendations concerning the manner of selection and distribution of commodity assistance for the next school year. The State agency shall inform FNS of the SFD Advisory Council's recommendations, no later than February 15 of each year after the school year beginning July 1, 1980, in accordance with guidelines and format provided by FNS.

(b) The structure of the SFD Advisory Council shall be as follows:

(1) The Chairman and Vice Chairman of the SFD Advisory Council shall be elected by the members of the SFD Advisory Council.

(2) The Chief State school officer or his designee shall be an ex officio member of the SFD Advisory Council acting in an advisory capacity and as a non-voting member. The Chief Officer of the State distributing agency, or his designee which distributes USDA donated foods to schools within the State, shall be an ex officio member of the SFD Advisory Council, also acting in an advisory capacity and as a non-voting member, unless the State educational agency and the State distributing agency are the same entity within the State, in which case the ex officio member of the SFD Advisory Council shall be the Chief Food Distribution Officer of the State educational agency or his designee.

(3) Other representatives that the State should consider, based upon its current situation and needs, shall include but are not limited to:

(i) A school food service representative from a large urban school.

(ii) A school food service representative from a small rural school.

(iii) A school food service representative from a residential child care institution.

(iv) A representative from a locally recognized parent-teacher organization.

(v) A student of junior or senior high school.

(vi) A school food service representative from a private school.

(vii) A nutritionist.

(viii) A teacher.

(ix) A school administrator.

(c) Representatives of the SFD Advisory Council shall be appointed for not more than three years. To promote continuity within the SFD Advisory Council, initial appointments shall be selected for 1, 2 and 3-year terms.

(d) The responsibilities of the State Food Distribution Advisory Council shall include but not be limited to providing the State agency, no later than January 15 of each year, the following information to be obtained in a survey of all school food authorities within the State, in a format provided by FNS:

(1) The most desired foods.

(2) The least desired foods.

(3) Recommendations for new products.

The SFD Advisory Council shall also be encouraged to advise the State agency on:

(i) The amounts of each food item desired.

(ii) Types of packaging and package size.

(iii) Shipping schedules.

(iv) Recommendations for changes in donated food specifications.

(e) The State agency may make payments of justified expenses incurred for or by the SFD Advisory Council from State Administrative Expense funds. In instances when State Administrative Expense funds are used, payments shall be made in accordance with Part 235 of this chapter. State agencies which are the same entity as the State distributing agency may also use food distribution assessment funds as provided for in § 250.6 (i) and (j) of this chapter.

Members of the SFD Advisory Council shall serve without compensation. The SEA shall provide compensation for necessary travel and subsistence expenses incurred by them in the performance of the duties of the SFD Advisory Council. Parent and student participant members, in addition to necessary travel and subsistence expenses, shall be compensated for personal expenses related to participation on the SFD Advisory Council, such as child care expenses and lost wages during scheduled SFD Advisory Council meetings. The SEA shall establish a system whereby expenses will be paid in advance for any member who indicates that he/she cannot financially afford to meet any of the allowed expenses. In instances where members can meet these expenses, a reimbursement shall be provided in a timely manner.

Note.—The report and/or recordkeeping requirements contained herein have been submitted to the Office of Management and Budget for approval under the Federal Reports Act of 1942.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this rule should not be classified significant under those criteria. An approved final Impact Analysis Statement has been prepared and can be obtained by contacting Margaret O'K. Glavin, Director, School Food Programs Division, FNS, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-8130.

(Section 6, Public Law 95-166, 91 Stat. 1334, 42 U.S.C. 1771 note.)

Dated: December 27, 1979.

Carol Tucker Foreman,

Assistant Secretary.

[FR Doc. 80-22 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-30-M

---

7 CFR Parts 210 and 235

National School Lunch Program and State Administrative Expense Funds; Extension of Comment Period

Cross Reference

For a document extending the comment period on interim and proposed regulations concerning the assessment, improvement and monitoring system for the National School Lunch Program, see FR Doc. 80-123 in the proposed rules section of this issue of the Federal Register.

---

7 CFR Part 245

Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools; Racial and Ethnic Data Collection

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final regulation amends Part 245 to provide that State agencies require School Food Authorities which will participate in the formal Department of Health, Education, and Welfare (DHEW) Public School Civil Rights Survey biennially to gather racial and ethnic data on applicants for free

and reduced price meals served under the National School Lunch Program and School Breakfast Program. State Agencies may allow such School Food Authorities the option of requesting the parents on the free and reduced price meal application to voluntarily identify their child's racial or ethnic identity.

EFFECTIVE DATE: This rule shall be effective January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Director, School Programs Division, FNS, USDA, Washington, D.C. 20250. (202) 447–8130.

SUPPLEMENTARY INFORMATION:

Background

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin in programs receiving Federal assistance. The authority of the Attorney General to coordinate enforcement by Federal departments and agencies of Title VI was defined in Executive Order 11764 of January 21, 1974. The Department of Justice developed regulations (28 CFR 42) to implement this authority. These regulations require the collection of data on the race and ethnic background of applicants for and recipients of Federal assistance. The major purposes of such data collection are to measure the accrual of program benefits to all eligible persons and to assure that benefits are equitably distributed and are made available without regard to race, color, or national origin.

In October 1978 FNS participated in a joint survey with the Department of Health, Education and Welfare (DHEW) in an effort to gather racial and ethnic data on paticipants in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The Department will participate in the 1980–81 DHEW Civil Rights Survey, which will involve approximately 53,000 public schools out of 6,000 school districts. The schools will be surveyed to determine the racial and ethnic background of children receiving the benefits of Federal programs, including free or reduced price meals served under the Nationl School Lunch and School Breakfast Programs.

The Department is amending 7 CFR Part 245 to provide for State agencies to require School Food Authorities of schools in the DHEW survey to develop procedures to gather information on the racial and ethnic identification of children for whom applications for free and reduced price meal benefits are filed. While visual surveys are the least intrusive method of collecting data on race and ethnic background of applicant children, State agencies may allow such School Food Authorities to request parents on the free and reduced price meal application to voluntarily identify the racial or ethnic identity of their child provided that the letter to parents and application contain the specific wording prescribed by these regulations which describes why the data is being collected. Parental response to such a request is purely voluntary. In no event will failure to respond on the part of the applicant affect the child's eligibility for free or reduced price meal benefits.

Analysis of Comments

Interested persons and groups were given until January 15, 1979 to submit comments, suggestions or objections regarding the interim regulations published in the **Federal Register** on August 25, 1978. FNS received a total of 13 comments of which 65% were unfavorable and 25% were favorable in one or more components of the interim regulations. One commentor offered suggestions for improved wording changes.

The majority of favorable respondents expressed concerns that a civil rights survey was needed, but the information should be collected on a separate form other than the Free and Reduced Price application and § 245.13 should be amended to include safeguards to assure applicants of the confidentiality of their response.

Nine of the respondents opposed the interim regulation. Some of these commentors questioned the need for collection of racial data. These commentors expressed a concern about the potential for animosity when people are made aware of the level of benefits from a government program received by various racial or ethnic groups. Some felt that since economic factors and not race governs the determination of eligibility, this data should not appear on the application.

Generally the opponents did not specifically address their comments to the method by which FNS intended to permit schools to collect the required data as expressed in the regulation. Since 28 CFR 42 requires the Department to collect data on race and ethnic background, these comments do not voice a concern which the Department is free to address. School Food Authorities must collect this data to be in compliance with Civil Rights legislation. Therefore, in response to commentor concerns, we would like to point out the following aspects of this regulation:

(1) The information on applications is required to be kept confidential; therefore, concern about the potential for animosity is not merited.

(2) School Food Authorities have the option of collecting data on the application; it is not mandatory.

(3) Applicants have the option to choose not to fill in their race if they so choose, it is not mandatory and has no bearing on their eligibility.

This regulation responds also to those commentors who wished to minimize any recording and recordkeeping burden in that it permits School Food Authorities to utilize another option in the collection of mandatory data.

After consideration of all comments, the Department is issuing as a final regulation the substance of the interim regulation with a few minor changes in the wording.

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

Accordingly, Part 245 is amended by adding § 245.12 called, "Special responsibilities of State agencies" to the table of Sections and in the context of the regulation to read as follows:

§ 245.12 Special responsibilities of State agencies.

(a) State agencies shall require School Food Authorities of schools selected for participation in the Department of Health, Education, and Welfare Public School Civil Rights Survey to gather information on the race and ethnic background of children for whom applications for free and reduced price meals are filed.

(b) To comply with the provisions of § 245.13(a) above, State agencies at their discretion may permit such School Food Authorities the option of requesting parents on application forms to voluntarily identify the race or ethnic background of their child for whom application is being made. Parents' provision of this information is purely voluntary and failure to provide this information will not affect the eligibility for benefits of the child for whom application is made. School Food Authorities shall develop alternative means of providing racial and ethnic data for applicants when such information is not voluntarily provided by parents on the application.

(c) School Food Authorities for such survey schools which are granted the option by the State agency and wish to request that the parents voluntarily identify the race or ethnic background of their children on the application form shall include the following statement on the letter to parents: "A survey is being conducted in your child's school to collect racial and ethnic data on

applicants. This information is voluntary and will not affect your child's eligibility. This information is being collected to be sure everyone receives school meals on a fair basis, without regard to race, color, or national origin." Such schools shall also include the following statement on the application: "Please check in the space provided the racial or ethnic identity of your child(ren). This information is voluntary and will not affect your child's eligibility. This information is being collected only to be sure that everyone receives school meals on a fair basis, without regard to race, color, or national origin." Schools which provide for racial and ethnic identification data collection of applicants by means other than parental self-identification need not include the above statements on the application or parental letter.

(d) Participation in the survey shall not affect reimbursement or individual eligibility for program participation or benefits. The data collected shall be confidential and shall be used solely to determine the equitable distribution of benefits without regard to race, color, or national origin.

(Sec. 602, Pub. L. 88–352, 78 Stat. 252 (42 U.S.C. 2000 d–1))

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available at the Office of the Director, School Programs Division, USDA, FNS, Washington, D.C. 20250 during regular business hours (8:30 am to 5:00 pm Monday through Friday).

Dated: December 21, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80-21 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Stabilization and Conservation Service

7 CFR Part 724

[Amendment 9]

Tobacco Allotment and Marketing Quota Regulations; 1978–79 Average Market Price and 1979–80 Penalty Rate; Correction

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Correction of Final Rule.

SUMMARY: This Federal Register Document corrects the applicable date for the penalty rate appearing in the subpart heading of the Federal Register Document No. 79–29961, at page 55800 in the **Federal Register** of September 28, 1979. This subpart heading should read as follows:

Tobacco Allotment and Marketing Quota Regulations; 1978–79 Average Market Price and 1979–80 Penalty Rate

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–7935.

Dated: December 20, 1979

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-176 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 233, Lemon Reg. 232, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period January 6–12, 1980, and increases the quantity of such lemons that may be so shipped during the period Dec. 30, 1979–Jan. 5, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective January 6, 1980, and the amendment is effective for the period Dec. 30, 1979–Jan. 5, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on December 28, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, 202–447–5975.

§ 910.533 Lemon Regulation 233.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period January 6, 1980, through January 12, 1980, is established at 180,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

§ 910.532 [Amended].

2. Paragraph (a) of § 910.532 Lemon Regulation 232 (44 FR 76750) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period December 30, 1979, through January 5, 1980, is established at 195,000 cartons."

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

Dated: January 3, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-451 Filed 1-3-80; 11:17 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1864, 1942, 1951, and 1955

Loan Payments and Collections

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration published a Rule and Regulation on Wednesday, October 17, 1979 at 44 FR 59895 regarding the depositing of payments in local Treasury General Accounts. Item 5 in the middle column is corrected to read as follows:

5. In § 1955.10 (j)(3)(ii), in the first sentence, insert "deposit them in a Treasury General Account" preceding the word "forward."

EFFECTIVE DATE: October 17, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. LaVerne A. Isenberg, Phone: 202-447-2852.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; sec. 209 Pub. L. 95-334, 92 Stat. 432; 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 27, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-237 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis (CEM); Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to place a new quarantine on a portion of two premises in the Commonwealth of Kentucky becuase of the existence of contagious equine metritis (CEM). CEM, a communicable disease of equidae has been diagnosed among breeding thoroughbred horses in certain areas of the Commonwealth of Kentucky. In order to protect the equine industry of the United States from this highly contagious and communicable disease and the integrity of the export of equidae from the United States, it is necessary to quarantine certain premises in the Commonwealth of Kentucky and to permit the interstate movement of such quarantined animals only in accordance with the provisions established in the regulations. The intended effect of these amendments is to stop the spread of CEM in the United States.

EFFECTIVE DATE: December 28, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, Room 738, Hyattsville, MD 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION: Contagious equine metritis (CEM), a highly contagious and communicable disease of equidae, has been diagnosed in the Commonwealth of Kentucky among breeding horses of the thoroughbred breed.

Section 75.7(a) of the regulations (9 CFR 75.7(a)), is amended to place a quarantine on a portion of the premises of the Highcroft Farm and a portion of the premises of the Spendthrift Farm in Fayette County, Kentucky. The imposition of these quarantines is necessary because it has been determined that CEM exists on such premises.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended as follows:

In § 75.7(a)(1), relating to the State of Kentucky, new paragraphs (iv)(Q) and (iv)(R) relating to Fayette County are added to read:

§ 75.7 Areas quarantined.

(a) * * *

(1) * * *

(iv) * * *

(Q) That portion of the premises of Highcroft Farm located on the north side of Kentucky State Highway No. 1681 (Old Frankfort Pike) approximately .2 of a mile northwest of the intersection of Kentucky State Highway No. 1681 and Viley Road to the entrance, then along the farm lane in a northeast direction for approximately .2 of a mile past the No. 1 barn, breeding barn and office, to the northeast east corner of the tobacco barn, then proceed along the dirt lane in a southeast direction approximately 600 feet to the near corner post of the last paddock on the south side of the lane to the quarantined area described as beginning at the corner post, then along the lane fence in a southeast direction approximately 250 feet to the corner post at the double fence along Viley Road, then in a southwest direction approximately 200 feet along the double fence, then in a northwest direction approximately 250 feet along the double fence to a corner post, then further in a northwest direction approximately 200 feet along the double fence to the point of beginning, containing approximately 1.15 acres.

(R) That portion of the premises of Spendthrift Farm located on the southwest side of Iron Works Pike approximately 750 feet in a southeast direction from the intersection of Iron Works Pike and Kenny Lane to the farm entrance and the quarantined area described as beginning at the corner post at the entrance, then in a southwest direction approximately 900 feet along a double fence, then in a southeast east direction approximately 600 feet along a double fence, then in a northeast direction approximately 1300 feet along an irregular fence line located northwest of the foaling barn, along the northwest side of a lane, to the southwest of two out buildings and northwest of a residence to the corner post at Iron Works Pike, then in a northwest direction approximately 700 feet along a fence along Iron Works Pike to the point of beginning, containing approximately 18 acres, known as field 21 Fr 1-F.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), 37 FR 28464, 28477; 38 FR 19141.)

CEM is a highly contagious and communicable disease of equidae. The quarantining of additional areas in Kentucky is necessary to prevent the spread of CEM from these areas. Consequently, these amendments must be made effective immediately to accomplish their purposes in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by Dr. J. K. Atwell, Assistant Deputy Administrator, APHIS, VS, that the emergency nature of this final rule

warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 75. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 28th day of December 1979.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-318 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-34-M

---

9 CFR Part 92

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document establishes additional methods by which male horses (stallions over 731 days of age) may be imported into the United States from countries declared to be affected with contagious equine metritis (CEM). This action is necessary to provide an additional means of importing such stallions into the United States from CEM-affected countries when this can be done without risk to livestock of the United States. The effect of this action would be to permit the importation of certain stallions into the United States from CEM-affected countries when specified requirements are met.

DATES: Effective date: December 21, 1979. Comments must be received on or before: March 1, 1980.

ADDRESS: Send comments to Deputy Administrator, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On August 3, 1979, there was published in the **Federal Register** (44 FR 45631-45634) a notice of proposed rulemaking which would amend the regulations (9 CFR 92.2(i)(2)(iii)(C), 92.2(i)(2)(iv), and 92.17) to establish additional means to permit the entry of male horses (stallions over 731 days of age), into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met. The proposal provided for receipt of comments on or before October 2, 1979. In response to requests received from interested persons, the Department published in the **Federal Register** (44 FR 58918) a notice of extension of time for comments through November 16, 1979.

A total of 133 comments were received from interested persons during the comment period and extension thereof. One hundred twenty-two responses, 84 of which were identical, unconditionally supported the proposal without making further comment. Five responses recommended additional inspection and treatment of stallions in States of destination following their importation into the United States, two of which also recommended that such stallions be bred to test mares following the additional inspection and treatment required.

The administrative officials of the Animal and Plant Health Inspection Service responsible for administering regulations for the importation of horses into the United States believe that these recommendations should be adopted to provide further insurance against the possible introduction and dissemination of CEM into the United States and accordingly the final rule has been revised from the proposed rule.

This final rule establishes an additional requirement for every stallion over 731 days of age from any CEM affected country, for which a permit is requested pursuant to § 92.2(i)(2)(iv) of the regulations (9 CFR 92.2(i)(2)(iv)). A permit will only be issued if the stallion is consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such horses on the basis that the State has laws or regulations in effect to require the additional inspection, treatment and testing of such horse to further insure its freedom from CEM. The final rule establishes the minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures which are believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

For a State to be approved to receive stallions from CEM affected countries pursuant to § 92.2(i)(2)(iv) the State would be required to enter into a written agreement with veterinary Services whereby the State agrees to enforce its laws and regulations to control contagious equine metritis and to abide by the conditions of approval established by the regulations in Part 92. This is believed necessary to provide added assurance by a State that it will control the movement of horses to insure that CEM is not introduced into the United States.

Further, to be approved, the State must agree to quarantine stallions from CEM affected countries pursuant to § 92.2(i)(2)(iv) of the regulations until the stallions have been treated in accordance with the provisions of the regulations in Part 92. The quarantine of such animals is necessary to insure that the animals, if affected with CEM, do not transmit this disease to other horses in the United States. Obviously, this quarantine would not apply to such horses coming into contact with test horses pursuant to the provisions of the regulations in Part 92.

To be approved, a State must have laws and regulations to insure that stallions from CEM affected countries imported pursuant to § 92.2(i)(2)(iv) of the regulations are treated as follows:

The prepuce, penis including the fossa glandis, and the urethral sinus of the stallion must be thoroughly cleaned and washed (scrubbed) while the penis is in full erection with a solution of not less than 2 percent surgical scrub chlorhexidine monitored by a State or Federal veterinarian and performed by an accredited veterinarian. The prepuce, penis including the fossa glandis, and the urethral sinus appear to be the parts of the stallion's anatomy which may become affected with CEM. These parts of the anatomy would be required to be cleaned and washed (scrubbed) while the penis is in full erection. This would expand all the folds of the penis and allow a more thorough washing. A solution of not less than 2 percent surgical scrub chlorhexidine would be required to be used because such a solution appears to be effective against the CEM organism.

Following the completion of this cleaning and washing (scrubbing) procedure, the areas must be coated (packed) with an ointment containing not less than 0.2 percent nitrofurazone, an antibiotic which appears to be effective against the CEM organism.

The entire procedure must be performed on 5 consecutive days. Experience of equine practitioners with stallions affected with CEM in Kentucky indicates that 5 consecutive days of such topical treatment gives a reasonable assurance that a stallion properly so treated will be free of the contagion of CEM.

Further, the stallions so treated must be subsequently tested for CEM by being bred to two mares.

Prior to breeding the mares must be qualified as apparently free from CEM

by negative culture of two sets of specimens (bacteriological swabs) collected at intervals of not less than 7 days and tested using the complement fixation (CF) test for CEM.

The 3 specimens (bacteriological swabs) for the first set collected would be taken at the time of estrus from the clitoral sinuses, clitoral fossa and the endometrium of the uterus. The blood serum samples for the CF test would also be taken during this period. The uterus, clitoral fossa and clitoral sinuses appear to be the anatomical areas of the mare from which the CEM organism would be most likely to be recovered if the mare is infected with CEM. It should also be noted that the first of the two sets of culture specimens collected from the mare must be taken at the time of estrus. This is because it has been established that it is easier to detect the CEM organism in mares at the time of estrus than during other periods.

The two mares, bred by the stallion following his treatment as described above, would each be cultured by collection of three sets of three swabs each, one each collected from the cervix, the clitoral fossa and the clitoral sinuses for each set. Further the three sets of samples must be collected on the second, fourth, and seventh days after the mare is covered (bred) by the stallion. In addition, a fourth set of three swabs must be collected from the endometrium of the uterus, the clitoral sinuses and the fossa during the next estrus. If natural estrus does not occur within 28 days of the date of the breeding, a hormonal precipitation of estrus would be carried out.

Most mares, when exposed to the CEM organisms through breeding, develop the disease, shed the organism, and exhibit clinical signs of the disease for not more than 5 to 15 days following infection. The intervals of two, four, and seven days after breeding and the collection of specimens (bacteriological swabs) at these intervals are necessary to allow any CEM organism which may be transmitted from the stallion to the mare to grow so that CEM may be detected.

As stated above the specified anatomical areas of the mare appear to be the areas from which the CEM organism would be most likely to be recovered.

In addition, such mares shall also have two negative complement fixation (CF) tests conducted for CEM at intervals of not less than 7 days with the blood serum samples collected between the 15th and 40th days after they were bred.

A CF test has been developed as an adjunct to bacteriologic culturing and conducted for CEM on samples obtained from infected mares. Positive reactions to the complement fixation test for CEM when used for confirmation have been consistent for a period of 15 to 40 days after infection. The time interval provided for obtaining the blood serum samples on which to conduct the CF test allows for the development of measurable antibodies in the system of a mare infected with the CEM organisms.

Additionally, all of the specimens collected must be tested by the CF test and bacteriologically cultured for CEM by the National Veterinary Services Laboratory (NVSL) at Ames, Iowa. A negative finding for all of the specimens is necessary because any positive result indicates that the mare is affected with CEM. The Department is imposing the requirement that the tests and cultures be performed in NVSL to insure the accuracy of the results.

If all of the cultures and tests required to be conducted on both the mares after they have been bred to the stallion are negative for CEM, the treated stallion may be released from detention.

Conditions for suspending the approval of any State are provided in the regulations. Prior to the finalization of the suspension of approval a State would be afforded written notice of the reasons for the action and afforded an opportunity to present its views on the matter to the Deputy Administrator, Veterinary Services. In these instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflict. However, the suspension of approval would remain in effect unless it is cancelled by the Deputy Administrator, Veterinary Services. This is necessary because there is a threat to the livestock of the United States if a State, which is receiving horses from a CEM affected country, fails to enforce its laws or regulations to insure that CEM is not introduced or disseminated into the United States from such horses.

Two responses to the proposed rule recommended changes in the certification required for stallions being imported to exclude from importation any stallion which has been in a CEM-affected country since reaching 731 days of age. This suggestion has not been incorporated into the final rule. Since CEM is a disease spread through breeding, § 92.2(i)(2)(iii) requires that the horses be certified to have not been on a breeding premises since reaching 731 days of age and further that the horse had been treated in accordance with the regulations. This is believed adequate to prevent the introduction of CEM into the United States through the importation of such horses. Further, horses imported pursuant to § 92.2(i)(2)(iv) are required to be certified that extensive treatments have been performed on such horses and that the horses described on the certificate have not been used for natural or artificial insemination from the time the 5 consecutive days of scrubbing and packing procedures was begun through the date of export from a foreign country. This is believed adequate to prevent the introduction of CEM into the United States from such horses, subject to additional treatment in an approved State in accordance with the regulations in Part 92.

One response recommended that the surgical type of chlorohexidine be specified in the regulation for the treatment of stallions to avoid possible misuse of disinfectant brands for that purpose. This recommendation has been accepted and has been incorporated into the final rule.

One response recommended a 48-hour time limit for swabs to be transported to a laboratory for testing. This recommendation was not incorporated into the final rule since the timing of delivery of swabs in a foreign country could not be controlled by the Department.

Two responses opposed the proposal without further comment.

Following consideration of all comments received, the Department is publishing this final rule. The Department realizes that this rule has been somewhat modified from the proposed rule. However, in order for this additional method of importing horses from CEM-affected countries be available to importers for the forthcoming breeding season which commences on or about February 15, 1980, this regulation must be placed in effect immediately. Placing the regulation in effect immediately will allow an importer an opportunity to commence the steps necessary to qualify his horse for entry pursuant to the additional method established by these regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.2, paragraphs (i)(2)(iii)(C) and (i)(2)(iv) are amended to read:

§ 92.2 General prohibitions: exceptions.

* * * * *

(i) * * *

(2) * * *

(iii) * * *

(C) For stallions over 731 days of age, that three negative cultures were conducted from specimens collected from each of the surfaces of the urethral fossa, the urethra, and the penile sheath for each culture at intervals of no less

than 7 days, and that the last of these tests was conducted within 30 days of the date of exportation; and * * *

* * * * *

(iv) Any stallion over 731 days of age imported for permanent entry, if accompanied by an import permit as required in § 92.4 of the regulations and if such stallion is accompanied by a certificate which contains the information required by § 92.17, is signed by a salaried veterinary officer of the national government of the country of origin and, in addition, states that:

(A) On 5 consecutive days the prepuce, penis, including the fossa glandis, and urethral sinus of the stallion described on the certificate were aseptically cleaned and washed (scrubbed) while in full erection with a solution of not less than 2 percent of a surgical type of chlorhexidine and were then thoroughly coated (packed) with an ointment of not less than 0.2 percent nitrofurazone under the supervision of the veterinary officer signing the certificate;

(B) After an interim of 7 days following the fifth consecutive day of scrubbing and packing required in paragraph (i)(2)(A), three separate sets of three specimens each were collected from the stallion described on the certificate, at intervals of not less than 7 days between the collection of each set, from the surface of the fossa glandis, urethral sinus and the penile sheath respectively, under the supervision of the veterinary officer signing the certificate and that all of the 9 specimens collected were cultured negative for CEM in a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin;

(C) The last of the three sets of specimens collected in paragraph (i)(2)(B) was cultured negative for CEM within 30 days of the date of export of the stallion described on the certificate; and

(D) The stallion described on the certificate was not used for natural or artificial insemination breeding from the time the 5 consecutive days of scrubbing and packing procedure was begun through the date of export.

2. In § 92.4, new paragraphs (a)(5), (6), and (7) are added to read:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes,[5] and special permits for cattle entering Harry S. Truman Animal Import Center.

(a) * * *

(5)(i) For stallions over 731 days of age from countries listed in § 92.2(i)(1) of the regulations and for which a permit is requested pursuant to § 92.2(i)(2)(iv) of the regultions, a permit will be issued only if the stallion for which the permit is to be issued is consigned to a State which the Deputy Administrator has approved to receive such horse in accordance with the provisions of paragraph (a)(6) of this Section.

(ii) The following States have been approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations:

(6) In order to be approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations the following conditions must be met:

(i) The State must enter into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State agrees to enforce its laws and regulations to control contagious equine metritis and to abide by the conditions of approval established by the regulations in this part.

(ii) The State must agree to quarantine all stallions over 731 days of age imported from countries listed in § 92.2(i)(1) of the regulations, pursuant to § 92.2(i)(2)(iv) of the regulations, until the stallions have been treated in accordance with the provisions of this subparagraph.

(iii) The State must have laws and regulations to insure that stallions over 731 days of age imported from countries listed in § 92.2(i)(1) of the regulations, pursuant to § 92.2(i)(2)(iv) of the regulations, have been treated in the following manner:

(A) On 5 consecutive days the prepuce, penis, including the fossa glandis, and urethral sinus of the stallion shall be thoroughly cleaned and washed (scrubbed) while in full erection with a solution of not less than 2 percent surgical scrub chlorhexidine and then thoroughly coated (packed) with an ointment of not less than 0.2 percent nitrofurazone under the monitoring of a State or Federal veterinarian and performed by an accredited veterinarian.[4,5]

(B) After a period of seven days following the fifth consecutive day of scrubbing and packing required in (*1*), the stallion shall be bred to two mares qualified prior to breeding as apparently free from CEM by negative cultures for CEM and tested with negative results by a complement fixation (CF) test for CEM. For culture, the first set of three bacteriological (swabs) shall be collected during estrus from the endometrium of the uterus, clitoral sinuses and clitoral fossa. After an interval of not less than seven days the second set of swabs shall be collected from the cervix, clitoral sinuses and fossa.

(C) *For mares, after breeding.* For each mare: (*1*) three cultures for CEM shall be conducted from specimens collected from each of the mucosal surfaces of the cervix, clitoral fossa and clitoral sinuses for each culture on the second, fourth, and seventh day after the day of breeding.

(*2*) During the next estrus, specimens for culture shall be collected from the endometrium of the uterus, the clitoral sinuses and clitoral fossa. If natural estrus does not occur within 28 days of the date of the breeding, hormonal precipitation of estrus shall be carried out.

(*3*) Two blood serum samples obtained at intervals of not less than seven days and between the fifteenth to fortieth day after the day of breeding shall be tested by the complement fixation (CF) test for CEM.

(*4*) To release the stallion from detention, all cultures and tests of the mares shall show negative results or the stallion shall be retreated and retested as required by this part.

(D) All tests and cultures required by this section shall be conducted at the National Veterinary Services Laboratory, Ames, Iowa.

(7) Approval of any State to receive stallions imported from countries affected with CEM may be suspended by the Deputy Administrator, Veterinary Services, upon his determination that any requirement of this section is not being met. After such action is taken, the animal health authorities of the approved State will be informed of the reasons for the action and afforded an opportunity to present their views thereon before such suspension is finalized; however, such withdrawal of approval shall continue in effect unless otherwise ordered by the Deputy Administrator, Veterinary Services. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflict.

4. In § 92.17, that part of the first sentence after the fourth semicolon and before the fifth semicolon is amended to read:

§ 92.17 Horses, certification and accompanying equipment.

* * *; and except as provided in § 92.2(i)(2)(i), (ii), (iii), and (iv), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately

[4,5] An accreditied veterinarian as defined in Part 160 of this Chapter.

prior to their importation into the United States. * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

As noted previously, these regulations must be made effective immediately in order that importers of stallions from CEM-affected countries may utilize this additional method of importing horses into the United States during the forthcoming breeding season.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by M. J. Tillery, Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, that the emergency nature of this final rule warrants publication without opportunity for public comment and preparation of an impact analysis statement at this time.

This final rule will be scheduled for review under provisions of Executive Order 12044 and Secretary's Memorandum 1955.

The comment period provided in this document will permit additional public participation in the rulemaking process. The Department's response to additional comments received will be published in a future edition of the Federal Register. All written submission made pursuant to this rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Comments concerning this amendment are presently being sought as part of this review and must be received on or before March 1, 1980.

Done at Washington, D.C., this 21st day of December 1979.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 79-39924 Filed 12-31-79; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1209

Boards and Committees; Board of Contract Appeals

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration publishes a final rule which continues in effect the Board of Contract Appeals. The revised regulations reflect the Administrator's determination to reestablish the NASA Board of Contract Appeals in accordance with the Contract Disputes Act of 1978 (Pub. L. 95-563), restate the authority and duties of the Board to implement the provisions of the Contract Disputes Act of 1978, and conform the regulation with the way the Board is actually organized and understood by the general public. Since this regulation involves administrative procedural matters, it has been determined that no public comment period is required.

EFFECTIVE DATE: January 4, 1980.

ADDRESS: Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Frederick J. Lees, Chairperson, 202-755-3481.

In 14 CFR, Part 1209, Subpart 1209.1 is revised in its entirety as follows:

PART 1209—BOARDS AND COMMITTEES

Subpart 1209.1—Board of Contract Appeals

Sec.

1209.100 Scope.
1209.101 Establishment.
1209.102 Authority and duties of the Board.
1209.103 Membership.
1209.104 Responsibilities of the chairperson.

Authority: 42 U.S.C. 2473.

Subpart 1209.1—Board of Contract Appeals

§ 1209.100 Scope.

This subpart establishes the NASA Board of Contract Appeals in accordance with the Contract Disputes Act of 1978 (Public Law 95-563) and prescribes its authority, duties, and membership.

§ 1209.101 Establishment.

The NASA Board of Contract Appeals was established by NASA Management Manual Instruction 2-4-1, June 25, 1959, and was subsequently continued in effect by NASA Management Instruction 1152.1A, April 1, 1968, NASA Management Instruction 1152.1B, October 28, 1970, and NASA Management Instruction 1152.1C, April 24, 1974. The Board is continued in effect by this subpart.

§ 1209.102 Authority and duties of the Board.

(a) The Board, located at NASA Headquarters, Washington, D.C., shall have jurisdiction to decide any appeal from a decision of a contracting officer (1) relating to a contract made by NASA and (2) relating to a contract made by any other agency when such agency or the Administrator for Federal Procurement Policy has designated the NASA Board to decide the appeal. In exercising this jurisdiction, the Board is authorized to grant any relief that would be available to a litigant asserting a contract claim in the Court of Claims.

(b) The Board shall continue to act for and exercise the full authority of the Administrator in hearing and deciding all appeals in which, by the terms of a contract executed prior to March 1, 1979, the contractor may appeal to the Administrator from decisions of the contracting officer.

(c) There shall be no administrative appeal from decisions rendered by the Board. Either party to the dispute may appeal a decision of the Board under paragraph (a) of this section to the Court of Claims, as provided in section 10 of the Contract Disputes Act.

(d) The Board shall have all customary powers necessary for the performance of its duties including, but not limited to, the authority to issue rules of procedure, to conduct hearings, dismiss appeals or other proceedings, call witnesses, order the production of documents or other evidence, take official notice of facts within general knowledge, and decide all questions of fact or law raised by the appeal.

(e) A member of the Board may administer oaths to witnesses, authorize depositions and discovery proceedings, and require by subpoena the attendance of witnesses, and production of books and papers, for the taking of testimony or evidence by deposition or in the hearing of an appeal.

(f) The member of members of the Board assigned to hear an appeal shall have authority to conduct prehearing

conferences, hold hearings, examine witnesses, receive evidence and argument, and report the evidence and argument to a designated panel of the Board. A single member of a panel may be assigned to hear and decide motions which are not dispositive of the appeal.

(g) An appeal shall normally be adjudicated by a panel of two or more members. If a panel of two members is unable to agree upon a decision, the Chairperson may assign a third member to consider the appeal.

§ 1209.103 Membership.

(a) The Board shall consist of at least three members appointed by the Administrator, one of whom shall be designated as Chairperson. A Vice-Chairperson may also be designated from the appointed members. Members may perform other duties, not inconsistent with their primary duty, as assigned by the Administrator. The Board is responsible directly to the Administrator.

(b) Members of the Board are hereby designated Administrative Judges.

(c) Members must be qualified in accordance with the provisions of section 8(b)(1) of the Contract Disputes Act of 1978.

(d) Additional members, qualified in accordance with paragraph (c) of this section, and currently serving on other agency boards, may be designated by the Administrator to serve on the Board on an ad hoc basis for the adjudication of particular appeals.

(e) No member of the Board shall consider an appeal if the member has participated in any aspect of the award or administration of a contract in dispute.

§ 1209.104 Responsibilities of the chairperson.

The Chairperson of the Board of Contract Appeals shall be responsible for:

(a) The administration of the Board;

(b) The assignment of a member or members of the Board to act for the Board in each appeal and the assignment of the panel of Board members to decide each appeal;

(c) The receipt and custody of all papers and material relating to contract appeals; and

(d) The designation of an acting Chairperson during the Chairperson's absence, disqualification, or disability, who is empowered to exercise the powers of the Chairperson, provided a Vice-Chairperson has not been formally designated;

(e) The submission of a report, not less often than annually, to the Administrator on the status of the Board's activities.

Robert A. Frosch,

Administrator.

[FR Doc. 80-250 Filed 1-3-80; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 377

Short Supply Controls and Monitoring; Petition and Hearing Procedures for Monitoring or Export Controls

AGENCY: Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Interim rule.

SUMMARY: On October 1, 1979, the Export Administration Act of 1969, as amended, was superseded by a new law, the Export Administration Act of 1979. This interim rule implements section 7(c) of the new Act which provides that any entity, representing an industry which processes metallic materials capable of being recycled, may transmit a written petition to the Secretary requesting the monitoring of exports, or the imposition of export controls, or both, and requires determinations on petitions to be made by the Secretary according to a prescribed timetable. It also provides for public hearings on export monitoring or controls.

DATES: These rules are effective January 1, 1980, but may be further revised after comments are received. Comments must be received by the Department by March 4, 1980.

ADDRESSES: Written comments (three copies) should be sent to: Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Converse Hettinger, Director, Short Supply Division, Office of Export Administration, 202/377-3984.

SUPPLEMENTARY INFORMATION: These regulations prescribe the procedures to be followed in petitioning the Secretary of Commerce for the imposition of monitoring of exports or export controls, or both, under section 7(c) of the Export Administration Act of 1979 (Pub. L. 96-72, to be codified at 50 U.S.C. app. 2401 *et seq.*) (the Act). They also provide procedures for the conduct of public hearings relating to export monitoring or controls. On December 5, 1979, the Department published a notice in the **Federal Register** (44 FR 69968) quoting the appropriate statutory provisions and seeking comments on the regulations to be promulgated under section 7(c) of the Act. Because the regulations implementing section 7(c) must be issued and take effect no later than January 1, 1980, comments on the notice were to be received by C.O.B., December 17, 1979. A total of five comments were received by the Department by the close of the comment period. Comments received after December 17, 1979, will be considered by the Department in developing the final regulations.

Several commenters urged the Department to define the term "metallic materials capable of being recycled" to mean solely iron or steel waste and scrap. The Department believes that there is no basis under the law to limit the definition only to iron or steel waste and scrap because there are other commodities which would also fit the statutory language. However, in these interim rules, the Department has decided not to define the materials for which petitions may be submitted other than by reference to the language of section 7(c). At the outset these determinations will be made on a case by case basis. The Department may provide a more specific definition for this term, as well as other key terms in section 7(c), after comments have been received on the interim regulations.

Under the regulations promulgated herein, each petitioner will be required to establish that it is an entity representative of an industry or a substantial segment of an industry which processes the material which is the subject of the petition. The Department will review each petition to ensure that the requirements of the statute and these interim regulations have been met before a petition will be accepted.

Several commenters suggested that a "processing industry" should be construed to include not only the industry engaged in melting or smelting the material but also the industry which uses the material as a "raw material." The Department agrees that a processing industry should not be limited solely to an industry engaged in melting or smelting the material. However, definition of a processing industry is being deferred by the Department at this time. The Department is of the view that it is important in the initial stages of the implementation of section 7(c) that it not limit the type of petition that might fall under this section. The Department may, however, revise these interim

regulations based upon experience in the petition process and following receipt of comments on these interim regulations. Accordingly, the Department specifically invites interested persons to submit suggested definitions for the terms used in section 7(c) of the Act.

One commenter was of the view that the Department should *require* a petition to include information on all factors which bear on the price of metallic materials capable of being recycled, including inventories, freight car availability and iron ore imports. Subsection (1)(B) of section 7(c) requires that a petition include only information "reasonably available" to the petitioner. The regulations follow the statutory provisions by requiring the petitioner to provide reasonably available information and data in support of the assertions made in the petition. This could appropriately include information concerning all factors which the petitioner considers to be causative of the problem and relevant to the content of his petition, including information such as that suggested by the commenter. In addition, any other interested person may present information and data which bear on a petitioner's claim that a domestic price increase or domestic shortage has occurred under circumstances indicating that it may be related to exports.

This commenter also suggested that only petitions received prior to publication of a notice in the **Federal Register** should be consolidated, and that any petition received after that date should be held in abeyance until a decision has been reached with respect to the earlier petition. The Department does not agree with this commenter's interpretation of section 7(c)(5). The interim regulations follow the statute by providing that the Department may consolidate petitions involving the same or related materials both in publishing notices in the **Federal Register** and for the purposes of scheduling public hearings. The provision allowing for consolidation of petitions was intended to provide for ease of administration and to preclude repetitive consideration of the same or related issues raised by several petitions. These goals would not be accomplished by the arbitrary interpretation urged by the commenter. Moreover, the Act does not provide for a delay in consideration of one or more petitions pending the completion of proceedings on another petition. The provisions of section 7(c)(6) apply only after full consideration by the Department during the prior six months of one or more petitions involving the same material or group of materials.

Furthermore, in order to assure full consideration of all issues related to the subject of a petition the Department has retained the discretion to expand the scope of any proceeding held under section 7(c).

This commenter was further of the opinion that the regulations should not permit petitions to be withdrawn voluntarily. The Department does not agree with this comment. Accordingly, the Department has provided that a petition may be withdrawn voluntarily within 15 days of publication in the **Federal Register** of the notice of receipt of the petition. Withdrawals of petitions after that time may be granted at the discretion of the Department. In establishing this procedure the Department sought to provide some flexibility to a petitioner to withdraw it's petition at an early stage of the proceeding, while at the same time it sought to discourage the filing of frivolous or harassing petitions.

Several commenters requested the Department to provide for formal adversary-type procedures with respect to those petitions in which a hearing is requested. One commenter stated that the Department should provide elaborate pre-hearing and post-hearing procedures. The statute does not require formal hearings. The purpose of the hearing is to enable persons who have demonstrated an interest in the subject matter of the petition to provide information and factual data to the Department to assist it in reaching a decision as to whether or not export monitoring or controls are warranted under the statute. The Department has determined that because of the extremely tight deadlines imposed by section 7(c) of the Act, the most effective and practicable means of accomplishing this purpose is through the informal proceedings provided for by the regulations.

Hearings, which may be held regionally or at one central location, will be before a Hearing Panel appointed by the Department. The Department intends to provide the fullest opportunity, to the extent possible or practicable, for interested parties to present their views to the Hearing Panel. There will be no formal parties or pleadings before the Hearing Panel. The Hearing Panel may question any witness who participates in the public hearing but no other questioning will be allowed. The Department may also schedule public hearings at its own discretion.

The time limits provided in these interim regulations follow those in section 7(c) of the Act. Because the time limits are imposed by statute, the Department will be limited in its ability to grant an extension of time in any proceeding under these regulations.

Section 13(a) of the Act exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedures Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has also been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218–7 (44 FR 2082 *et seq.*, January 9, 1979) and Industry and Trade Administration Administrative Instruction 1–6 (44 FR 2093 *et seq.*, January 9, 1979) which implement Executive Order 12044 (43 FR 12661 *et seq.*, March 23, 1978), "Improving Government Regulations."

However, because of the importance of the issue raised in these regulations and in order to provide for the fullest possible public participation, interested persons are invited to comment on these interim regulations and are encouraged to do so at the earliest possible time to permit the fullest consideration of their views. Comments should be submitted in triplicate and may take the form of proposed regulatory language, or narrative discussion, or be in some other appropriate format. Comments will be considered in the same manner as if these regulations had been published in proposed form. Nevertheless, the interim regulations contained in §§ 377.8 and 377.9 of 15 CFR Part 377, as set forth hereafter, will be effective as of January 1, 1980.

The period for submission of comments will close on March 4, 1980. No comments received after that date will be accepted or considered by the Department. Written public comments which are accompanied by a request that part or all of the material be treated confidentially, because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in any further revision to the regulations.

All public comments received in response to the initial notice and all public comments considered in developing the final regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and

completeness, comments should be submitted in written form. In order for any oral comments to receive full and adequate consideration, a written summary of the comment must be provided to the Department by commenter. All such material will also be a matter of public record and will be available for public review and copying. These procedures shall not, however, apply to communications from agencies of the United States or foreign governments which also will not be available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with the regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling 202/377–3031.

DRAFTING INFORMATION: The principal authors of these rules are Roman Sloniewsky, Deputy Assistant General Counsel for Domestic Commerce; Converse Hettinger, Director, Short Supply Division, Office of Export Administration; and Thomas C. Barbour, Trial Attorney, Office of the Assistant General Counsel for International Trade.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq. are amended as follows:

1. A new § 377.8 is established to read as follows:

* * * * *

§ 377.8 Petitions for monitoring or controls.

(a) *Scope.* This section sets forth regulations governing the filing of petitions and other procedures in seeking the imposition of monitoring or controls under section 7(c) of the Export Administration Act of 1979.

(b) *Eligibility for filing petitions.* Any entity, including a trade association, firm or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes metallic materials capable of being recycled with respect to which an increase in domestic prices or a domestic shortage, either of which results from increased exports, has or may have a significant adverse effect on the national economy or any sector thereof, may submit a written petition to the Office of Export Administration requesting the monitoring of exports, or the imposition of export controls, or both, with respect to such materials.

(c) *Content of petitions.* Each petition must be submitted in five copies, must state that it is being filed under this section and must contain the following:

(1) The name and description of the entity filing the petition;

(2) Its address and telephone number;

(3) The name, address and telephone number of a person to contact for further information on the petition;

(4) The identification, by number and description from *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States,* of the material or materials which are the subject of the petition;

(5) A detailed description of the basis upon which the petitioner asserts that it is representative of an industry or a substantial segment of an industry which processes the metallic materials for which the petition is submitted;

(6) Whether export monitoring or controls, or both, are sought by the petitioner;

(7) Whether the petitioner requests a public hearing or hearings to be held;

(8) Reasonably available information showing that there has been a significant increase, in relation to a specific period of time, in exports of such material in relation to domestic supply;

(9) Reasonably available information that there has been a significant increase in the price of such material or a domestic shortage of such material under circumstances indicating the price increase or the domestic shortage may be related to exports;

(10) A specific description of the relationship between the price increase or the domestic shortage and exports of the material;

(11) How the increase in the domestic price or the domestic shortage has or may have a significant adverse impact on the national economy or any sector thereof;

(12) To the extent possible, a statement describing any alternatives to export monitoring or export controls which would assist in alleviating the perceived problem;

(13) Any other forms of relief which the petitioner may be seeking from the Department of Commerce or any other federal or state agency;

(14) Any other information which the petitioner believes should be taken into consideration in reaching a decision on its petition; and

(15) If the material or materials which are the subject of the petition have been considered in a prior proceeding under this section and § 377.9 within six months of the filing of the petition, the petitioner must explain in detail all significantly changed circumstances which have occurred since the date of the decision in the prior proceeding which argue in favor of reconsideration of the matter.

(d) *Place of filing.* Petitions under this section may be filed by personal delivery to room 1617A, U.S. Department of Commerce, during normal Department of Commerce business hours, or by mail to the Short Supply Division, Office of Export Administration, U.S Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044. Petitions will be date stamped upon receipt in the Short Supply Division, Office of Export Administration. The date stamped on the petition will be the filing date for the petition.

(e) *Acceptance of petition.* No document purporting to be a petition under this section shall be accepted unless the petitioner is qualified to file a petition under these regulations and the contents of the document are in substantial compliance with this section. If both of these requirements are not met, the document will be returned to the petitioner within 15 days of the filing date with an explanation as to why the petition has been found not to meet the requirements of this section. A petition may be resubmitted when the deficiencies have been corrected. A petition which is resubmitted will be treated as a new petition under this section.

(f) *Publication in* **Federal Register.** The Office of Export Administration will publish a notice of receipt of each accepted petition in the **Federal Register** within 15 days of the filing date of the petition. The notice will identify the name of the material or materials which are the subject of the petition, and the appropriate Schedule B number, and will state whether the petitioner has requested that export monitoring or controls, or both, be imposed with respect to the material or materials, and whether the petitioner has requested a public hearing. Interested parties will be given 30 days from the date the notice is published in the **Federal Register** to submit to the Office of Export Administration written comments with respect to the petition. If a hearing is scheduled, the comment period will

close 45 days after the date the notice was published in the **Federal Register.**

(g) *Withdrawal of petitions.* A petition may be withdrawn by the petitioner voluntarily by filing a written request with the Office of Export Administration within 15 days of publication in the **Federal Register** of the notice of filing of the petition. A request for withdrawal of a petition which is received by the Office of Export Administration after that time will be accepted only with the approval of the Office of Export Administration. A petitioner whose petition is withdrawn under this subsection may at any time thereafter submit a new petition in accordance with this section.

(h) *Scope of proceedings.* The Office of Export Administration may consolidate petitions relating to the same or related materials or issues for purposes of publishing notices in the **Federal Register** and for scheduling public hearings. The Office of Export Administration may expand the scope of any proceeding under this section in order to provide for the consideration of matters which the Office of Export Administration deems to be relevant to the issues raised by the petition or petitions. Conversely, if the Office of Export Administration determines that the scope of a petition is too broad for effective consideration, it may provide for separate consideration of the issues raised by the petition.

(i) *Confidential business information.* Business data which the petitioner or any other party desires to submit in confidence at any point in a proceeding shall be submitted on separate sheets bearing at the top of each sheet the clear legend "Confidential Business Information." By submitting data identified as "Confidential Business Information," the petitioner or other party represents that the information is exempted from public disclosure, either by the Freedon of Information Act or by some other specific statutory exemption. Any request for confidential treatment must be accompanied at the time of filing by a statement justifying nondisclosure and referring to the specific legal authority claimed. However, the Office of Export Administration may refuse to accept as "confidential" any information which it considers is not intended to be protected under the law. Any information which the Office of Export Administration refused to accept as "confidential" will be returned to the submitter and will not be considered. Such material may, however, be resubmitted as nonconfidential information in which case it will be made part of the public record.

(j) *Record.* The record of a proceeding consists of the petition submitted under paragraph (c), any written comments submitted under paragraph (f), any confidential business information submitted under paragraph (i), a copy of the record of any hearings held under § 377.8, and any other documentary materials relating to the petition received by the Office of Export Administration during the proceeding. The record, except for any confidential business information submitted under paragraph (i) and any comments from agencies of the United States or foreign governments, will be available for public inspection and copying in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce.

(k) *Decision.* Within 45 days after the close of a proceeding on a petition the Department will determine whether to impose monitoring or controls, or both. A decision of the Department in a proceeding need not be based exclusively upon the record of the proceeding. The Department's decision together with a detailed statement of the reasons therefor will be published in the **Federal Register** within 45 days after the close of a proceeding.

(l) *Implementing regulations.* In proceedings where the Department decides that export monitoring or controls, or both, are warranted, proposed regulations implementing that decision will be published in the **Federal Register** within 15 days following the decision. If the Department has already imposed monitoring or controls on a temporary basis, the proposed regulations will propose revisions to the temporary monitoring or controls. Final regulations will be published within 30 days of the publication of the proposed regulations or revisions. Any public comments received within the comment period will be considered by the Office of Export Administration before the issuance of the final regulations.

2. A new § 377.9 is established to read as follows:

§ 377.9 Public hearings.

(a) *Scope.* This section sets forth procedures for the conduct of public hearings relating to export monitoring or controls under section 7 of the Export Administration Act of 1979. Any decision made by the Department subsequent to a hearing will not necessarily be limited to the record developed in the proceeding.

(b) *Requests for Public hearings relating to petitions submitted under § 377.8.* A public hearing or hearings on the imposition of export monitoring or controls may be requested by a petitioner under § 377.8. Public hearings may also be requested by an entity, including a trade association, firm, or certified or recognized union or group of workers, which is representative of an industry or a substantial segment of an industry which processes, produces or exports the metallic materials which are the subject of a notice published in the **Federal Register** pursuant to section 377.8, provided such request is received by the Office of Export Administration within 30 days of the publication of such notice. A request for a public hearing must be in writing and must be delivered by hand or by mail as provided in § 377.8(d). If an entity other than the petitioner requests a hearing, the request must also contain: (1) The name, address and telephone number of the entity requesting the hearing; and (2) A complete statement of the factual basis for its assertion that it is representative of an industry or a substantial segment of an industry which processes, produces or exports the materials which are the subject of the **Federal Register** notice. If the entity requesting a public hearing does not qualify under this section, a written notice of denial of its request for a public hearing will be sent to the requesting party.

(c) *Public hearings initiated by the department.* The Office of Export Administration may at its own initiative hold public hearings in any matter arising under section 7 of the Export Administration Act of 1979, if it determines that hearings would be in the public interest.

(d) *Notice of public hearings.* Notice of public hearings will be published in the **Federal Register.** The notice will described the scope of the hearings, the date, time, and place of the hearings and the name of a person to contact for additional information or to request time to speak at the hearing. Public hearings may be held in more than one location.

(e) *Attendance at public hearings.* Hearings will be open to the public. While it is not anticipated that national security classified information will be presented at public hearings, the **Federal Register** notice may provide for hearings which will be open only to persons having appropriate security clearance.

(f) *Participation in public hearings.* Any person demonstrating a bona fide interest in the subject matter of a public hearing may request an opportunity to testify at the hearing.

(g) *Hearing panel.* The Department will appoint a Hearing Panel consisting of one or more members for each public

hearing and will identify a Presiding Officer. Where appropriate, members of other federal agencies may be included on the Hearing Panel.

(h) *Conduct of hearings.* (1) Hearings conducted under this section will be fact-finding proceedings, and there will be no formal pleadings or adverse parties. Formal rules of evidence will not apply.

(2) Persons testifying at a hearing must submit ten copies of their proposed testimony and of all exhibits to the Hearing Panel before or at the time of testifying. All such material must be of a size consistent with ease of handling, transportation and filing. While large exhibits may be used during a hearing, copies of such exhibits in reduced size must be provided to the Panel. Any person, whether giving testimony or not, may submit a written statement to the Hearing Panel, in ten copies, for inclusion in the record of the proceeding.

(3) Persons who demonstrate a bona fide interest in the subject matter of the hearing and who have filed a timely request will, within reasonable time constraints, be provided an opportunity to testify. Time permitting, other persons who have not been scheduled to testify who are in attendance at the hearing may be provided an opportunity to present a brief oral statement. Persons desiring to present rebuttals to testimony previously given may also be provided an opportunity to make a brief statement, time permitting. Any person testifying may be questioned by the Hearing Panel. No other questioning will be permitted.

(4) Confidential business information may not be presented at a public hearing. Submission of confidential business information will be subject to the same procedures applicable to petitions described in section 377.8(i).

(5) The Presiding Officer will determine all procedural matters.

(6) The **Federal Register** notice may provide for a stenographic record of the hearing. Transcripts of such public proceedings may be obtained by any person from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. A copy of the transcript will be placed in the official record of the proceeding and will be available for public inspection. In proceedings where no stenographic record is maintained, the record of the hearing will consist of the written statements submitted to the Hearing Panel.

(Secs. 7, 15 and 21, Pub. L. 96-72, 93 Stat. 503, to be codified at 50 U.S.C. app. 2401 *et seq.*; E.O. 12002, 3 CFR 133(1978); Department Organization Order 10-3, as amended, dated December 4, 1977, 42 FR 64721(1977); and Industry and Trade Administration Organization and Function Order 45-1, as amended, dated December 4, 1977, 42 FR 64716(1977))

Dated: December 31, 1979.

Robin B. Schwartzman,

Acting Deputy Assistant Secretary for Trade Regulation.

[FR Doc. 79-39967 Filed 12-31-79; 3:09 pm]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3001]

C. I. Energy Development, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Tarzana, Calif. firm and two corporate officers engaged in the advertising, sale and distribution of a product known, among other names, as the G. R. Valve, to cease representing, without reliable substantiation, that installing the G. R. Valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. They are also barred from using any endorsement or testimonial which has not been properly authorized; and prohibited from misrepresenting a product endorser's expertise in a field of knowledge, and the conclusions of tests or surveys pertaining to energy consumption or energy saving characteristics of automobile retrofit devices. Additionally, the order requires that product advertising disclose any material connection that may exist between endorser and the firm or its corporate officers.

DATES: Complaint and order issued Nov. 29, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PE, Linda C. Dorian, Washington, D.C. 20580. (202) 724-1524.

SUPPLEMENTARY INFORMATION: On Wednesday, July 25, 1979, there was published in the **Federal Register**, 44 FR 43483, a proposed consent agreement with analysis In the Matter of C. I. Energy Development, Inc., a corporation; Joseph J. London, David A. Mullin, individually and as officers of the corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been filed, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices, and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Advertising Falsely or Misleadingly: § 13.110 Endorsements, approval or testimonials; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170-34 Economizing or saving; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys. Subpart-Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly. Subpart-Corrective Actions and/or Requirements: § 13.533-20 Disclosures; 13.533-45 Maintain records. Subpart-Misrepresenting Oneself and Goods—Goods: § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart-Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

James A. Tobin,

Acting Secretary.

[FR Doc. 80-299 Filed 1-3-80; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and Decision and Order filed with the original document.

16 CFR Part 438

Proprietary Vocational and Home Study Schools; Stay of the Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Indefinite stay of the Proprietary Vocational School Trade Regulation Rule.

SUMMARY: The Commission is staying the effective date of the Proprietary Vocational and Home Study Schools Trade Regulation Rule for an indefinite period of time.

DATE: Effective January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Walter C. Gross, Federal Trade Commission, PM–H–280, 6th Street & Pennsylvania Ave., NW, Washington, DC 20580, Telephone: (202) 523–3911.

SUPPLEMENTARY INFORMATION: On December 12, 1979, the Court of Appeals for the Second Circuit handed down its decision on the Proprietary Vocational School Trade Regulation Rule (Katharine Gibbs v. FTC, Docket No. 78–4204). The Court of Appeals set aside and remanded the Rule to the Commission for further proceedings. Accordingly, the Commission has stayed the January 1, 1980, effective date of the Rule until further notice. By direction of the Commission. Commissioner Pitofsky did not participate.

James A. Tolia,

Acting Secretary.

[FR Doc. 80–229 Filed 1–3–80; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Custom Service

19 CFR Part 143

[T.D. 80–10]

Informal Entry of Merchandise Which Qualifies for Entry Free of Duty Under the Generalized System of Preferences

AGENCY: U.S Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends § 143.23, Customs Regulations, to permit the informal entry on Customs Form 7523, "Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release," of merchandise regardless of value, which qualifies for entry free of duty under the Generalized System of Preferences, if the merchandise is imported for noncommercial purposes. Use of Customs Form 7523 provides a simpler and more economic and efficient procedure than the existing procedure.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Drury F. Williford, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5354).

SUPPLEMENTARY INFORMATION:

Background

Section 143.23(d), Customs Regulations (19 CFR 143.23(d)), presently provides that shipments not exceeding $250 in value which are either (1) unconditionally free of duty and not subject to any quota or internal revenue tax, or (2) conditionally free, and all conditions for free entry are met at the time of entry, may be released upon the filing by the importer of Customs Form 7523, "Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release," in duplicate, supported by evidence of the right to make entry. Under this section and § 10.173(a)(5)(i), Customs Regulations (19 CFR 10.173(a)(5)(i)), merchandise (1) for personal or household use, (2) not intended for resale or imported for the account of others, (3) not in excess of $250 in value, and (4) entitled to entry free of duty under the GSP, may be entered on Customs Form 7523 without a certificate of origin if the certificate is waived by the district director. However, personal or household use merchandise which qualifies for entry free of duty under the GSP and exceeds $250 in value is entered on Customs Form 5119–A, "Informal Entry," or if authorized by the district director, upon presentation by the importer of a commercial invoice containing a signed declaration that the invoice is correct.

Customs Form 7523 may serve as three documents—a manifest, an entry document, and a carrier's certificate and release order. While it must be prepared in duplicate, it may be prepared by the importer and is unnumbered, requiring no formal accountability. On the other hand, Customs Form 5119–A serves as an entry document only, is printed in 4 parts, must be prepared by a Customs inspector, and because it is numbered, requires complete accountability. Further, Customs Form 5119–A requires more information to complete and must be reviewed by a supervisory Customs inspector. For these reasons, use of Customs Form 7523 provides a simpler and more economical and efficient procedure for the informal entry GSP merchandise imported for noncommercial purposes. Use of Customs Form 7523 in place of Customs Form 5119–A would not have any adverse effect on the collection of the revenue or import statistics.

Accordingly, § 143.23, Customs Regulations, is being amended to permit the informal entry on Customs Form 7523 of merchandise, regardless of value, which qualifies for entry free of duty under the GSP, if imported for noncommercial purposes.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment pertains solely to agency procedure and liberalized existing requirements, notice and public procedure are unnecessary.

Regulation Determined to be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations", the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be "significant". However, it has been determined that this amendment does not meet the Treasury Department criteria in the directive for a "significant" regulation because it is nonsubstantive, essentially procedural, does not materially change existing or establish new policy, and does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected.

Drafting Information

The principal author of this document was Laurie Strassbergy Amster, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 143.23, Customs Regulations (19 CFR 143.23), is amended by revising paragraph (d) and adding a new paragraph (g), to read as follows:

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

§ 143.23 Form of entry

* * * * * *

(d) Shipments not exceeding $250 in value which are either (1) unconditionally free of duty and not subject to any quota or internal revenue tax, or (2) conditionally free (other than shipments of merchandise provided for in paragraph (g) of this section) and all conditions for free entry are met at the time of entry, which may be released upon the filing by the importer on Customs Form 7523, in duplicate, supported by evidence of the right to make entry.

* * * * * *

(g) Merchandise, regardless of valule, which is imported for noncommercial purposes, which qualifies for entry free of duty under the Generalized System of Preferences (see § 10.171–10.178 of this chapter), and for which informal entry

may be made on Customs Form 7523, in duplicate.

(R.S. 251, as amended, secs. 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 729 (5 U.S.C. 301, 19 U.S.C. 66, 1484, 1498, 1624))

R. E. Chasen,

Commissioner of Customs.

Approved: December 10, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 80-320 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-22-M

---

19 CFR Part 159

[T.D. 80-12]

Non-Rubber Footwear, Certain Castor Oil Products, Scissors and Shears, and Cotton Yarn From Brazil; Declaration of Net Amount of Bounty or Grant and Suspension of Liquidation

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Net Amount of Bounty or Grant Declared and Suspension of Liquidation.

SUMMARY: This notice is to advise the public of new rates of countervailing duty applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn from Brazil. Liquidation of entries of this merchandise will be suspended pending receipt of updated information on remaining bounties or grants and estimated countervailing duties will be collected.

EFFECTIVE DATE: Exports on or after December 7, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Charles F. Goldsmith, Economist, Office of Tariff Affairs, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220, telephone (202) 566-2951.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 17, 1979 (44 FR 28790-92), it was announced that due to actions taken by the Government of Brazil to eliminate export payments which have been determined by Treasury to constitute bounties or grants, reductions of countervailing duty rates applicable to imports of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, would be made quarterly to reflect the staged reduction of these benefits. However, on December 7, 1979, the Government of Brazil announced that the export payments, which were in the form of IPI credits, would be eliminated immediately instead of over a 4-year period as had been previously declared. Accordingly, this notice adjusts the countervailing duty rates on the subject merchandise to take into account the immediate elimination of the IPI credits.

The countervailing duty rates declared in this notice reflect other programs, such as preferential financing, which were originally found in each of the cases to have conferred a bounty or grant. Pending receipt of updated information regarding the utilization of the other programs, liquidation of entries of the subject merchandise will be suspended and estimated countervailing duties will be collected.

Accordingly, notice is hereby given that dutiable non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, imported directly or indirectly from Brazil, and exported from that country on or after December 7, 1979, which benefit from bounties or grants, shall be subject, in addition to any other duties determined or estimated to be due, to payment of countervailing duties equal to the net amount of any bounty or grant ascertained and determined or estimated to have been paid or bestowed, if entered, or withdrawn from warehouse, for consumption after January 4, 1980.

In accordance with section 303 of the Act, and until further notice, the net amount of such bounties or grants has been estimated and declared to be:

(1) Non-rubber footwear, 1.0 percent;

(2) Certain castor oil products, 1.0 percent;

(3) Scissors and shears, 2.5 percent;

(4) Cotton yarn, 2.5 percent.

All of the above are expressed in terms of the f.o.b. or ex-works price to the United States of the applicable merchandise.

The liquidation of all entries, or withdrawals from warehouse, for consumption of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn, imported directly or indirectly from Brazil, which benefit from such bounties or grants, shall be suspended effective as of January 4, 1980. A deposit of the estimated countervailing duty shall be required at the time of entry, or withdrawal from warehouse, for consumption.

Effective on January 4, 1980, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of this merchandise, imported directly or indirectly from Brazil, which benefits from these bounties or grants, there shall be deposited, in addition to any other duties estimated or determined to be due, countervailing duties in the amount estimated in accordance with the above declaration. To the extent that it can be established to the satisfication of the Commissioner of Customs that imports of the merchandise covered by this determination are benefiting from a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be deposited.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, produciton or exportation of non-rubber footwear, certain castor oil products, scissors and shears, and cotton yarn from Brazil.

§ 159.47 [Amended]

§ 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for "non-rubber footwear", certain castor oil products", "scissors and shears", and "cotton yarn", respectively, under the country heading "Brazil", the number of this Treasury Decision in the column so headed and the words "New rate" in the column headed "Action".

(R.S. 251, section 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2049; 19 U.S.C. 66, 1303, as amended, 1624)

Robert H. Mundheim,

General Counsel of the Treasury.

December 28, 1979.

[FR Doc. 80-253 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

19 CFR Part 153

[T.D. 80-12]

Water Circulating Pumps From the United Kingdom; Modification or Revocation of Dumping Finding

AGENCY: U.S. Treasury Department.

ACTION: Revocation of Dumping Finding.

SUMMARY: This notice is to advise the public that water circulating pumps from the United Kingdom are no longer being sold to the United States at less than fair value under the Antidumping Act of 1921. Additionally, the sole U.K. manufacturer has given assurances that it is not now selling nor does it intend to sell water circulating pumps to the United States at less than fair value. This notice revokes the finding of dumping with respect to water

circulating pumps from the United Kingdom (T.D. 76–190). As a result, shipments of water circulating pumps from the United Kingdom which were entered, or withdrawn from warehouse, for consumption on or after October 15, 1979, will not be liable for dumping duties.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT:
Susan Crawford, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone: (202) 566–5492.

SUPPLEMENTARY INFORMATION: On July 7, 1976, a finding of dumping with respect to water circulating pumps from the United Kingdom was published in the Federal Register as Treasury Decision 76–190 (41 FR 27843). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise from the United Kingdom was published in the Federal Register on October 15, 1979 (44 FR 59312).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request an opportunity to present oral views in connection therewith.

No written submissions or requests having been received, I hereby determine that, for the reasons stated in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding", water circulating pumps from the United Kingdom are not being, nor are likely to be sold at less than fair value, and T.D. 76–190 is hereby revoked.

§ 153.46 [Amended]

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is hereby amended by deleting from the column headed "Merchandise" the words "water circulating pumps, wet motor type," and from the column headed "country", the words "United Kingdom", and from the column headed "T.D.", reference to T.D. 76–190.

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173))

Robert H. Mundheim,
General Counsel of the Treasury.

December 28, 1979.

[FR Doc. 80–313 Filed 1–3–80; 8:45 am]

BILLING CODE 4810–22–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 614

Unemployment Compensation for Ex-Servicemembers; New Schedule of Remuneration

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is revising 20 CFR 614.19, to increase the monthly rates of remuneration in the Schedule of Remuneration used to compute the Federal wages of ex-servicemembers covered by the program of Unemployment Compensation for Ex-Servicemembers (UCX Program), to reflect the military pay increase that became effective on October 1, 1979. The new schedule will apply to new claims that are filed on and after January 6, 1980.

EFFECTIVE DATE: January 6, 1980, with respect to first claims filed on and after that date.

FOR FURTHER INFORMATION CONTACT:
Robert B. Edwards, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street NW., Washington, D.C. 20213, telephone: 202–376–7032.

SUPPLEMENTARY INFORMATION: Section 8521(a)(2) of Chapter 85, Title 5 of the United States Code (5 U.S.C. 8521(a)(2)) requires the Secretary of Labor to issue, from time to time, after consultation with the Secretary of Defense, a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

The new Schedule of Remuneration in this document adjusts the scheduled monthly rates of pay upward to reflect the military pay increase that became effective on October 1, 1979, under Executive Order 12165.

This revision of § 614.19 of Title 20 of the Code of Federal Regulations was published as a proposal with opportunity for public participation at 44 FR 65406 on November 13, 1979, with a comment period ending on December 13, 1979. No comments were received and no changes are made in the revision as proposed.

The new schedule set forth in this document is made effective with respect to first claims which are filed after the end of this year; that is, new claims filed on and after January 6, 1980. Although the effective date will necessitate making the new schedule effective less than 30 days after this publication, as was explained in the proposal, the reasons for making the new schedule effective at the beginning of 1980 are believed to be overriding.

Note.—The Department of Labor has determined that the revision in this document is not a significant regulation within the meaning of Executive Order 12044.

This document was prepared under the direction and control of Robert B. Edwards, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, NW., Washington, D.C. 20213, telephone: 202–376–7032.

Accordingly, § 614.19 of Chapter V of Title 20 is revised to read as follows:

§ 614.19 Schedule of Remuneration.

(a) The following Schedule of Remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall apply to first claims which are filed on or after January 6, 1980:

Pay Grade	Monthly rate
(1) Commissioned officers:	
O–10	$5,247
O–9	5,244
O–8	4,995
O–7	4,419
O–6	3,663
O–5	2,987
O–4	2,467
O–3	2,071
O–2	1,643
O–1	1,228
(2) Warrant officers:	
W–4	2,329
W–3	1,884
W–2	1,635
W–1	1,396
(3) Enlisted personnel:	
E–9	2,027
E–8	1,722
E–7	1,487
E–6	1,263
E–5	1,070
E–4	911
E–3	809
E–2	751
E–1	690

(b) The Schedule of Remuneration published at 43 FR 59836 remains applicable to first claims filed prior to the effective date of the new Schedule of Remuneration set forth in paragraph (a) of this section. The new schedule in paragraph (a) of this section does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8508, 8521(a)(2).)

Signed at Washington, D.C., on December 28, 1979.

Ernest G. Green,
Assistant Secretary for Employment and Training.

[FR Doc. 80–175 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–30–M

20 CFR Part 615

Extended benefits; Revision of Regulations

NOTE.—This document originally appeared in the Federal Register for Thursday, January 3, 1980. It is reprinted in this issue to meet the Tuesday/Friday publication schedule assigned to the Department of Labor.

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This document amends the Department of Labor's regulations on Extended Benefits to revise the method of computing National State "on" and "off" indicators for Extended Benefit Periods. The regulation has been amended so as to eliminate weeks claimed for Federal-State Extended Benefits and State additional benefits from the computation of the indicators.

EFFECTIVE DATE: February 3, 1980, with respect to the computation of insured unemployment rates on and after that date.

FOR FURTHER INFORMATION CONTACT: James H. Manning, Chief, Division of Actuarial Services, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street N.W., Washington, D.C. 20213; telephone 202–376–7231.

SUPPLEMENTARY INFORMATION: The Federal-State Extended Unemployment Compensation Act of 1970 (Title II of Pub. L. 91–373; 84 Stat. 695, 708; 26 U.S.C. 3304 note) created a program of extended unemployment benefits (referred to as Extended Benefits) as a permanent part of the Federal-State Unemployment Compensation Program for unemployed individuals who have exhausted their rights to regular unemployment benefits under State and Federal unemployment compensation laws. Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when unemployment in the State (State indicator) or in all States collectively (National indicator) reaches the high levels set in the Act. The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when unemployment both in the State and in all States collectively is no longer at the high levels set in the Act.

National and State "on" and "off" indicators are triggered by the national or state "rate of insured unemployment", a term which is defined in section 203(f)(1) of the Act as meaning—

. . . the percentage arrived at by dividing—

(A) the average weekly number of individuals filing claims for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by all State agencies (or, in the case of subsection (e), by the State agency) to the Secretary, by

(B) the average monthly covered employment for the specified period.

Accordingly, the Department of Labor prescribed and published in Part 615 the method for determining the "average weekly number of individuals filing claims for weeks of unemployment," as set out in 20 CFR 615.12(d)(2) and (e)(2). Under this regulation, claims for Extended Benefits and additional compensation were included in the calculations, in addition to claims for regular compensation. At that time there was no precedent to look to for guidance and no data would indicate how much impact the inclusion of Extended Benefit claims would have on the triggering of an Extended Benefit Period or in prolonging an Extended Benefit Period once it had started. Over the years enough data was gathered to facilitate a reconsideration of the existing methodology. The Department, after appropriate reconsideration, published a proposal for amending the regulation to revise the method of computing insured unemployment rates on June 15, 1979, at 44 FR 34512, together with the reasons for revising the computation method.

The amendment as proposed revised the regulation so that only those weeks claimed for regular compensation are used in the calculation of National and State "on" and "off" indicators. Under the previous regulation the inclusion of Extended Benefit claims and State additional benefit claims in the calculation of the indicator rate (1) rendered inadequate the use of the rate as an economic indicator, and (2) tended to define the level of unemployment differently for "on" and "off" triggers.

Comments Received

The Department received comments on the proposed change from both employer and employee groups, six State employment security agencies, the National Governor's Association, the Federal Advisory Council on Unemployment Insurance, and the National Commission on Unemployment Compensation. In all, approximately 40 responses were received. In general, employer groups and the State employment security agencies favored the change, while employee groups, the National Governor's Association, the Advisory Council and the National Commission opposed the change.

The reasons given for opposing the change revolve around the anticipated increase in unemployment insurance claims in the months ahead. Several commenters believe that this change will result in shorter Extended Benefit Periods which will have the effect of denying unemployment benefits to the long-term unemployed as well as reducing the counter-cyclical effect of this economic tool. In addition, the National Commission on Unemployment Compensation believes that it should be allowed time to study the entire Extended Benefit Program before any change is made. The recommendations of the Commission, however, will not be available until July 1, 1980, and nothing in this regulation will interfere with the work of the Commission. Therefore, there is no substantial reason to further delay implementing this change.

Some commenters also suggested that the proposed change is inconsistent with the legislative history of the Act. The legislative history, however, is silent on this issue. The proposed change, by eliminating inequities and anomalies in the present methodology, will afford a consistent basis for beginning and ending Extended Benefit Periods, and is entirely consistent with the statutory language of the Act and its legislative history.

A review of our experience under the Extended Benefit Program during the 1974–75 recession period led us to conclude that, by using a different measure to trigger *on* the program (normally, regular claims only) than is used for triggering *off* the program (extended claims as well as regular claims), inequitable results could and did arise in the States. For example, two States could have had the same rate of insured unemployment, exclusive of Extended Benefit claims, and Extended Benefits could be payable for many months in one State and not at all in another. This could happen because the first State at one point had a high enough insured unemployment rate (IUR) to trigger on the program, whereas the IUR in the latter State never reached the trigger point.

As unemployment decreased in the first State, the IUR could fall below the level which would otherwise trigger off the program. Because claims for Extended Benefits were included in the count, the program would continue to operate after the IUR (without Extended Benefit claims) reached the same level as the second State. This inequity could result in the taxpayer in the second State (and other States) financing Extended Benefits for claimant in the first State, under almost identical economic circumstances, when its own

citizens were not able to receive these benfits.

In addition, during a protracted period of high unemployment in a large State such as California or New York, the inclusion of Extended Benefits in the IUR calculation could cause the program to trigger on earlier in all States even though unemployment throughout most of the Nation was relatively low.

Another inequity could occur in States that use the standard State indicator (see 20 CFR 615.12(b)), which requires that the current IUR equal or exceed 120 percent of the average of the IUR's for the corresponding period in the preceding two years. An inequity could result when, for example, a State Extended Benefit Period was delayed in triggering on due to the comparison of the current rate of insured unemployment, exclusive of claims for Extended Benefits, with the average of the two previous years when the rate may have included claims for Extended Benefits. For States with identical IUR's, exclusive of Extended Benefit claims, one could be triggered on and the other would not solely because of the inclusion of claims for Extended Benefits in the calculations.

The change proposed for calculating IUR's would correct these inequities and anomalies. Ideally, the most desirable time to effect any such change is when it causes minimal impact. Extended Benefit Periods are in effect in only three States at this time, Alaska, Puerto Rico, and Michigan, and each of these three States will not be immediately affected by the change in the IUR calculation. Although this change will affect the future triggering on and off of Extended Benefit Periods, it is believed that the earliest possible effective date of the change will have the least impact. Furthermore, in order to assure that the change will be equalized in its effects, the change will be effective with respect to IUR's computed for the preceding two years, so that in determining whether a current IUR is 120 percent higher than the average of the IUR's for the preceding two-year periods, a State will be making calculations using the same elements. For this purpose the freeze on past IUR's provided for in 20 CFR 615.12(f) will not be applicable to the adjustment of past IUR's to eliminate Extended Benefit claims and State additional benefit claims when calculating future IUR's for the purposes of the indicators.

Therefore, after careful consideration of all of the comments received, and further consideration of the changes proposed, it has been decided to publish the amendments as they were proposed, and to make the changes effective at the earliest date provided by law.

Note.—The Department of Labor has determined that this document does not contain a major proposal requiring the preparation of a regulatory analysis under Executive Order 12044 and applicable guidelines.

This document was prepared under the direction and control of Robert B. Edwards, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Accordingly, 20 CFR 615.12(d)(2) and (e)(2) and (e)(3) are revised to read as follows:

§ 615.12 Determination of "on" and "off" indicators.

* * * * *

(d) *Computation of national insured unemployment rates.*

* * * * *

(2) *Method of computing the national indicator rate.* The seasonally adjusted weekly average number of weeks claimed in all States is computed in the following manner:

(i) The number of weeks claimed for regular compensation reported by all State agencies is compiled for the current week and for each of the preceding 12 weeks.

(ii) The national total of unadjusted weeks claimed for each week in the 13-week period obtained in subdivision (i) of this paragraph is seasonally adjusted, using the applicable seasonal adjustment factor or factors developed and published by the Bureau of Labor Statistics of the U.S. Department of Labor.

(iii) The resulting weekly totals are added for the 13 weeks and divided by 13 to obtain the average weekly volume for the 13-week period.

* * * * *

(e)(2) *Method of computing the State indicator rates.* The unadjusted weekly average number of weeks claimed in the State is computed in the following manner:

The number of weeks claimed for regular compensation for the current week and for each of the preceding 12 weeks are added and divided by 13 to obtain the average weekly volume for the 13-week period.

(e)(3) *Rates for preceding 2 years.* Determinations of State rates for the corresponding 13-week periods in the preceding 2 years shall be made in the same manner as provided in subsections (e)(1) and (2) of this section.

* * * * *

(Title II, Pub. L. 91-373 (84 Stat. 695, 708); secs. 116, 212, and 311 of Pub. L. 94-566 (90 Stat. 2667, 2672, 2677, 2678); 5 U.S.C. 553; Secretary's Order No. 4-75 (40 FR 18515))

Signed at Washington, D.C. on January 2, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-329 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-30-M

20 CFR Part 676

Comprehensive Employment and Training Act: Regulations Concerning Eligibility of Prisoners

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This document amends the regulation at 20 CFR 675.5-1 published on April 3, 1979, at 44 FR 20001, which sets forth the eligibility requirements pertaining to all prime sponsor programs. The purpose of this document is to limit the eligibility of prisoners for Comprehensive Employment and Training Act (CETA) programs to those who have a reasonable expectation of release. Therefore a provision is being added to the eligibility requirements limiting eligibility of prisoners to those who have a reasonable expectation of release, parole, or work release within 12 months of enrollment.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213. Telephone: 202-376-6254.

SUPPLEMENTARY INFORMATION: The final CETA regulations published in the **Federal Register** on April 3, 1979 did not specifically preclude prisoners with long-term sentences from eligibility for CETA programs. Although the definition of "unemployed persons" at section 3(28) of CETA authorizes inclusion of prisoners in cases permitted by Department regulations, the Department believes that participation by prisoners with long-term sentences is not consistent with Congressional intent as reflected in various provisions of the CETA statute.

Specifically, Section 103(a)(5)(A) of CETA requires that prime sponsors develop mechanisms to ensure that employment and training services are provided to those most in need of them. In addition, "offender" is defined in Section 3(8) of CETA as "any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom employment and training

services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest on conviction." This definition is aimed at offenders with a reasonable expectation of release from the institution in the near future since such individuals would be in a position to seek employment upon their release.

Finally, prime sponsors are required under Section 205 of CETA to develop a personal employability plan for Title II participants in order to assist such individuals in obtaining unsubsidized employment. This requirement is reflected in the CETA regulations at 20 CFR 677.2. Moreover, 20 CFR 675.6(a) requires prime sponsor at intake to determine not only the applicant's eligibility but also whether CETA can offer the applicant those services or activities which will enable the applicant to obtain unsubsidized employment and increase income. Services and activities under CETA would not, of course, assist prisoners facing long-term sentences in obtaining unsubsidized employment in the near future.

In order to have the CETA regulations clearly reflect the intent of Congress that the CETA program be transitional in nature, additional language is being added to eligibility requirements pertaining to all prime sponsor programs to limit participation to prisoners who have a reasonable expectation of release, parole or work release within 12 months of enrollment. Since this amendment basically clarifies principles already expressed in existing provisions of the CETA statute and regulations, the Department finds that it is in the public interest to publish the revised regulations in final form. This finding constitutes a waiver of the Department's regulations at 29 CFR 2.7.

The financial and other impact of this regulation is less than specified in DOL criteria for determining when a regulatory analysis should be made (see 44 FR 5576, January 26, 1979). Therefore, the preparation of a regulatory analysis is not required for this regulation.

Accordingly, § 675.5–1 of Chapter V of Title 20, Code of Federal Regulations is amended to read as follows:

§ 675.5–1 Eligibility requirements pertaining to all prime sponsor programs.

* * * * *

(e) Persons institutionalized in a prison, jail, or similar correctional institution shall be eligible only when such person has a reasonable expectation of release, parole, or work release within 12 months of enrollment in activities under the Act.

(f) Specific eligibility requirements for programs not found at § 675.5–2 through § 675.5–10 are found in the specific regulations for those programs.

Signed at Washington, D.C. the 28th day of December, 1979.

Ray Marshall,

Secretary of Labor.

[FR Doc. 80–310 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

20 CFR Part 725

Claims for Black Lung Benefits

Note.—This document originally appeared in the **Federal Register** for Wednesday, January 2, 1980. It is reprinted in this issue at the request of the agency.

AGENCY: Black Lung Benefits Program, Employment Standards Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This document extends the deadline for Part-B miner-beneficiaries to file claims for medical benefits under the Black Lung Benefits Reform Act of 1977. The new deadline is June 30, 1980. This action is being taken because there are 25,000 Part-B miner beneficiaries who have not filed claims, and the Department of Labor wants to ensure that no otherwise eligible miner is deprived of the right to seek medical benefits.

DATES: This amendment is effective on January 4, 1980. Claims must be filed on or before June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Ralph M. Hartman, Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Room S–3524, 200 Constitution Avenue N.W., Washington, DC 20210, telephone: 202–523–7503.

SUPPLEMENTARY INFORMATION: By **Federal Register** Document No. 78–30632 dated October 24, 1978, and published on October 27, 1978, at 43 FR 50171, §§ 725.308(b) and 725.701A(a) of Title 20 of the Code of Federal Regulations were revised to state that claims for medical benefits filed pursuant to section 11 of the Black Lung Benefits Reform Act of 1977 (Pub. L. 95–239) must be filed by June 30, 1979, unless the period is extended for good cause shown. This period was extended to December 31, 1979 by notice published in 44 FR 38840 (July 3, 1979). This document amends those sections of the regulations to provide that such claims must be filed on or before June 30, 1980.

The Department of Health, Education, and Welfare notified all part B miner-beneficiaries of their right to file claims for part C medical benefits on May 3 and 4, 1978. The time for filing claims was previously extended to December 31, 1979, because the Department of Labor had been advised that many part B miner-beneficiaries failed to file claims under section 11 of the Black Lung Benefits Reform Act of 1977 because they believe that an adverse decison on their claim for medical benefits may result in a termination of the right to continuing compensation benefits under part B of title IV of the Act. The Social Security Administration, by letter dated March 3, 1979, notified 97,000 part B miner-beneficiaries that their continued entitlement to such benefits cannot and will not be affected in any way by a decision on the claim for part C medical benefits. There are approximately 25,000 part B miner-beneficiaries who have not filed for their benefits.

To ensure that no otherwise eligible miner is deprived of the right to seek medical benefits, and because there are approximately 25,000 Part B miner-beneficiaries who have not filed claims for medical benefits, I find good cause exists, and it is in the public interest in effectuating the remedial purposes of the Refrom Act, to amend the provisions of §§ 725.308(b) and 725.701(A) (a) to provide that claims for medical benefits under section 11 of the Reform Act may be filed up to and including June 30, 1980. I further find that since the current six month period will expire on or about December 31, 1979, that notice and public procedure on this amendment to the rules are contrary to the public interest.

Accordingly, 20 CFR Part 725 is amended as follows:

1. Paragraph (b) of § 725.308 is revised to read as follows:

§ 725.308 Time limits for filing claims.

* * * * *

(b) A miner who is receiving benefits under part B of title IV of the Act and who is notified by HEW of the right to seek medical benefits may file a claim for medical benefits under part C of title IV of the Act and this part. The Secretary of Health, Education, and Welfare is required to notify each miner receiving benefits under part B of this right. Notwithstanding the provisions of paragraph (a) of this section, a miner notified of his or her rights under this paragraph may file a claim under this part on or before June 30, 1980. Any claim filed after that date shall be untimely unless the time for filing has been enlarged for good cause shown.

* * * * *

2. Paragraph (a) of § 725.701A is revised to read as follows:

§ 725.701A Claims for medical benefits only under section 11 of the Reform Act.

(a) Section 11 of the Reform Act directs the Secretary of Health, Education, and Welfare to notify each miner receiving benefits under part B of title IV of the Act that he or she may file a claim for medical treatment benefits described in this subpart. Section 725.308(b) of this subpart provides that a claim for medical treatment benefits shall be filed on or before June 30, 1980, unless the period is enlarged for good cause shown. This section sets forth the rules governing the processing adjudication, and payment of claims filed under section 11.

(30 U.S.C. 901 *et seq.)*

* * * * *

Signed this 28th day of December, 1979 at Washington, D.C.

Ray Marshall,

Secretary of Labor.

[FR Doc. 79-39963 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 178

[Docket No. 79F-0016]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Lubricants

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for the safe use of pentaerythritol adipate-stearate as a lubricant in the fabrication of rigid and/or semi-rigid polyvinyl chloride and/or vinyl chloride-propylene copolymers used as articles or components of articles intended for contact with food.

DATE: Effective January 4, 1980; objections by February 4, 1980.

ADDRESS: Written objections to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of March 20, 1979 (44 FR 16961) announced that a food additive petition (FAP 8B3383) had been filed by Henkel, Inc., 480 Alfred Ave., Teaneck, NJ 07666, proposing that the food additive regulations be amended to provide for the safe use of pentaerythritol adipate-stearate as a lubricant in the fabrication of rigid and/or semi-rigid polyvinyl chloride and/or polyvinyl chloride (PVC) copolymers used as components of articles intended for contact with food.

This regulation should not be viewed as an affirmation of the safety of PVC used in food-contact articles. The proposal to prohibit such uses (40 FR 40529, September 3, 1975) is still under active consideration. The agency has concluded, however, that the ongoing investigation of PVC—including complex legal and scientific issues regarding indirect additives in general—should not continue to prevent safe and useful technical improvements in its manufacture.

Having evaluated data in the petition and other relevant material, the Food and Drug Administration concludes that Part 178 (21 CFR Part 178), Subpart D, of the food additive regulations should be amended by adding a new section as set forth below to include the petitioned additive.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 178 is amended by adding new § 178.3690 to read as follows:

§ 178.3690 Pentaerythritol adipate-stearate.

Pentaerythritol adipate-stearate identified in paragraph (a) of this section may be safely used as a lubricant in the fabrication of rigid and semi-rigid polyvinyl chloride and/or vinyl chloride-propylene copolymers complying with § 177.1980 of this chapter used as articles or components of articles that contact food, excluding food with alcohol content greater than 8 percent under conditions of use of E, F, and G described in Table 2 in § 175.300(d) of this chapter, subject to the provisions of this section.

(a) *Identity.* For the purpose of this section, pentaerythritol adipate-stearate is an ester of pentaerythritol with stearic and adipic acids, having 71 percent stearic acid and 14 percent adipic acid.

(b) *Specifications.* Pentaerythritol adipate-stearate has the following specifications:

(1) Melting point (dropping) of 49°-52° C as determined by ASTM Method D566—Standard Test Method for Dropping Point of Lubricating Grease, which is incorporated by reference.[1]

(2) Acid value not to exceed 15 as determined by ASTM Method D1386—Standard Test Method for Saponification Number (Empirical) of Synthetic and Natural Waxes, which is incorporated by reference.[1]

(3) Saponification number of 270-280 as determined by ASTM Method D1387—Standard Test Method for Acid Number (Empirical) of Synthetic and Natural Waxes, which is incorporated by reference.[1]

(4) Iodine number not to exceed 2 as determined by AOAC Method (Sec. 28.019, 12th Ed.)—Iodine Absorption Number, Hanus Method, which is incorporated by reference.[2]

(c) The total amount of ester (calculated as free pentaerythritol) shall not exceed 0.4 percent by weight of the polyvinyl chloride and/or the vinyl chloride-propylene copolymers complying with § 177.1980.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before February 4, 1980 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the

[1] Copies available from: The American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103, or may be examined at the Federal Register Library.

[2] Copy available from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or may be examined at the Federal Register Library.

above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective January 4, 1980.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Note.—Incorporations by reference approved by the Director of the Office of the Federal Register on March 11, 1976 and December 27, 1979 and are on file in the Federal Register Library.

Dated: November 8, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-39882 Filed 12-31-79; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 182

[Docket No. 78N-0153]

Substances Generally Recognized as Safe; Gum Guaiac

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Food and Drug Administration (FDA) is removing gum guaiac from the list of direct human food ingredients generally recognized as safe (GRAS). This substance's safety has been evaluated under FDA's comprehensive safety review. No evidence indicates that gum guaiac is currently used in foods; therefore, there are no known food uses for a safety evaluation. Accordingly, the ingredient is not affirmed as GRAS and is being deleted from the list of GRAS ingredients.

EFFECTIVE DATE: February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 28, 1978 (43 FR 32819), FDA proposed to remove gum guaiac from the list of direct human food ingredients that are GRAS and from the list of approved food additives. These actions were proposed as part of the announced FDA review of the safety of GRAS and prior-sanctioned ingredients. The purpose of the safety review of gum guaiac was to determine whether the existing safety data show the known uses of this substance as a food ingredient to be GRAS. No comments were received in response to the agency's proposal.

As required by § 170.35 (21 CFR 170.35), copies of the data FDA reviewed (the scientific literature review on gum guaiac, the report of the Select Committee on GRAS Substances, and a mutagenicity study on powdered guaiac resin) have been made available to the public at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Copies of these documents also have been made available for purchase from the National Technical Information Service, as announced in the July 28, 1978 proposal.

Available data contain no evidence that gum guaiac is currently used in food. As explained in 21 CFR 170.3(i)(1), an assessment of the safety of a GRAS ingredient includes a consideration of the probable consumption of the substance. Thus, even though there is no evidence suggesting that the use of gum guaiac as a food ingredient would be unsafe, gum guaiac cannot be affirmed as GRAS because the determination of GRAS status must be based on known conditions of use in food. In the absence of use information, it is not possible to assess probable consumption and therefore the safety of gum guaiac. In the proposal, the agency solicited the submission of use information as comments to the proposal and offered to consider the GRAS status of any submitted uses. No use information was received, however, and thus the proposal to delete gum guaiac from the list of GRAS ingredients will be promulgated without change.

This action does not prohibit a potential user of gum guaiac from making an independent determination that certain uses of gum guaiac are GRAS. It is understood, however, that such a determination shall include consideration of available safety data and consumer exposure to the ingredient employing the criteria described in 21 CFR 170.30. Alternatively, a request for FDA approval of gum guaiac may be made through the petition procedures described in §§ 170.35 and 171.1 (21 CFR 170.35 and 171.1).

FDA has reconsidered the proposal to revoke food additive approval of gum guaiac as a flavoring agent and concludes that the lack of use data for gum guaiac does not warrant the proposed revocation. Elsewhere in this issue of the **Federal Register**—in the Proposed Rules section—FDA is terminating a proposal to amend § 172.510 *Natural flavoring substances and natural substances used in conjunction with flavors.* The status of gum guaiac as an approved food additive will not be affected by this rule.

In addition to proposing the above-described actions, the agency advised in the July 28, 1978 proposal that it was unaware of any prior-sanctioned use for this ingredient other than that listed in Part 181—Prior-Sanctioned Food Ingredients (21 CFR 181.24). Any person asserting additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, was given notice to submit proof of the sanction so that the safety of the prior-sanctioned use could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of gum guaiac approved by issuance of a regulation under Part 181, if the prior-sanctioned use could be affirmed as safe on the basis of information now available to the agency. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert or rely on the sanction in the future.

No reports of prior-sanctioned uses for gum guaiac were received in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for gum guaiac other than that permitted by 21 CFR 181.24 has been waived.

§ 182.3336 [Deleted]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 182 is amended by deleting § 182.3336 *Gum guaiac.*

Effective date. This regulation shall be effective February 4, 1980.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: December 18, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-39881 Filed 12-31-79; 8:45 am]

BILLING CODE 4110-03-M

---

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Oxytocin Injection

Correction

In FR Doc. 79-33915 appearing on page 63097 in the issue of Friday, November 2, 1979, third column, fourth line of (c)(3) of § 522.1680, "preparation" should read "preparatum".

BILLING CODE 1505-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Vita Plus Corp., providing for safe and effective use of a 1.6-grams-per-pound tylosin premix for making complete swine feeds.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Vita Plus Corp., 1508 W. Badger Rd., P.O. Box 9126, Madison, WI 53713, filed a supplemental NADA (97–287) providing for use of a premix containing 1.6 grams of tylosin (as tylosin phosphate) per pound, in addition to an existing approval for use of 0.4- and 0.8-gram-per-pound premixes, for making complete swine feeds used to increase rate of weight gain and to improve feed efficiency.

Approval of this application is based on safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12–491. Use of the data in NADA 12–491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (see the **Federal Register** of December 23, 1977 (42 FR 64367)), the approval of this supplemental NADA does not require reevaluation of the safety and effectiveness in NADA 12–491 or in NADA 97–287.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA–305), Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(20) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(20) To 033071: 0.4, 0.8, and 1.6 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective January 4, 1980.

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

Dated: December 21, 1979.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 79–39879 Filed 12–31–79; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 240

Forms of Indorsement on United States Treasury Checks

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This Amendment of Part 240 of Title 31, §§ 240.5, 240.8, 240.9(a)(1), 240.10(a), and 240.12(d), Code of Federal Regulations, involves the forms of indorsement to be used on United States Treasury checks. The Amendment is designed to decrease the number of claims arising from the unauthorized indorsement of United States Treasury checks and to decrease the number of double payments made to payees. This is to be accomplished by requiring that when one claims authority to indorse and negotiate for a payee, such representative capacity be evidenced on the check.

This amendment does not change the rights of the parties to the several contracts constituting the check and its indorsements. Instead it formalizes and emphasizes the present responsibility of one accepting a check to know the person who is negotiating it and in what capacity that person is acting.

Treasury published the Notice of Proposed Rulemaking in the **Federal Register** on September 12, 1979, and received three comments from the public. Athough few in number, the responses were significant because of the identity of the respondents, which included the American Bankers Association. The basic points raised by the respondents were (1) cost to the system to implement the amendment, (2) needed training of bank personnel and education of the public, (3) needed clarification of co-payee check situations, and (4) confusion over the issue of the rebuttable presumption of the absence of authority.

Accommodation to comments from the public on forms of indorsement has been made by adding explanations in the supplementary information below, and by improving the wording in the Amendment.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Serlin, Assistant Commissioner, Disbursement and Claims, Bureau of Government Financial Operations, Room 416, Annex Building, Pennsylvania Avenue and Madison Place, NW., Washington, D.C. 20226 (202 566–2392).

SUPPLEMENTARY INFORMATION: Each year the Treasury receives over one million claims for the proceeds of United States Treasury checks. A notable percentage of these claims is due to the unauthorized indorsement and negotiation of a check by a person other than the intended payee. Current Federal regulations provide for a guarantee of all prior indorsements by the presenting bank and other indorsers of Treasury checks. (31 CFR 240.4). If an unauthorized indorsement is discovered, the Treasury is authorized to demand refund of the amount of the check from the presenting bank. (31 CFR 240.5).

Many claims are filed by payees alleging the forged indorsement and negotiation of a check by a person other than themselves. After determining that the indorsement is by a person other than the payee (and, therefore, technically a forgery), the Treasury has, in the past, satisfied the payee's claim and then requested refund (reclamation) of the amount of the original check from the bank which presented the check for payment. Very often, however, the bank refuses refund on the grounds that the indorser has authority to indorse and negotiate for the payee. If further investigation reveals that such authority did exist, the Treasury will abandon reclamation and then attempt to recover the amount of the double payment from the claimant, often without success.

The Treasury believes that the number of claims arising from unauthorized indorsements will substantially decrease if the initial cashing entity more carefully exercises its responsibility to determine that the indorser is the payee or, if someone else, has the authority to indorse and negotiate for the payee, and to require the alleged authorized representative to evidence such representative capacity on the check itself. This latter requirement will positively impact on the claims adjudication process as it will alert the Treasury that further investigation is necessary when a payee has filed a claim alleging forgery but the check indicates that the alleged forger had authority to indorse. Settlement will then be made only after determining whether the claimed authority existed. This will result in the decrease of double payments. Accordingly, the Treasury is changing its regulations to require that when one claims authority to indorse and negotiate for a payee, such representative capacity be evidenced on the check. For example: "John Jones by Mary Jones".

The rebuttable presumption of the absence of authority to indorse for a named payee occurs in the situation in which an indorsement is made by another without an indication of authority or representative capacity. This rebuttable presumption comes into play only after the payee or other holder has filed a claim alleging his or her signature was forged. This is neither new nor a change. When an indorsement necessary to negotiation is not that of the payee, it necessarily creates the presumption that the indorsement is not authorized.

A comment was received concerning Internal Revenue Service tax refund checks naming two persons as joint payees (e.g. "John Jones and Mary Jones"). It is Treasury's position that both such payees' indorsements are necessary to negotiation of the check. If only one payee indorses his or her own name or indorses both names without specifying the authority to indorse for the other, Treasury will presume the lack of authority to indorse for such other when presented with a claim for the check by the non-indorsing payee. However, if the presenting bank is able to produce a currently in effect joint account agreement granting authority to the indorser to indorse the other payee's name, Treaury will respect such agreement and accept the indorsement as being authorized. However, in accordance with the regulation as amended hereby, even such checks should be indorsed "for" the non-indorsing payee (e.g. "John Jones, Mary Jones by John Jones").

Under this Amendment, the liability of presenting banks in guaranteeing the genuineness of prior indorsements, including those on collection items and items submitted for deposit, remains unchanged. That is, presenting banks will continue to be liable for any breach of their guarantee of all prior indorsements. Whether a bank, for its own self-protection, undertakes to scrutinize the indorsements, including those on collection items and items submitted for deposit, is a matter for the bank to determine. It should be recognized that a bank is much less at risk with regard to collection items and items submitted for deposit than it is with respect to checks which it takes for value given.

Treasury acknowledges that this Amendment may cause minimal additional costs to banks for instructions to tellers. These regulations are not intended to prohibit banks from recognizing such costs in charges they establish for checking accounts or other services rendered. Nevertheless, it is hoped that banks will absorb these minimal costs rather than passing them on to those cashing checks.

In response to a comment regarding educating the public about this Amendment, Treasury will explore the possibility of adding wording to the reverse of checks concerning indorsements.

Accordingly, Part 240, Title 31 of the Code of Federal Regulations is amended as follows:

1. By amending § 240.5, by deleting the current wording and substituting the following:

§ 240.5 Reclamation of amounts of paid checks.

The Treasury has the right to demand refund from the presenting bank of the amount of a paid check if, after the check has been paid by the United States Treasury, it is found to bear a forged or unauthorized indorsement, or an indorsement by another for a deceased payee (or a deceased co-payee), where the right to the proceeeds of such check terminated upon the death of the payee, or where it is found to contain any other material defect or alteration which was not discovered upon first examination. If refund is not made, the Treasury will take such action against the proper parties as may be necessary to protect the interests of the United States.

2. By amending § 240.8, by deleting the current wording and substituting the following:

§ 240.8 Indorsement by payees.

(a) *General requirements.* Checks shall be indorsed by the payee or payees named, or by another on behalf of such payees as set forth in this part.

(1) *Checks indorsed by the payee or payees named.* When a check is indorsed by the payee or payees named, the forms of indorsement shall conform to those recognized by general principles of law and commercial usage for negotiation, transfer or collection of negotiable instruments.

(2) *Checks indorsed by another on behalf of the named payee or payees.*— (i) *Acceptable indorsement.* The only acceptable indorsement of a check by another on behalf of the named payee or payees (except when a check is indorsed by a financial organization under the payee's or payees' authorization) is one which indicates that the person indorsing is doing so on behalf of the named payee or payees. Such an acceptable indorsement shall include the signature of the indorser and sufficient wording to indicate that the endorser is indorsing on behalf of the named payee or payees. An example would be: "John Jones by Mary Jones". This example states the minimum indication acceptable. However, §§ 240.9(a)(1), 240.10(a)(1) and 240.12(d) specify the addition of an indication in specified situations of the actual capacity in which the person other than the named payee is indorsing. Checks indorsed "for collection" or "for deposit only to the credit of the within named payee or payees", are acceptable without any signature. However, in the absence of a signature, the presenting bank will be deemed to guarantee its good title to such checks to all subsequent indorsers and to Treasury.

(ii) *Unacceptable indorsement.* The indorsement by another on behalf of the named payee or payees, which consists of the name(s) of the payee(s), whether as purported signature(s) or otherwise, and *not* the signature of the person other than the named payee or payees indorsing the check, regardless of the relationship between the indorser and the named payee or payees, will be rebuttably presumed to be a forgery and is unacceptable. The indorsement by a person who purports to indorse for the named payee(s) with an indorsement consisting of the name(s) of the payee(s), whether as purported signature(s) or otherwise, and the indorsing person's signature and no indication of the indorsing person's representative capacity, will create a rebuttable presumption that the indorsing person was not authorized to indorse for the named payee(s). In these

circumstances it is the responsiblity of the individual or institution accepting a check from a person other than the named payee(s) to determine that such person is authorized and has the capacity to indorse and negotiate the check. Evidence of the basis for such a determination may be required by the Treasury in the event of a dispute.

(3) *Indorsement of checks by a financial organization under the payee's authorization.* When a check is credited by a financial organization to the payee's account under the payee's or payees' authorization, the financial organization may use an indorsement substantially as follows: "Credit to the account of the within-named payee in accordance with the payee's or payees' instructions. XYZ". A financial organization using this form of indorsement will be deemed to guarantee to all subsequent indorsers and to the Treasury that it is acting as an attorney-in-fact for the payee or payees, under the payee's or payees' authorization, and that this authority is currently in force and has neither lapsed nor been revoked either in fact or by the death or incapacity of the payee or payees.

(4) *Indorsement of checks drawn in favor of financial organizations.* All checks drawn in favor of financial organizations, for credit to the accounts of persons designated payment so to be made, shall be indorsed in the name of the financial organization as payee in the usual manner. Financial organizations receiving and indorsing such checks shall comply fully with Part 209 of this chapter.

(5) *Social Security benefit checks issued jointly to individuals of the same family.* A Social Security benefit check issued jointly to two or more individuals of the same family shall, upon the death of one of the joint payees prior to the negotiation of such check, be returned to the Social Security District Office for a determination as to what portion of said payment, if any, the surviving joint payee is entitled to receive.

3. By amending § 240.9(a)(1), by deleting the current wording and substituting the following:

§ 240.9 Checks issued to incompetent payees.

* * * * *

(a)(1) If a check is indorsed by a legal guardian or other fiduciary, such legal guardian or fiduciary shall include, as a part of the indorsement, an indication of the capacity in which the legal guardian or fiduciary is indorsing. An example would be: "John Jones by Mary Jones, guardian of John Jones". When a check indorsed in this fashion is presented for payment by a bank, it will be paid by the Treasury without submission to the Treasury of documentary proof of the authority of the guardian or other fiduciary, with the understanding that evidence of such claimed authority to indorse may be required by the Treasury in the event of a dispute.

* * * * *

4. By amending § 240.10(a), by deleting the current wording and substituting the following:

§ 240.10 Checks issued to deceased payees.

(a)(1) *Classes of checks which may be indorsed by an executor or administrator.* Checks issued for the classes of payments indicated below, the right to which under law does not terminate with the death of the payee, when indorsed by an executor or administrator, shall include, as part of the indorsement, an indication of the capacity in which the executor or administrator is indorsing. An example would be: "John Jones by Mary Jones, executor of the estate of John Jones". Such checks, when presented for payment by a bank, will be paid by the Treasury without the submission of documentary proof of the authority of the executor or administrator, with the understanding that evidence of such claimed authority to indorse may be required by the Treasury in the event of a dispute. The classes of payments to which this subsection refers are:

(i) Payments for the redemption of currencies or for principal or interest on U.S. securities.

(ii) Payments for tax refunds.

(iii) Payments for goods and services.

(2) If an executor has not been appointed, persons claiming as owners shall return the checks for appropriate handling to the Government agency for which issued. If there is doubt as to whether the proceeds of the check or checks pass to the estate of the deceased payee, the checks shall be handled in accordance with paragraph (b) of this section

* * * * *

5. By amending § 240.12(d), by deleting the current wording and substituting the following:

§ 240.12 Powers of Attorney.

* * * * *

(d) *Proof of authority.* Checks indorsed by an attorney-in-fact shall include, as part of the indorsement, an indication of the capacity in which the attorney-in-fact is indorsing. An example would be: "John Jones by Paul Smith, attorney-in-fact for John Jones". Such checks when presented for payment by a bank, will be paid by Treasury without the submission of documentary proof of the claimed authority, with the understanding that evidence of such claimed authority to indorse may be required by the Treasury in the event of a dispute.

* * * * *

Signed this 31st day of December, 1979.

D. A. Pagliai,

Commissioner.

[FR Doc. 80-319 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1384-4]

Approval and Promulgation of Implementation Plans; Ohio: Final Revision to the Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: U.S. Environmental Protection Agency (USEPA) is finalizing the proposed revision of the Ohio Implementation Plan. This final rule temporarily suspends the October 19, 1979 compliance date established by the federally promulgated implementation plan for sulfur dioxide pending final rulemaking on the proposed revision to that implementation plan for the Cleveland Electric Illumination Company's Eastlake and Avon Lake Power Plants in Ohio. The compliance date will be no later than the attainment date of June 17, 1980. USEPA is making this final rule effective immediately.

EFFECTIVE DATE: January 4, 1980.

ADDRESS: The docket 5A-79-1 for this final rule is on file at USEPA Region V, 230 South Dearborn Street, Chicago, Illinois and at the Public Information Reference Unit Room 2922, USEPA, 401 M Street, SW, Washington, D.C. 20640. The docket may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6030.

SUPPLEMENTARY INFORMATION: On August 27, 1976 (41 FR 36324) United States Environmental Protection Agency (USEPA) promulgated regulations establishing the state implementation plan (SIP) for the control of sulfur dioxide for the State of Ohio, with emission limitations of 1.43 pounds of sulfur dioxide per million BTU at

Cleveland Electric Illuminating Company's (CEI) Eastlake Plant in Lake County, Ohio and 1.15 pounds of sulfur dioxide per million BTU at CEI's Avon Lake Plant in Lorain County. USEPA based the emission limitation on the Urban RAM model (such a model assumes an urban land use pattern). The regulations as amended May 31, 1977, for both counties contain an October 19, 1979 compliance date and an attainment date of June 17, 1980. (The attainment date is the latest date by which National Ambient Air Quality Standards are to be attained and maintained.) The final compliance date is that date determined by USEPA by which a source will have achieved the emission limitation as expeditiously as practicable. The date of compliance must be attained as expeditiously as practicable, but in no case later than the attainment date. In 1978 CEI submitted a SIP revision for the Avon Lake and Eastlake Plants requesting a higher emission limitation with extensive dispersion modeling analysis and monitoring data in support thereof.

On June 12, 1979 USEPA proposed a revision to permit CEI to maintain its current (i.e. status quo) emissions of 6.58 lbs. of SO2 per million BTU for the Eastlake Plant and 6.09 lbs. of SO2 per million BTU for Avon Lake Plant. USEPA found that due to the lake breeze and fumigation effects neither urban nor rural RAM were appropriate models. The proposed revision does not contain a change in the attainment date from that specified in the regulation. (See 40 CFR 52.1881, 44 FR 33712 (June 12, 1979).)

On August 16, 1979, at the request of several individuals and organizations including the Sierra Club, the Environmental Defense Fund and the Northern Ohio Lung Association commenting on the June 12 proposal, USEPA announced an extension of the comment period until October 12, 1979. 44 FR 47959 (August 16, 1979). The extension of the comment period resulted in the inability of USEPA to complete final rulemaking on the proposed revision before the October 19 compliance date established originally by the federally promulgated Ohio State Implementation Plan. As of that date, CEI would have had to meet the existing final emission limitation of 1.43 and 1.15 lbs. of SO2 per million BTU for Eastlake and Avon Lake respectively. Due to the extension of the comment period, on October 15, 1979 the Agency proposed a temporary suspension of the compliance requirements. (44 FR 59247)

USEPA is today promulgating the temporary suspension of the compliance date. EPA's action is based on Section 110 of the Clean Air Act and the authority delegated to the Administrator by Section 301 of the Act. The Administrator has authority under Section 110(c) to suspend a compliance requirement where he has, as here, proposed to relax an emission limitation which he originally promulgated. Section 301(a) allows the Administrator to exercise such authority as may be necessary or expedient to carry out the functions of the Clean Air Act. This action is also consistent with Section 110(a)(2) of the Act which states that all sources must be in compliance as expeditiously as practicable, but no later than the attainment date. Since the attainment date for Cleveland Electric Illuminating, Avon and East Lake Plants is June 17, 1980, the compliance date extension to no later than June 17, 1980, will not interfere with attainment by that date. USEPA has proposed rulemaking relaxing the emission limitation which USEPA promulgated in 1977.

For CEI to meet current emission limitations pending final rulemaking, CEI would need to change its fuel supply from high sulfur to low sulfur coal. This "fuel switching", even if undertaken for a few months, would result in disrupting fuel supply and transportation arrangements. CEI would have to abandon local coal suppliers on short notice in favor of low sulfur coal. This abandonment could result in the loss of jobs and production in Ohio coal mines with secondary potential economic effects in the affected mining areas. USEPA believes that such action would result in an undue hardship on CEI, and the affected mining areas.

A total of three public comments were received on the proposed suspension of the compliance date for Cleveland Electric's Avon and Eastlake Plants.

The specific comments and USEPA responses are listed below.

Northern Ohio Lung Association

The Northern Ohio Lung Association commented that Cleveland Electric Illuminating has had enough time to come into compliance with the October 19, 1979 deadline. USEPA believes that compliance with emission limitations which could be obsolete upon final rulemaking of the June 12, 1979, proposal would result in an unfair burden to Cleveland Electric Illuminating. Thus, USEPA is not extending the compliance date, we are suspending the date until such time as we have a final emission limit with which CEI will be required to comply as expeditiously as practicable, but no later than the attainment date.

Northern Ohio Lung Association also commented that the proposed temporary suspension "flies in the face" of USEPA's Proposed Section 125 action as announced in the **Federal Register** on September 6, 1979 (44 FR 52030).

Section 125 is a separate proceeding which does not affect the proposed temporary suspension of the compliance date. The two proceedings are separate. There are no inconsistencies as stated by the Northern Ohio Lung Association (NOLA). Furthermore, NOLA failed to state a specific inconsistency in the comment.

Response to Commonwealth of Pennsylvania's Comments

The Commonwealth states that there is not any statutory authority for USEPA's action. As discussed above, USEPA is promulgating the suspension as a SIP revision pursuant to the authority of Sections 301 and 110 of the Clean Air Act.

Pennsylvania further contends that USEPA is suspending the existing plan emission limitations. This contention is incorrect. USEPA is temporarily suspending the compliance date for the two sources, but the emission limitations remain in effect under the federally promulgated Ohio State Implementation Plan.

The third argument raised by the Commonwealth of Pennsylvania is that the temporary proposed suspension of the compliance date was inconsistent with the Prevention of Significant Deterioration Guidelines (PSD) set forth in 44 FR 51924 (September 5, 1979). The PSD requirements are not applicable to the temporary suspension of the compliance date because there is not an increase in the emissions limitation as a result of this final rulemaking. Since the temporary suspension of the compliance date does not promulgate a change in the emissions limitation, nor is it a new source or modification, a PSD analysis is not required. Moreover, the September 5 notice is proposed rulemaking which does not establish final agency policy.

Environmental Defense Fund and the Sierra Club Legal Defense Fund Inc.

The Environmental Defense Fund (EDF) and the Sierra Club Legal Defense Fund Inc. commented that the October 15, 1979 notice was unclear as to whether the suspension applies to all SO2 sources in Ohio or specifically the Cleveland Electric Eastlake and Avon Lake facilities. The notice specifically states that the temporary suspension is for CEI's Avon Lake and Eastlake Power Plants.

EDF's second argument states that the basis for the extension is inadequate.

USEPA disagrees because the basis was set forth in the October 15 notice—namely that USEPA could not complete final rulemaking on the June 12, 1979 proposed emission limitation changes by October 19, 1979 and that a change in coal suppliers could cause economic disruption in order to meet an emission limitation which may become obsolete in the near future. USEPA considers this to be an adequate basis for the temporary suspension of the October, 1979 compliance date.

EDF's third argument, that there is no legal basis for the temporary suspension, is incorrect. As discussed above, EPA's action is based on the Administrator's authority under Sections 110(c) and 301(a), and is consistent with Section 110(a)(2).

Sections 110 (e), (f) and (g) of the Clean Air Act are not applicable. Contrary to EDF's claim, these provisions are not the only bases upon which a compliance date may be suspended. EDF further asserts that there must be a hearing pursuant to Section 110(c), but since USEPA is not promulgating a regulation under that provision the requirement is not applicable.

Furthermore, the entire question of the proposed suspension occurred as a result of the requests of EDF, Sierra Club, and the Northern Ohio Lung Association for an additional 60 day comment period on the proposed revision to the emission limitations for these sources; these requests resulted in the extension of comment period until October 12. This, in turn, left only 7 days to complete the rulemaking before the compliance date; it was not physically or technically possible to complete final rulemaking in that timeframe.

Under Section 553(d)(3) of the Administrative Procedure Act there must be good cause in order to make a rule effective immediately. USEPA believes that there is good cause for the rule to be immediately effective, since CEI will be subject to a Clean Air Act, Section 304 citizens' suit for being out of compliance, or will have to engage in fuel switching in order to meet the current emission limitation within the next 30 days while the rule is becoming effective. Fuel switching could cause economic disruption. For the above reasons, USEPA believes there is sufficient good cause in order to render this rule effective immediately. Thus, the rule will be effective immediately upon publication.

After reviewing the public comments for the revision, the Administrator has determined that the revision meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51; accordingly this revision is approved.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows: Section 52.1882 is amended by adding the following paragraph (7).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

§ 52.1882 Compliance Schedules.

* * * * *

(b) * * *

(7) Section 52.1882(b)(4)(iii)(G) is suspended for Cleveland Electric Illuminating Company's Eastlake and Avon Lake facilities pending final rulemaking on the June 12, 1979 (44 FR 33712) proposed revision to the Ohio State Implementation Plan.

Dated: December 21, 1979.

Douglas Costle,

Administrator.

[FR Doc. 80-246 Filed 1-3-80; 8:45 am]

BILLING CODE 6560-01-M

---

4 CFR Part 52

[FRL 1380-4]

Approval and Promulgation of Implementation Plans; Approval of Revision of the District of Columbia Implementation Plan

AGENCY: Environmental Protection Agency

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision, in part, of the District of Columbia's Implementation Plan by allowing 1% sulfur fuels to be sold and burned in the District until December 31, 1980. The revision is applicable to §§ 8-2:704 (Allowable Sulfur Content in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations.

EFFECTIVE DATE: January 4, 1980.

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

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Patricia Sheridan

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Avenue, S.W., Washington, D.C. 20032, ATTN: John V. Brink

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

FOR FURTHER INFORMATION CONTACT: Bernard E. Turlinski, Regional Energy Coordinator (3AH13), U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone number: (215) 597-9944.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1978, the District of Columbia submitted to the Regional Administrator, EPA, Region III, amendments to the District's Air Quality Control Regulations and requested that they be reviewed and processed as a revision of the District of Columbia's Implementation Plan for the attainment and maintenance of National Ambient Air Quality Standards (NAAQS). The amendments consist of changes to §§ 8-2:704 (Allowable Sulfur Content in Fuel Oil) and 8-2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations. The revision amended both regulations by deleting the provision which states that the use and sale in the District of Columbia of fuel oils and coal containing up to 1% sulfur are permitted only until October 1, 1978.

On two previous occasions, the District of Columbia requested one-year postponements of the date that the 0.5% sulfur-in-fuel increment was to take effect. The regulations as originally approved by the District of Columbia City Council on July 7, 1972, permitted the sale and use of all fuels containing up to 1% sulfur by weight until June 1, 1975.

On November 18, 1975, the Council approved an extension of one year to begin after the enactment date of March 12, 1976, to allow continued use of 1% sulfur fuels. This extension was submitted to the EPA as a revision and approved by the EPA on December 6, 1976 (41 FR 53325). After March 12, 1977, one year after the above enactment date, all fuels sold or burned in the District were to contain no more than 0.5% sulfur by weight. However, on December 7, 1976, the City Council further extended the sale and use of 1% sulfur fuels until October 1, 1978. The second postponement was subseqently submitted on March 3, 1977, and later approved by the EPA as a revision to the implementation plan on July 10, 1978 (43 FR 29559). Following the second extension, all fuels were to contain no more than 0.5% sulfur by weight after October 1, 1978.

A public hearing was held on May 23, 1978, in accordance with 40 CFR 51.4, to consider amending the sulfur-in-fuel regulations a third time as a revision of the District's Implementation Plan.

By virtue of the most recent action on the part of the District, the 1% sulfur content in fuel oil and coal would be permanently retained and the 0.5% sulfur increment deleted. Key arguments presented by the District in support of its proposed revision are as follows:

1. The District is presently meeting the National Ambient Air Quality Standards for sulflur dioxide and it expects to maintain the standards through 1985.

2. The 0.5% sulfur content level would substantially increase the cost of fuel and electricity to the consumer.

3. There is a shortage of the higher grade (lower sulfur content) coal in the East.

4. Maryland and Virginia maintain a 1% sulfur limit.

Public Comments Received/EPA Response

The District of Columbia was the only party that commented on the proposed rulemaking notice. The District interpreted EPA's proposal, if carried out, to delay implementation of the 0.5% sulfur level, as one of promulgation pursuant to Section 110(c) of the Clean Air Act. The District asserts that since it exercised its legislative powers by deleting, in its entirety, the need for the 0.5% sulfur limit, EPA is prohibited from requiring its implementation. However, the District acknowledged that EPA has authority to approve the revision only up to a date certain, and which is supported by the materials submitted with the proposed revision. Therefore, the District concluded that after December 31, 1980, which is the date supported by the material submitted and reviewed, its implementation plan will not include any limit on the sulfur content of fuel unless it submits another revision or EPA promulgates its own.

EPA's response to the District's comment is that the agency's proposed action cannot and should not be construed as a promulgation of a regulation needed to attain and maintain sulfur dioxide ambient air quality standards. The proposed action is only designed to limit for a finite period of time the implementation of a regulation which the District developed and submitted to EPA for approval as an action believed to be necessary to assure attainment and maintenance of standards. The EPA is unable to approve permanent deletion of the 0.5% sulfur limit at this time, because the District has not adequately demonstrated to EPA that the limit is unnecessary to attain and maintain ambient standards. Rather, a study, prepared by the Metropolitan Washington Council of Governments (MWCOG) entitled "Air Quality Maintenance Planning, Technical Analysis" (October 1977), predicts that National Ambient Air Quality Standards for sulfur dioxide would be violated beyond 1980 due to projected air quality levels and growth in the Region. It would have been equally inappropriate for EPA to propose disapproval before an updated study and adequate data were made available upon which to base sound technical judgments. EPA's proposed action is also consistent with the procedures followed concerning a similar revision for sulfur-in-fuel in the Baltimore, Maryland area (40 FR 56888).

In addition, before the EPA could propose an unqualified approval for the permanent deletion of the 0.5% sulfur increment, the District of Columbia will be required to specify a coal sampling method which will assure consistency in the application of the sulfur-in-coal limitation. An acceptable method would be one similar to the American Society for Testing and Materials publication, D 2234–6, "Standard Method for Collection of a Gross Sampling of Coal."

The District also commented that it is not opposed to conducting a new air quality dispersion analysis because of the need to update the existing informational framework, for policy planning purposes, so that decisions can be made on as accurate information as is feasible to secure. However, the District contends that December 31, 1980, is not an appropriate date for completion of the study because of:

1. Scarcity of manpower and financial resources,

2. Uncertainty as to the availability of needed data, and

3. A desire to perform particulate matter replanning work simultaneously.

The EPA has provided the District with adequate resources to complete the study in a timely manner by funding the cost of the work to be performed by an independent contractor. Work has already begun. Therefore, any plans to perform other pollutant replanning work simultaneously should not be disrupted.

Further, EPA is not suggesting that the District expend any more resources than it would normally to prepare for and submit an adequate demonstration in support of a revision to its implementation plan.

The District's remaining comment pertained to the difficulty of having to switch fuels (1% sulfur to 0.5% sulfur) in the middle of the heating season. The December 31, 1980, date was chosen only because an adequate demonstration was not submitted which justifies the delayed implementation beyond that time. The District must therefore assume any responsibility for changes in fuel which may result.

Final Action

In view of the above evaluation, the Administrator has determined that the continued use of 1% sulfur fuels until December 31, 1980, does not interfere with attainment or maintenance of the ambient air quality standards for sulfur dioxide. Therefore, the Administrator approves the revision of the District of Columbia's Implementation Plan as proposed in the **Federal Register** on August 9, 1979. In addition, this revision is being made effective immediately since no purpose would be served by delaying its effective date. Concurrently, the Administrator amends 40 CFR 52.470 (Identification of Plan) of Subpart J (District of Columbia) to incorporate this plan revision into the District of Columbia Implementation Plan.

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

(42 U.S.C. 7401–7642)

Dated: December 28, 1979.

Douglas M. Costle,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart J—District of Columbia

§ 52.470 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified.

* * * * *

(13) Amendments to §§ 8–2:704 (Allowable Sulfur Content in Fuel Oil) and 8–2:705 (Allowable Sulfur Content in Coal) of the District's Air Quality Control Regulations submitted on December 27, 1978, by Mayor Walter E. Washington.

[FR Doc. 80–247 Filed 1–3–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 29

Trans-Alaska Pipeline Liability Fund; Provisions for Indemnification of Members of the Board of Trustees and Officers of the Fund

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This is an addition to Trans-Alaska Pipeline Fund Regulations, and provides for the indemnification of Board Members and officers of the Fund for claims and liabilities against them in their official capacity under certain circumstances.

DATE: This revision is effective January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Larry E. Meierotto, Assistant Secretary, Budget and Administration, Room 5100, Department of the Interior, Washington, D.C. 20240, telephone: 202–343–6181.

SUPPLEMENTARY INFORMATION: Trans-Alaska Pipeline Liability Fund (TAPLF) Regulations were published in the **Federal Register** on June 23, 1977, (42 FR 31789).

New § 29.3(f)(1) is added to provide indemnification by the Fund against claims and liabilities to which any present or former Board Member or officer has been subject because of such person's duties on behalf of the Fund so long as the claim or liability is not the result of willful misconduct or gross negligence.

New § 29.3(f)(2) is added to limit the amount of indemnification to actual liabilities and necessary expenses and to provide for advances to cover those costs as long as the Board Member or officer agrees to repay to the Fund any amount to which the Board determines such person was not entitled.

New § 29.3(f)(3) is added to ensure that all former Board Members and officers as well as their heirs, and executors and administrators of such persons' estates shall be indemnified and that such persons have all other rights to which they legally are entitled.

The primary author of this document is Larry E. Meierotto, Assistant Secretary, Policy, Budget and Administration and Secretary to the Board of Trustees (TAPLF), telephone: (202) 343–6181.

Because these revisions relieve a restriction, and are of a minor nature, implementing the usual right of a corporation to provide its Board Members and officers with indemnification, it is determined that a rulemaking procedure is unnecessary and not in the public interest. Therefore, these revisions will become effective on January 4, 1980.

Signed at Washington, D.C., this 27th day of December, 1979.

Larry E. Meierotto,

Assistant Secretary of the Interior and Secretary to the Board of Trustees.

Accordingly, 43 CFR Subtitle A, § 29.3(f) is added to read as follows:

§ 29.3 Fund administration.

* * * * *

(f)(1) Each Board Member and officer of the Fund now or hereafter serving as such, shall be indemnified by the Fund against any and all claims and liabilities to which he has or shall become subject by reason of serving or having served as such Board Member or officer, or by reason of any action alleged to have been taken, omitted, or neglected by him as such Board Member or officer; and the Fund shall reimburse each such person for all legal expenses reasonably incurred by him in connection with any such claim or liability: *Provided, however,* That no such person shall be indemnified against, or be reimbursed for any expenses incurred in connection with, any claim or liability arising out of his own willful misconduct or gross negligence.

(2) The amount paid to any officer or Board Member by way of indemnification shall not exceed his actual liabilities and actual, reasonable, and necessary expenses incurred in connection with the matter involved. Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Fund in advance of the final disposition of such action, suit, or proceeding as authorized by the Board in the specific case upon receipt of an undertaking by or on behalf of the Board Member or officer to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified by the Fund as authorized herein.

(3) The indemnification provided by this Section shall continue as to a person who has ceased to be a Board Member or officer shall inure to the benefit of the heirs, executors, and administrators of such a person. The right of indemnification hereinabove provided for shall not be exclusive of any rights to which any Board Member or officer of the Fund may otherwise be entitled by law.

(Sec. 204(c), Trans-Alaska Pipeline Authorization Act, 43 U.S.C. 1653)

[FR Doc. 80-322 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-10-M

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to fishing of certain National Wildlife Refuges in California is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document established special regulations effective for the upcoming fishing season.

EFFECTIVE DATES: January 4, 1980 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of the special regulations.

FOR FURTHER INFORMATION CONTACT: William D. Sweeney, Area Manager, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–2740, Sacramento, California 95825, telephone: FTS 468–4664, Commercial (916) 484–4664.

SUPPLEMENTARY INFORMATION: Fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 33, and the following Special Regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps available at refuge headquarters. No vehicle travel is permitted except on maintained roads and trails designated open to public use. Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Colusa National Wildlife Refuge, (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, (916) 934–4090.

Special Conditions: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season. No campfires or firearms permitted.

Delevan National Wildlife Refuge, (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, (916) 934–4090.

Special Conditions: The taking of frogs is permitted in the public fishing

area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season. No campfires or firearms permitted.

Modoc National Wildlife Refuge, (Headquarters: Sheldon-Hart Mountain-Modoc National Wildlife Refuges, P.O. Box 111, Lakeview, Oregon 97630, (503) 947–3315.

Special Conditions: (1) The refuge is closed to fishing during the waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, (916) 934–4090.

Special Conditions: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season. No campfires or firearms permitted.

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, California 92233, (714) 348–2323.

Special Conditions: Fishing is permitted only on that portion of the refuge which is inundated by the Salton Sea and other refuge lands posted with public fishing signs.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635, (209) 826–3508.

Special Conditions: (1) Fishing permitted from sunrise to one hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The primary author of this document is Patrick L. O'Halloran, Sacramento Area Office, Telephone FTS 468–4664, Commercial (916) 484–4664.

Dated: December 21, 1979.

William D. Sweeney,

Area Manager, California-Nevada, Fish and Wildlife Service.

[FR Doc. 80-298 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-55-M

---

50 CFR Part 33

Sport Fishing; National Wildlife Refuges in Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations

SUMMARY: The Director has determined that the opening to fishing of certain National Wildlife Refuges in Nevada is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document established special regulations effective for the upcoming fishing season.

EFFECTIVE DATES: January 4, 1980 through December 31, 1980.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of the special regulations.

FOR FURTHER INFORMATION CONTACT: William D. Sweeney, Area Manager, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–2740, Sacramento, California 95825, telephone: FTS 468–4664, Commercial (916) 484–4664.

SUPPLEMENTARY INFORMATION: Fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 33, and the following Special Regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps available at refuge headquarters. No vehicle travel is permitted except on maintained roads and trails designated open to public use. Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Charles Sheldon Antelope Range, (Headquarters: P.O. Box 111, Lakeview, Oregon 97630, (503) 947–2366).

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada, 89833, (702) 779–2237.

Special Condition: Utilization of personal flotation devices will be permitted only in those portions of Unit 21 and only during those periods as designated by signs. Boats, canoes, and all other types of watercraft are prohibited.

Stillwater National Wildlife Refuge, P.O. Box 1236, Fallon, Nevada 89406, (702) 423–5128.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.

Pahranagat National Wildlife Refuge, (Headquarters: 1500 North Decatur Blvd., Las Vegas, Nevada 89108, (702) 878–9617).

Special Condition: Only that portion of Upper Pahranagat Lake between the south dam and the cross dike, approximately one mile north is open to fishing as posted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

The primary author of this document is Patrick L. O'Halloran, Sacramento Area Office, Telephone FTS 468–4664, Commercial (916) 484–4664.

Dated: December 21, 1979.

William D. Sweeney,

Area Manager—California-Nevada, Fish and Wildlife Service.

[FR Doc. 80-297 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Bering Sea and Aleutian Islands Groundfish Fishery: Approval of Amendments to Preliminary Fishery Management Plan; Final Regulations

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

ACTION: Final regulations.

SUMMARY: Amendments to the Preliminary Fishery Management Plan (PMP) for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific Ocean are approved. Final implementing regulations applicable to groundfish and herring fishing by foreign nations are promulgated. The purpose of the amendment is to reassess the status of herring and groundfish stocks for the 1980 calendar year, as required by the Fishery Conservation and Management Act, as amended, (16 USC 1801 et seq., "the Act") and to determine whether there are resources surplus to the requirements of U.S. fishermen to be made available to vessels of foreign nations under the Act. Final regulations are necessary in order to authorize foreign fishing and to permit foreign vessels ro receive U.S.-caught fish in excess of the requirements of U.S. fish processors.

DATE: Final regulations are effective on January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802, Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: A. *History and scope of the PMP.*

The PMP was originally prepared in 1977 under the authority of section 201(h) of the Act, as amended (see 42 F.R. 9298, February 15, 1977). The PMP contains conservation and management measures applicable to foreign fishing for pollock, yellowfin sole, turbot, other flatfishes, Pacific cod, Atka mackerel, sablefish, Pacific ocean perch, other rockfishes, squid, herring, and other incidental species in the Fishery Conservation Zone (FCZ) of the Bering Sea and Aleutian Island area (management area). In accordance with the requirements of §§ 201(h) and 301(a) of the Act, as amended, the PMP has been revised to include assessments of optimum yield (OY), domestic annual harvest (DAH), joint venture processing (JVP), reserve, and total allowable level of foreign fishing (TALFF) for 1980, based upon the best information available. As required by the Act, the final regulations authorize foreign fishing for groundfish and herring which will not be harvested by U.S. fishermen; and foreign receipt of U.S.-caught fish which will not be processed by U.S. processors.

The final implementing regulations replace 50 CFR 611.93 (43 FR 59324; Bering Sea and Aleutian Islands Fishery) with a new section 611.93 governing fishing for groundfish species other than herring. A new § 611.95 governing herring fishing is promulgated. These two sections should be read together since foreign harvest of herring is conducted almost exclusively as an incidental catch in the pollack and other groundfish fisheries, and the reaching of an OY, TALFF or national allocation for a groundfish species or herring will result in closure of both the foreign groundfish trawl fishery and the herring fishery.

B. *Major Provisions of the PMP Amendment and Regulations.*

1. *Bering Sea Groundfish* (50 CFR 611.93). The amendment reassesses the OY's, DAH's, and TALFF's for groundfish species other than herring. Because applications have been received for permits to conduct "joint venture" operations for Bering Sea groundfish and herring, the amendment also includes initial specifications of domestic annual processing (DAP) and JVP, and creates a reserve category of fish to account for the uncertainty of these specifications. In making these assessments, the information contained in the Bering Sea and Aleutian Islands Area Groundfish Fishery Management Plan (FMP) was heavily relied upon. This FMP was prepared by the North Pacific Fishery Management Council (Council), and has received prelminary approval by the Assistant Administrator for Fisheries (see 44 FR 66356). The information presented in the FMP has already been the subject of extensive public comment, and although public comment on the FMP and implementing regulations is still being received, the FMP is considered to contain the best information available on status of stocks and U.S. harvesting capacity.

The PMP and final regulations authorize, with the same time and area limitations contained in the 1979 regulations, foreign trawl fishing in the management area until the OY, TALFF or national allocation for any groundfish species or for herring is reached. Longline fishing is authorized until the OY, TALFF or national allocation for Pacific cod, sablefish, turbots, or "other species" is reached. This distinction is designed to assure that catch limitations for each species or species category taken in the multi-species trawl fishery can be enforced, while encouraging full utilization of species taken in the more species-specific longline fishery.

The regulations contain a provision similar to that established in the Gulf of Alaska (see 50 CFR 611.92) for bimonthly reassessment of DAH, and its components DAP and JVP, and apportionment to TALFF of reserve amounts which will not be harvested by U.S. fishermen. Should DAH increase, reserve amounts may also be transferred to DAH. The regulations incorporate in the reserve release procedure transfer to TALFF any DAH determined, on the basis of in-season reassessments, to be surplus to U.S. requirements. The purpose of this provision is to help assure full utilization of the OY.

The definition of Pacific Ocean perch in the PMP has been modified to account for the historical practice of counting certain "red rockfish" species as Pacific Ocean perch.

(2) *Bering Sea Herring.*

The portion of the PMP relating to herring specifies a TALFF of 6,000 mt of herring, 2,670 mt less than was authorized in 1979 and well below the average historical foreign catches. This level of TALFF will allow foreign nations sufficient incidental catch of herring to harvest pollock and other groundfish allocations. The specifications of OY from which this TALFF is derived is based, in part, on stock assessment information presented in the draft Fishery Management Plan/DEIS for Herring ("draft FMP"; see 44 FR 61985 for Notice of Availability), as modified by the 1979 biomass estimates derived from State of Alaska aerial surveys. Because of lack of adequate information on herring stocks, the specifications of ABC and OY found in the PMP amendment are more conservative than in the draft FMP. A lower exploitation rate is used and the OY is set slightly below the level of ABC.

The estimates of DAH, DAP and JVP which have been added to the amendment reflect the best judgment of NOAA on the extent to which U.S. fishermen will harvest, and U.S. processors will process, the 1980 OY. In

making these determinations, NOAA considered levels of past U.S. commercial harvests; estimated levels of subsistence harvest; weather and other logistical difficulties; lack of U.S. processing capacity and intent in off-shore areas; "joint venture" harvest capacity and intent, as evidenced by applications received and anticipated; and the surplus of U.S. harvesting capacity over U.S. processing capacity. Because the U.S. commercial fishery has recently developed, and any joint venture operation would be new, there is considerable uncertainty in estimating these specifications. In the judgment of NOAA, the 1980 U.S. harvest delivered to U.S. processors will increase over 1978–79, but not to the levels projected in the draft FMP. Slightly greater weight was given in the PMP to weather and logistical difficulties.

The PMP amendment recognizes the importance of the subsistence fishery, and again takes the more conservative approach by increasing the estimate of subsistence harvest from 100 to 200 metric tons (mt). A reserve amount of 2000 mt is also created for apportionment to DAH or TALFF depending upon in-season developments. The reassessment procedure is similar to, and coordinated with, reserve apportionment procedures in the Bering Sea groundfish regulations.

The NOAA is aware that there is disagreement about whether herring stocks are best managed solely as an in-shore fishery, or in combination with limited off-shore fishing. The final long-term decision on this and related issues should be made, in the first instance, in the herring FMP currently being prepared by the Council. In the meanwhile, however, NOAA has received applications from foreign nations and joint venture interests to conduct operations in the FCZ of the Bering Sea. It was therefore necessary, under the Act, to revise the PMP based on the best information available. In deciding to authorize off-shore fisheries, the factors of domestic subsistence requirements, value and growth of the U.S. roe fisheries and relative ease and accuracy of in-shore vs. off-shore management were considered. On balance it was decided that for the time period until the herring FMP is completed, the (1) interests of full utilization of the Bering Sea groundfish fishery (which would be eliminated without herring allocations), (2) encouragement of development of U.S. fishing for underutilized groundfish species, and (3) conclusion that there are sufficient herring available to meet the present requirements of domestic and foreign fishermen were considered to out-weigh the advantages of in-shore management. This decision is based on information which should be more fully developed in the next several months, as comments are received on the draft FMP and on the herring portion of this PMP (see Section C of this preamble). Should significant new information be presented, this decision will be reconsidered.

C. *Procedural Considerations.*

The November, 1979 receipt of a joint venture application placed the agency in the difficult procedural position of choosing between the need to revise the PMP to specify, OY, DAH, DAP, JVP, and TALFF, according to the best information available, and the necessity of final regulations effective January 1, 1980 in order to prevent disruption of the foreign groundfish fishery. After considering that (1) the best information available on the Bering Sea groundfish fishery has already been the subject of extensive public comment in the FMP, (2) the potential impact on the foreign groundfish fishery, and (3) the fact that the regulations do not govern U.S. fishing activities, the Assistant Administrator has determined that a comment period is impracticable and that the public interest is best served by waiving the "cooling off" period of the Administrative Procedures Act. However, because of the uncertainties relating to herring, the Assistant Administrator will, within the next week, solicit public comment on the herring portions of the PMP amendment, and on the regulations in § 611.95. At the close of this period the comments will be considered and another decision made whether to continue the regulations in effect, or to amend the PMP.

The Assistant Administrator, under a delegation of authority from the Secretary, has determined that the PMP amendment: (1) Is necessary and appropriate for conservation and management of the fishery, and is consistent with the National Standards, other provisions of the Act, and other applicable law; and (2) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044. A negative assessment of environmental impact has been filed with the Environmental Protection Agency. The Assistant Administrator has also determined that implementation of this amendment and regulations will be carried out, to the maximum extent practicable, in a manner consistent with the State of Alaska Coastal Zone Management Program. The amendment and regulations have been submitted to the State of Alaska for review under § 307 of the Coastal Zone Management Act.

The PMP is amended as set forth below:

Signed this 28th day of December, 1979 in Washington, D.C.

Authority: 16 U.S.C. 1801 *et seq.*

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Amendment to the Preliminary Fishery Mangement Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific

1.0 Statement of Action

The action is to modify for the 1980 fishing season, certain species categories and certain values for maximum sustained yield (MSY), equilibrium yield (EY), and optimum yield (OY) (which equals total allowable catch (TAC)) for the preliminary fishery management plan (PMP) for the Trawl and Herring Gillnet Fishery of the Bering Sea and Aleutian Islands. This PMP, published in the **Federal Register** on February 15, 1977, was implemented March 1, 1977, under provisions of the Fishery Conservation and Management Act of 1976.

These modifications will change certain values for total allowable levels of foreign fishing (TALFF), domestic annual harvest (DAH), and reserves for the 1980 fishing year. They result from analysis of fishery data obtained since this preliminary fishery management plan was proposed and are being incorporated, except for herring, into the fishery management plan (FMP) for the Groundfish Fishery in the Bering Sea/Aleutian Island area, prepared by the North Pacific Fishery Management Council and currently being reviewed by the Secretary of Commerce. The Council is preparing a draft FMP for Bering-Chukchi Sea herring that may be implemented by November, 1980. Certain parts of the PMP pertaining to herring are being modified, based on the best data available.

Amounts set aside for DAH were determined by analysis of fishing fleet capacity and its expected intent to fish, taking into account processing capacity and intent to process. Amounts expected to be needed for subsistence and joint ventures have been considered. As effective utilization of living marine resources is a result of wise conservation and managememt, these changes are intended to reflect that concept in respect to the various fisheries of the Eastern Bering Sea and Aleutian Region. It is expected that implementation of these modifications will substantially contribute to the improvement and well-being of the fishery resources to which they are directed.

2.0 The Preliminary Fishery Management Plan

(1) Page 9325, Section 4.0, Table 18 (see attached table of changes). Make the following additional changes pertaining to herring: MSY, change to 48,186 from 50,000–100,000; EY, change to "not applicable" (NA) from 21,000; Status, delete all and add "herring, although overfished in previous years, have shown an increase in abundance in all major spawning areas during the 1976–78 period and a similar or slightly greater abundance in 1979 relative to 1978"; 1980 TAC, change to 41,200 from 18,670; U.S. capacity, change to 33,200 [1] from 10,000; TALFF, change to 6,000 from 8,670; reserve, create a reserve of 2,000.

[1] 33,200 = 27,000 (DAP + 6,000 (JVP) + 200 (Subsistence)).

Species	Estimate MSY	Estimate EY	1980 OY	Total allowable level of foreign fishing	DAH	JVP [1]	Reserve [2]
Pollack Area I, II, III, combined	1,100,000 – 1,600,000	1,000,000	1,000,000	930,450	19,550	9,050	50,000
Area IV	Unknown	Unknown	100,000	100,000	0	0	0
Yellowfin sole	169,000 – 260,000	117,000	117,000	109,100	2,050	850	5,850
Turbots	100,000	90,000 – 95,000	90,000	84,425	1,075	75	4,500
Other flounders	44,300 – 76,800	44,300 – 76,800	61,000	56,650	1,300	100	3,050
Pacific ocean perch:							
Area I, II, III, combined	32,000	6,500	3,250	1,708	1,380	830	162
Area IV	75,000	15,000	7,500	5,745	1,380	830	375
Rockfish	Unknown	Unknown	7,727	5,677	1,550	450	500
Sablefish:							
Area I, II, III, combined	11,600	3,500	3,500	2,450	700	200	350
Area IV combined	1,900	1,500	1,500	650	700	200	150
Cod	58,700	58,700	58,700	31,500	24,265	17,065	2,935
Halibut	5,000	300	NA	NA	NA	NA	NA
Atka mackerel	33,000	Unknown	24,800	23,460	100	100	1,240
Squid	>10,000	≥10,000	10,000	9,450	50	50	500
Others	89,400	89,400	74,249	68,537	2,000	200	3,712
Herring	[3] 48,186	NA	41,200	6,000	[4] 33,200	6,000	2,000

[1] JVP is a subset of DAH.
[2] May periodically be apportioned to TALFF or DAH by the NMFS Regional Director.
[3] Herring, although overfished in previous years, have shown an increase in abundance in all major spawning areas during the 1976–78 period and a similar or slightly greater abundance in 1979 relative to 1978.
[4] Includes 200 mt as estimated subsistence catch.

(2) Page 9320, Section 3.0(2), Yellowfin Sole.

(c) Maximum sustainable yield. Delete all after first sentence and add: The results of cohort analyses indicate that exploitable biomass reached a historic low in 1969 but then rose to 90,000 mt by 1975. Applying the Alverson-Pereyra yield equation to the pre-1963 biomass estimate results in a MSY range of 169,000–260,000.

(e) Equilibrium yield. Delete all and add: Based on the 1975 research survey, equilibrium yield was calculated to be 126,000 mt with a confidence interval of 106,000 to 147,000 mt. Wakabayashi (1976) estimated that equilibrium yield in the same period was 117,000 mt. On the basis of data through 1975 Wakabayashi, Bakkala, and Low (1977) inferred that a conservative approximation of equilibrium yield would be the low end of the above range—106,000 mt.

A cohort analysis was conducted to determine population age structure and abundance. It indicated biomass of age six and older fish increased from 1971 to 1975. Projected estimates of biomass from cohort analysis suggest the improvement of the yellowfin sole resource, which started in 1973 or earlier, continued at least through 1976 and 1977. Considering the conservative nature of the EY based on data through 1975 and the positive trends since then, EY is now set at 117,000 mt.

(3) Page 9320, Section 3.0(3), Other Flounders. Change to read: Turbots and Other Flounders. Delete all under this section and add: Under the Preliminary Fishery Management Plan of 1977 and as updated in 1978 and 1979, all flatfishes, other than Pacific halibut and yellowfin sole, were grouped under an "Other Flounders" category; species within this category, however, may be separated into two main complexes by virtue of their biology and bathymetric distribution. Also the fisheries for these two flounder complexes are quite distinct.

(a) Distribution. The turbots (arrowtooth flounder and Greenland turbot) are large flatfishes which are distributed along the continental slope in deep water. "Other Flounders" include the following smaller species: flathead sole, rock sole, Alaska plaice, and trace amounts of rex sole, Dover sole, starry flounder, longhead dab, butter sole, and lefteye flounders. "Other Flounders" are small in size and are generally found well up on the continental shelf in shallow water.

(b) Maximum Sustainable Yield. After a long period of relatively small catches, turbot production increased substantially in the early 1970's and continued at a high level. Of the two species in this complex, Greenland turbot has accounted for 80 percent of the catch.

Since turbots are secondary or only occasional target species taken in the fisheries for pollock, sablefish, and yellowfin sole, it is difficult to estimate the MSY of this complex with standard production models which rely on commercial catch-effort statistics.

Although catches averaging 105,000 mt have been sustained during the period 1972–76, catch rates of Greenland turbot in one foreign fleet have decreased substantially during the same period. Accordingly, MSY for the turbot complex is believed to be in the order of 100,000 mt.

Information on the abundance of all the "Other Flounders" is lacking; a NMFS trawl survey in 1975 indicated a standing stock of 232,000–334,100 mt of flathead sole and rock sole, implying a virgin biomass of 462,000–668,200 mt. Inasmuch as plaice and dab are virtually unutilized by the fisheries, they are excluded from the computation of MSY.

Estimates of MSY of "Other Flounders" range from 44,300 mt to 76,800.

(c) Equilibrium Yield. Commercial catch-effort statistics are of little use for stock assessment of turbots because they are not primary target species. In the case of such secondary species, it is extremely difficult to determine data points that are indicative of stock abundance. Catch rates for these species tend to vary more in response to fishing strategy for primary target species than to turbot abundance. The problem is compounded because data from individual vessels that do target on turbot are often merged and summarized with data of all other vessels.

Given the difficulty in using commercial CPUE data for non-target species and the lack of research survey coverage of the depth strata where adult turbot reside, the only quantitative information bearing on current stock condition is that for juveniles which occur in shallow water and were sampled by research vessels. In one area sampled since 1973, catch rates for young arrowtooth flounder increased from 1.1 kg per km trawled to 3 kg per km trawled in 1976; the preliminary value for 1977 was almost identical to that for 1976. Therefore, the current catch level of about 21,000 mt does not appear to be detrimental to recruitment.

Catch rates of juvenile Greenland turbot have been relatively stable since 1974, also

indicating that fishery removals have not impacted Greenland turbot recruitment in recent years.

As mentioned above, it is difficult to evaluate the condition of individual species using catch rates of mixed species fisheries. Nonetheless, it may be significant that during the period 1972–76 when the total annual Greenland turbot catch decreased about 16 percent (from 95,300 to 79,800 mt), the catch rate of that species in the Japanese landbased dragnet fishery decreased by 32 percent (from 40 to 27 mt/100 hours). This fleet accounted for 44 percent of the total Greenland turbot catch.

In summary, recognizing the lack of adequate stock assessment information, but considering the downward trend in catch and CPUE for Greenland turbot, the equilibrium yield for this complex is believed to be about 5–10 percent below MSY, or 90,000–95,000 mt.

There is no evidence to suggest that MSY for "Other Flounders" is unattainable and therefore EY equals MSY, or 44,300–76,800 mt.

(4) Page 9329, Section 3.0(4), Pacific Ocean Perch. Change to read: "Pacific ocean perch and other rockfish." Add sentence at end of each of the following subsections as follows:

(a) Distribution and abundance. Add: Little information is available on distribution and abundance. Add: Little information is available on the distribution and abundance of other rockfish species.

(b) Status. Add: Little information is available on the status of other rockfish species.

(c) Maximum sustainable yield. Add: No information is available on the MSY of the other rockfish species.

(d) Estimated equilibrium yield. Add: No information is available on the EY of other rockfish species.

(5) Page 9322, Section 3.0(5), Sablefish (Blackcod).

(a) Maximum sustainable yield. Delete last paragraph and add: Although the sablefish resource should be managed by regions, the long-term productivity in each region is probably related to the overall condition of the resource. Therefore, it is difficult to get an accurate estimation of the MSY within each region by using fishery information of that region alone. To reduce this problem, both Japanese and U.S. scientists have estimated MSY of the resource as a whole. The latest Japanese estimate of MSY for the entire resource from California to the Bering Sea was 69,000 mt (Anon. 1978). The U.S. estimate of MSY was 42,600 to 46,500 mt (Low *et al.* 1976), using essentially the same general production model, but with a different weighting of data among regions. The MSY estimate of 69,600 mt appears high in view of the fact that the highest catch in history was 65,000 mt (1972) and that average catches from 1968 to 1975 of 48,200 mt have resulted in continuing and rapid declines in CPUE; accordingly, the high end of the U.S. estimate of overall MSY is considered to be most appropriate—46,500 mt. Apportioning this value among regions according to fishing effort results in an MSY for the Bering Sea/Aleutian region of 13,500 mt. This MSY is further divided between the Bering Sea and Aleutian Island subareas into 11,600 mt and 1,900 mt, respectively.

(b) Equilibrium Yield. Catch and catch per unit effort (CPUE) trends clearly indicate that sablefish stocks in the Eastern Bering Sea/Aleutian Island Region are considerably reduced in abundance when compared to earlier years of the fishery.

The average annual sablefish catch for 1973–75 was 7,800 mt compared to the average catch for the preceeding five years of 18,700 mt. Averages for CPUE were lower during the latter period than during the former. Furthermore, CPUE continued downward during 1976–77. Clearly, an average annual catch of 7,800 mt cannot be sustained. Considering that the declines in CPUE appear to have been less severe in 1976 and 1977, catch trends during that period may be closer to the current EY. Hence, EY is set at 5,000 mt for the Region; EY's for the Bering Sea and Aleutian Island subareas are 3,500 mt and 1,500 mt, respectively.

(6) Page 9322, Section 3.0(6), Pacific Cod.

(a) Distribution and abundance of stocks. Delete second paragraph and add: The annual catch of Pacific cod by Japan increased from 19,100 mt in 1964 to about 74,600 mt in 1970; since then, catches have varied between 40,000 and 60,400 mt. Catches by the USSR have only been reported since 1971 and have increased from 4,000 mt in 1971 to 18,500 mt in 1975. Since 1973, the total cod catch has varied between 55,600–67,000 mt.

(b) Maximum Sustainable Yield. Delete all and add: Few biological data concerning cod are available, and their incidental occurrence in the trawl catch makes questionable the use of CPUE trends for evaluating stock condition. Considering that the cod catch grew very quickly in the mid-1960's and then became rather stable thereafter, the average catch since 1968 should reflect at least a minimal estimate of MSY. That average is 58,700 mt.

(d) Equilibrium Yield. Delete all and add: The MSY of 58,700 mt is believed to be achievable, and therefore, EY equals MSY.

(7) Page 9323, Section 3.0(7), Pacific Halibut. Delete paragraph two and add:

(a) Maximum Sustainable Yield. Dunlop *et al.* (1964) estimated that MSY was about 3,000 mt (round weight in the southeastern Bering Sea (IPHC Areas 4A and 4B).

Historically, this area has been the most productive for the North American setline fishery, and the MSY for the entire eastern Bering Sea (east of 175° W) probably is no more than 5,000 mt. Estimates of MSY are not available for the western Bering Sea as the North American setline catch in this area has been minor (less than 300 mt). Relatively large catches of halibut (over 3,000 mt) in the western Bering Sea were reported by the Japanese setline fishery in the early 1960's. MSY has not been estimated for the Aleutian area; stocks are small relative to those in the Bering Sea and are considered to be a component of stocks in the Gulf of Alaska.

(b) Equilibrium Yield. The equilibrium yield available to the North American setline fishery probably is about the same as the present level of catch of 300 mt, which is well below MSY.

The EY in the western Bering Sea and Aleutians is unknown but probably substantially below MSY.

(8) Page 9324, Section 3.0(8), Herring, Table 17. Substitute with new Table 17. Delete all except Table 17, and add:

(a) *Distribution and Abundance.* Herring are found in the western Bering Sea along the Kamchatka Peninsula, in the Olytorsky Gulf, and north of the Gulf of Anadyr. In the eastern Bering Sea, they occur from Unalaska Island to Port Clarence on the Seward Peninsula. Bering Sea herring are found on the continental shelf and slope area and do not move into deep water off the Bering Sea basin. In winter, herring concentrate on the continental slope, avoiding shallower, colder waters of the shelf (Rumyantsev and Darda, 1970).

In the late 1960's and early 1970's, there were three principal fisheries for Pacific herring in the eastern Bering Sea: a Japanese trawl fishery, a Soviet trawl fishery, and a Japanese gillnet fishery (Table 17). The Republic of Korea conducted a minor-trawl fishery for herring in the eastern Bering Sea in 1974, catching about 200 mt. The main trawl fisheries operated along and inside the 200-mile line between the Pribilof Islands and St. Matthew Island during the winter and spring months, November to March. The gillnet fishery operated off the Bering Sea coast of Alaska from Bristol Bay to Norton Sound during the spring months, usually April to June. During this period of foreign directed fishing for herring, abundance of herring in the eastern Bering Sea declined significantly. This decline was indicated by the catch and CPUE of foreign trawlers on the winter grounds and by reports from subsistance fishermen along the coast. The catch and CPUE of foreign trawlers are no longer useful indicators of herring abundance, since herring are now largely incidental catches.

Table 17.—*Herring Catches in Metric Tons of Japan and the U.S.S.R. in the Eastern Bering Sea by Fishing Year for 1959–1978 and Catches by all Nations for Calendar Years*

Fishing year (July–June)	Total trawl			Gillnet fishery		Fishing year total	Calendar year	U.S.S.R.	Japan	U.S.	Total
	U.S.S.R.	Japan		Japan	U.S.						
1959–60	10,000	.....	10,000	.....	.....	10,000	1960	10,000	403	.....	10,403
1960–61	9,800	.....	9,800	.....	.....	9,800	1961	9,800	772	.....	10,572
1961–62	24,450	.....	24,450	.....	.....	24,450	1962	24,450	313	.....	24,763
1962–63	47,060	.....	47,060	.....	.....	47,060	1963	47,060	0	.....	47,060
1963–64	38,950	.....	38,950	.....	18	38,968	1964	38,950	862	18	39,830
1964–65	10,000	1,362	11,362	.....	0	11,362	1965	10,000	896	0	10,896
1965–66	5,000	3,117	8,117	.....	0	8,117	1966	5,000	3,385	0	8,385
1966–67	*	2,831	*	30	122	*	1967	*	2,714	122	.....
1967–68	9,800	9,486	19,286	818	83	20,187	1968	22,255	38,367	83	60,705
1968–69	75,379	50,857	126,236	1,949	45	128,230	1969	94,491	34,946	45	129,482
1969–70	92,228	23,901	116,129	1,585	32	117,746	.....	.....	.....	.....	.....
1970–71	60,126	24,236	84,362	4,603	18	88,983	1970	117,202	28,345	32	145,579
1971–72	67,546	13,143	80,689	472	88	81,250	1971	23,000	23,130	18	46,148
1972–73	39,999	346	40,345	1,878	78	42,301	1972	54,000	6,458	88	60,546

Table 17.—*Herring Catches in Metric Tons of Japan and the U.S.S.R. in the Eastern Bering Sea by Fishing Year for 1959–1978 and Catches by all Nations for Calendar Years*

Fishing year (July–June)	U.S.S.R.	Japan	Total trawl	Gilinet fishery Japan	U.S.	Fishing year total	Calendar year	U.S.S.R.	Japan	U.S.	Total
1973–74	16,810	219	17,029	3,337	114	20,480	1973	34,361	1,913	78	36,352
1974–75	15,039	2,663	17,702	736	51	18,489	1974	19,800	5,635	114	25,549
1975–76	9,518	3,119	12,637	2,668	8	14,922	1975	14,201	1,814	51	16,066
1976–77	18,097	3,449	21,546	551	2,550	24,647	1976	16,812	6,428	8	23,248
1977–78	8,340	2,703	11,043	0	7,305	18,348	1977	13,145	5,592	2,550	21,287
							1978	6,663	2,320	7,305	16,288

* Unavailable.

Sources:

U.S.S.R. 1960–1964: fishing season (November-April) from Shaboneev (1965) and Rumyantsev and Darda (1970); 1964–1966: U.S. Fish and Wildlife Service foreign fishery surveillance reports, Alaska Region; 1968–1976 furnished by the U.S.S.R. under provisions of U.S.-U.S.S.R. fisheries agreements; 1977: data provided by the U.S.S.R. under provisions of P.L. 94–265.

Japan 1960–1963: Forrester et al., 1978; 1964–1976: Fisheries Agency of Japan; 1977: data provided by Japan under provisions of P.L. 94–265.

U.S. Alaska Department of Fish and Game, excludes subsistence catches.

The best indication of current herring abundance is the results from ADF&G aerial surveys that have been conducted in coastal spawning areas annually since 1976. Aerial surveys have indicated an increase in herring abundance in all major spawning areas during the 1976–78 period. Preliminary 1979 observations indicate a similar or slightly greater abundance compared to 1978.

(b) Maximum Sustainable Yield. Herring populations are subject to significant changes in abundance over relatively short periods of time. It appears that the changes result mainly from changing environmental conditions which influence spawning success and juvenile survival; fishing pressure may also contribute. Because of this aspect of herring population dynamics, the maximum sustainable yield (MSY) is difficult to establish with precision. Using historical catches, MSY is calculated to be 48,186 mt.

(c) Equilibrium Yield. Since size of herring populations varies markedly over short periods of time an estimate of equilibrium yield is not meaningful and therefore is not stated.

(9) Page 9324, Section 3.0(10), Other species. Delete all and add: This category includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

(a) Maximum Sustainable Yield. Virtually nothing is known of the population structure, biological attributes, or potential yield of the individual components of this category; therefore, only a pragmatic appraisal of "MSY" is possible.

During the last five years of record, the catch of this category has averaged about four percent of the combined catch of the other, specified groundfish species. During that period, no indication of declining abundance has been noted; accordingly, it is assumed that the aggregation of stocks in the "Others" category can sustain removals equal to four percent of the total catch of the specified species as long as that catch remains less than the 1972 peak of 2,234,500 mt (see Annex IV–4).

Accordingly, "MSY" of this category is considered to be 89,000 mt.

(b) Equilibrium Yield. MSY is believed attainable, and therefore, EY equals MSY.

(10) Page 9324, Section 4.0(1), Walleye Pollock. Change fourth sentence to read:

"* * * the TAC in 1980 is set at 1,000,000 mt in the Bering Sea subarea and 100,000 in the Aleutian Island subarea.

(11) Page 9324, Section 4.0(2) Yellowfin Sole. Delete all and add: This resource has rebounded surprisingly well from a state of depletion in the mid-1960's. Current abundance is high (55–85 percent of the estimated virgin biomass) and all fishery and biological indicators are possible. Furthermore, the average catch in 1977–78 was well below the conservative estimate of EY which, considering the low natural mortality of the species, should provide additional enhancement to the population in 1980. Accordingly, TAC is considered equivalent to current EY—117,000 mt.

(12) Page 9325 Section 4.0(3), Other Flounders. Change to read: Turbots and flounders. Delete all and add: The TAC for the turbot complex is considered equivalent to the low end of the EY range, or 90,000 mt. The "Other Flounders" complex appears healthy and a significant portion of it (plaice and longhead dab) are yet to come under exploitation. Therefore TAC is considered equivalent to the midpoint of the MSY range, or 61,000 mt.

(13) Page 9325 Section 4.0(4) Pacific Ocean Perch. Change to read: Pacific ocean perch and other rockfishes.

Four rockfish species, including *Sebastes polyspinus, S. aleutianus, S. borealis,* and *S. zacentrus,* that formerly were in the "other rockfish" category, are combined with *S. alutus* and Pacific ocean perch. The specification of the "other rockfish" TAC did not include the above four *Sebastes* species because they were historically recorded as Pacific ocean perch rather than "other rockfish." The TAC of Pacific ocean perch will be set at half of the current EY in order to balance the need for rebuilding stocks against severe economic dislocation in the foreign trawl fisheries—3,250 mt in the eastern Bering Sea and 7,500 mt in the Aleutian Islands.

Until additional, accurate fishery information becomes available, the TAC of other rockfishes will be held at 7,727 mt.

(14) Page 9325 Section 4.0(5), Sablefish. Delete all and add: Sablefish stocks in this Region have been overfished and are not now capable of producing MSY. Although the source of recruitment to these stocks is not known, neither eggs nor larvae of sablefish have been detected in this region. It is possible, therefore, that recruitment comes from spawning in the Gulf of Alaska. It so, rebuilding of stock abundance will be a function of healthy spawning stocks in the Gulf rather than in the Bering Sea/Aleutian Region. Therefore, ABC is considered equivalent to EY—3,500 mt in the Bering Sea area, 1,500 mt in Aleutian area.

(15) Page 9325 Section 4.0(6) Cod. Delete all and add: TAC is considered equivalent to MSY, or 58,700 mt.

(16) Page 9325 Section 4.0(7) Halibut. Delete 1979 and add: 1980.

(17) Page 9325 Section 4.0(8) Herring. Delete all and add: The 1980 TAC for this species is set at 41,200 mt. This figure is an adjustment of the acceptable biological catch (ABC), taking into account best available information. The ABC has been derived by applying an exploitation rate of 0.18 to the 1979 estimated biomass of 224,874 mt. The exploitation rate was derived by procedures worked out by scientists of the Northwest and Alaska Fishery Center and the Alaska Department of Fish and Game (ADF&G). The estimated biomass was determined through aerial surveys conducted by ADF&G. The TAC of 41,200 mt includes a DAH of 33,200, which is the sum of DAP (27,000), JVP (6,000), and Subsistance (200), these components have been established as follows: DAP—Although maximum harvest capacity is projected to be 65,380 mt, processing capacity is approximately 36,400. The best real estimate of DAP is 27,000 mt, which is a slight increase over the 1979 upper limit potential harvest of 25,000 mt to account for unexpected additional effort and/or ideal weather conditions during the time critical to the roe fishery. This 27,000 mt is expected to be caught in the inshore roe and food fisheries all of which will probably be utilized by domestic processors.

JVP—The remaining 6,000 mt of DAH could be taken in an offshore food and bait fishery. It is unlikely, however, that any of this offshore herring catch would be utilized by domestic processors, in the absence of expressed intentions and in view of the much higher value of the inshore roe fishery. Therefore, this 6,000 mt is available for utilization by joint ventures. One proposed joint venture has already indicated its intent to utilize 4,900 mt of herring and a second proposed joint venture will probably experience incidental catches. Subsistence—During the period 1975–78, the subsistence harvest of herring averaged 100 mt annually. Subsistence is set at 200 mt to provide ample amounts for any increases in subsistence harvests.

(18) Page 9325 Section 4.0(10) Other Species. Delete all and add: TAC for "other species" has been set at 74,249 mt and is region-wide instead of being divided into the eastern Bering Sea and Aleutian Island subareas.

(19) Page 9329 Section 7.0 References. Add the following as indicated:

Yellowfin sole

Wakabayashi, K. 1976. Studies on resources of yellowfin sole in the eastern Bering Sea. Fishery Agency of Japan. (Submitted to

INPFC). Wakabayashi, K., R. Bakkala, and L. Low. 1977. Status of the yellowfin sole resource in the eastern Bering Sea through 1976.

U.S. Dept. Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (Doc. submitted to INPFC) 45 p.

Sablefish

Anonymous, 1978. Report of the meeting between U.S. and Japanese scientists for the exchange of information on the condition of fishery stocks in the Bering Sea and northeastern Pacific.

U.S. Dept. Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (unpubl.) Low, L. L., G. K. Tanoanaka, and H. H. Shippen. 1976. Sablefish of the northeastern Pacific Ocean and Bering Sea. U.S. Dept. of Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (Processed Rept.) 115 p.

(20) 9.0 Appendix B, Section 2.0 Catch Quotas. Change the catch quota of pollock to 930,450 in areas I, II, and III, combined and to 100,000 in area IV from 950,000 in areas I–IV, combined; for yellowfin sole to 109,100 from 106,000; for turbots—84,425; for other flounders to 56,650 from 139,000; for Pacific ocean perch to 1,708 in areas I, II, and III, combined from 6,500 and to 5,745 in area IV from 15,000; other rockfish—5,677; for sablefish to 2,450 in areas I, II, and III, combined from 3,000 and to 650 in area IV from 1,500; for cod to 31,500 from 56,500; for Atka mackerel—23,460; for herring—to 41,200 from 18,670; for squid to 9,450 from 10,055; for other to 68,537 from 93,600.

(21) 9.0 Appendix B Section 6.0 Statistical reporting. (a) Annual, add "other rockfish" and "squid" to list.

(22) 9.0 Appendix B add a new section. 8.0 Reserves, which reads as follows:

8.0 Reserves

Up to twenty five percent of the reserves shown in Section 4.0, table 18 shall be transferred to TALFF on or as soon as practicable after the following dates if the Regional Director determines the reserves are greater than the amount of fish that will be caught by U.S. fishermen: February 2, April 2, June 2, and August 2.

(b) In addition to the above, any portion of reserves not transferred to TALFF on any of the first three dates above may be transferred on a subsequent date(s).

(23) 9.0 Appendix B, add a new section, 9.0 *Apportionment of DAH to TALFF,* which reads as follows: As soon as practicable after each of the following dates, the Regional Director shall reassess each DAH amount as set forth in Section 4.0, Table 18, and apportion to TALFF such parts thereof as he determines are greater than the amount of fish that will be caught by U.S. fishermen: June 2, and August 2. Any portion of DAH not transferred to TALFF on the first date above may be transferred on the second date.

(24) 9.0 Appendix B, add a new section, 10.0 *Fishing-prohibited* which reads as follows: Fishing for groundfish by trawl vessels of a nation is prohibited when that nation's national allocation for any groundfish species or herring is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, turbots, or "other species" is reached.

Part 611 of title 50 is amended as follows:

A. 50 CFR 611.93 is amended by deleting the entire section and substituting the following:

§ 611.93 Bering Sea and Aleutian Islands Groundfish Fishery

(a) *Purpose.* (1) This section regulates foreign fishing for squid, octopus, and all species of finfishes except salmon, Pacific halibut, steelhead and herring within that portion of the Bering Sea, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° W. longitude, over which the United States exercise exclusive fishery management authority (hereafter referred to in this section as the "management area").

(2) Regulations governing foreign fishing for Tanner crab, snails and herring are set forth in 50 CFR §§ 611.91, 611.94 and 611.95 respectively. Although § 611.95 regulates herring fishing, it is the intention of these regulations that foreign trawl vessels fishing under § 611.93 for groundfish in the Bering Sea management area cease fishing when the herring OY, TALFF or national allocation is reached. For purposes of clarity, this requirement is included in § 611.93.

(b) *Authorized fishery*—(1) *Foreign fishing.* Foreign fishing in the management area for species regulated by this section is prohibited except as authorized by this section.

(2) *OY's TALFF's and Reserves.* (i) The amounts of fish specified as the optimum yields (OY's), initial estimates of joint venture processing (JVP), total allowable levels of foreign fishing (TALFF's) and reserves are stated in Part 4 A, Appendix I of § 611.20.

(ii) The specifications in Part 4 A, Appendix I are effective from January 1 through December 31.

(iii) *Species definitions.* [A] The term "unallocated species" means for purposes of this section (and Part 4 A, Appendix I of § 611.20) the following: shrimps (*Pandalidae*); scallops (*Pectinidae*); snails (*Gastropoda*); Pacific herring (*Clupea harengus pallas*); salmonids (*Salmonidae*); Pacific halibut (*Hippoglossus stenolepis*); king crab (*Paralithodes spp.*); Tanner crab (*Chionoecetes opilio, C. Bairdi*); Dungeness crab (*Cancer magister*); corals (*Coelenterata*); surf clam (*Spisula solidissima*); Horsehair crab (*Erimacrus isenbeckii*); and lyre crab (*Hyas lyratus*). Foreign allocations for these species exist, if at all, only under other fishery management plans.

[B] The term "other species" includes for the purposes of this section (and Part 4 A, Appendix I of § 611.20) the following: sculpins, sharks, skates, eulachon, smelts, capelin, octopus and all other finfishes and marine invertebrates except those listed in Part 4 A, Appendix I and unallocated species.

(3) *Apportionment to TALFF of Reserves and Initial DAH*— (i) *Apportionment of Reserves.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Regional Director shall apportion to TALFF up to one-fourth (¼) of each reserve amount set forth in Part 4 A, Appendix I of § 611.20, in accordance with paragraph (b)(3)(iii) of this section: February 2, April 2, June 2, and August 2.

(ii) *Apportionment of Initial DAH.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Regional Director shall reassess each DAH amount set forth in Part 4 A, Appendix I of § 611.20, and apportion to TALFF such parts thereof as he determines to be appropriate in accordance with paragraph (b)(3)(iii) of this section: June 2 and August 2.

(iii) *Standards and Procedure for Apportionment.* (A) General. The Regional Director shall apportion under paragraphs (b)(3)(i) and (b)(3)(ii) of this section such reserve amounts as he determines will not be harvested by vessels of the United States during the remainder of the fishing year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Regional Director, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(3)(iii)(F) of this section.

(B) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraphs (b)(3)(i) and (b)(3)(ii) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(*1*) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(*2*) Projected United States catch and effort by species and area for the remainder of the fishing year;

(*3*) Amounts of fish, particularly United States harvested fish, already

purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(*4*) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year;

(*5*) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchase or processing.

(C) *Allocation of increases and decreases in DAH among DAP, JVP, and DNP.* The Regional Director shall allocate any increases or decreases in DAH amounts resulting from apportionments under paragraphs (b)(3)(i) and (b)(3)(ii) of this section among the three components of DAH: the estimates of domestic annual processing (DAP); joint venture processing (JVP); and domestic non-processed fish (DNP.)

(D) *Public comment.* (*1*) Comments may be submitted to the Regional Director concerning:

(*i*) Whether and the extent to which vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(*ii*) Whether and the extent to which United States harvested groundfish can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P. O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(3)(i) or (b)(3)(ii) of this section (i.e., January 28, March 28, May 28 and July 28).

(*2*) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether and to what extent vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraphs (b)(3)(i) and (b)(3)(ii) of this section.

(*3*) The Regional Director shall compile, in aggregate form, the most recent available reports on (*i*) level of catch and effort by vessels of the United States fishing for groundfish in the Bering Sea and Aleutian Islands fishery; and (*ii*) amounts of United States harvested groundfish taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(E) Procedure. As soon as practicable after each of the dates specified in paragraphs (b)(3)(i) and (b)(3)(ii) of this section, the Regional Director shall publish in the **Federal Register**:

(*1*) Any reserve amounts to be apportioned to TALFF or DAH;

(*2*) Any DAH amounts to be apportioned to TALFF;

(*3*) The distribution of amounts apportioned to or from DAH among DAP, JVP, and DNP;

(*4*) The reasons for any apportionments and their distribution; and

(*5*) Responses to any comments received.

(F) *Add-on.* If, following any of the four dates specified in paragraph (b)(3)(i) of this section, the Regional Director apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next data specified in paragraph (b)(3)(i) of this section.

(4) *Fishing Permitted.* (i) The catching in the management area and retention of the amount of any groundfish species or species group for which a nation has an allocation is permitted, except as provided in this section.

(ii) The Regional Director shall issue a notice of closure, pursuant to the Procedures of § 611.15(c), prohibiting fishing with specified gear types for any groundfish species or species group in the management area or the appropriate portion thereof when he determines that one or more of the following catch limitations will be reached:

(A) Optimum yield (OY) for the groundfish species or species group or for herring. The Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in the management area or portion thereof by vessels subject to this section, until January 1 *except* that if the optimum yield for sablefish, turbots, Pacific cod or "other species" will be reached, the Regional Director shall prohibit fishing for groundfish in that management area or portion thereof by all vessels subject to this section until January 1;

(B) Total allowable level of foreign fishing (TALFF) for any groundfish species or species group or for herring: The Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in the management area or portion thereof, except that if the TALFF for sablefish, Pacific cod, turbots or "other species" will be reached, the Regional Director shall prohibit fishing for groundfish in that management area or portion thereof by all vessels subject to this section.

(C) The allocation of a nation for any groundfish species, or species group or for herring: The Regional Director shall issue a notice prohibiting fishing using trawl gear for groundfish in the management area or portion thereof, except that if the allocation of sablefish, Pacific cod, turbots, or "other species" will be reached, the Regional Director shall prohibit fishing for groundfish in that management area or portion thereof by all vessels of that nation.

(iii) On the effective date of a notice of closure issued by the Regional Director pursuant to the procedures of § 611.15(c), fishing by vessels of that nation is prohibited for the groundfish species or species groups, in the areas and during the periods stated in the notice. A notice of closure issued pursuant to paragraph (b)(4) of this section shall not apply to any receipt or processing by foreign vessels of United States harvested fish which is authorized by permit issued by the Department of Commerce under the Act. Foreign receipt and processing of U.S. harvested fish may continue until specifically prohibited under the procedures prescribed in the applicable permit.

(iv) A notice issued pursuant to this paragraph shall expire (A) on the effective date of a notice issued pursuant to § 611.15(c) rescinding that previous notice; or (B) when the time period stated in that notice expires.

(5) *Fishing prohibited.* Whether or not a nation receives a notice issued under paragraph (b)(4) of this section, fishing for groundfish by trawl vessels of a nation is prohibited when that nation's national allocation for any groundfish species or species group or for herring is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, turbots or "other species" is reached.

(c) *Open Areas.* Except for the closed areas set forth in paragraph (d) of this section, foreign fishing is permitted at all times throughout that portion of the management area beyond 12 miles from the baseline used to measure the territorial sea.

(d) *Closed Areas.* (1) *3–12 Miles.* Foreign fishing for groundfish is

prohibited in that portion of the management area between three and twelve nautical miles from the baseline used to measure the territorial sea, with the following exceptions:

(i) Foreign fishing vessels holding permits to receive United States harvested fish may receive, to the extent authorized by the applicable permit, only United States harvested fish in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured: the receipt of foreign-caught fish by foreign vessels is prohibited unless receipt takes place in an area and during a period when foreign fishing is permitted;

(ii) Fishing in the area between 169° and 170° W. longitude and north of the Aleutian Island chain is permitted at all times by longline vessels, and from June 1 to December 1 by trawl vessels;

(iii) Fishing in the area between 170° and 172° W. longitude is permitted at all times;

(iv) Fishing in the area between 172° and 176° W. longitude is permitted from April 1 to November 1 by longline vessels;

(v) Fishing in the area west of 176° W. longitude and north of the Aleutian Island chain is permitted at all times by longline vessels and from May 1 to January 1 by trawl vessels;

(vi) Fishing in the area between 176° 00′ and 178° 30′ W. longitude and south of the Aleutian Island chain is permitted from April 1 to November 1 by longline vessels, and from July 1 to November 1 by trawl vessels; and

(vii) Fishing in the area west of 178° 30′ W. longitude and south of the Aleutian Island chain is permitted at all times by longline vessels, and from May 1 to January 1 for trawl vessels.

(2) *Trawling.* Trawling by foreign vessels is prohibited in the areas and during the periods which follow:

(i) At all times in the Bristol Bay "Pot Sanctuary" which is the area enclosed by straight lines from Cape Sarichef light at 54°36′ N. lat., 164°55′42″ W. long.; to 55°16′ N. lat., 166°10′ W. long.; to 56°20′ N. lat. 163°00′ W. long.; to 57°10′ N. lat., 163°00′ W. long.; to 58°10′ N. lat., 160°00′ W. long.; then due south along 160°00′ W. long. to the Alaska Peninsula.

(ii) From December 1 to June 1, in the following two areas:

(A) The area bounded by straight lines connecting the following coordinates in the order listed: 54°36′ N. lat., 164°54′42″ W. long. (Cape Sarichef light); 52°48′ N. lat., 170°00′ W. long.; 55°30′ N. lat., 170°00′ W. long.; 55°30′ N. lat., 166°47′ W. long.; 56°00′ N. lat., 167°45′ W. long.; 56°00′ N. lat., 166°00′ W. long.; 56°30′ N. lat., 166°00′ W. long.; 56°30′ N. lat., 163°00′ W. long.; 56°20′ N. lat., 163°00′ W. long.; 55°16′ N. lat., 166°10′ W. long.; 54°36′ N. lat., 164°55′42″ W. long. (Cape Sarichef light).

(B) The area bounded by straight lines connecting the following coordinates in the order listed: 56°18′ N. lat., 170°24′ W. long.; 56°20′ N. lat., 169°03′ W. long.; 56°12′ N. lat., 168°46′ W. long.; 55°56′ N. lat., 169°10′ W. long.; 55°56′ N. lat., 170°24′ W. long.; 56°18′ N. lat., 170°24′ W. long.

(e) *Additional Statistical Report.* Each nation whose vessels fish for groundfish in the management area shall report by May 30 of the following year, annual catch and effort statistics as follows:

(1) Effort in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° (latitude) x 1° (longitude) statisitcal area; and

(2) Catch in metric tons, by vessel class, by gear type, by month, by ½° (latitude) x 1° (longitude) statisitcal area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland turbot; other flounders; Pacific Ocean perch; Pacific cod, sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; squid; "other rockfish"; any other species taken in excess of 1,000 metric tons; and "other species."

B. A new 50 CFR 611.95 is promulgated as follows:

§ 611.95 Bering Sea and Aleutian Islands Herring Fishery.

(a) *Purpose.* (1) This section regulates foreign fishing for herring within that portion of the Bering Sea, and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° W. longitude, over which the United States exercises exclusive fishery management authority (hereafter referred to in this section as the "management area").

(2) Regulations governing foreign fishing for Tanner crab, groundfish, and snails are set forth in 50 CFR §§ 611.91, 611.93 and 611.94 respectively. Since groundfish and herring fishing are generally conducted by the same vessels and gear, §§ 611.93 and 611.95 are appropriately cross-referenced.

(b) *Authorized fishery*—(1) *Foreign fishing.* Foreign fishing for herring in the management area is prohibited except as authorized by this section.

(2) *OY's, TALFF's and Reserves.*

(i) The amounts of herring specified as the optimum yield (OY), initial estimate of joint venture processing (JVP), total allowable level of foreign fishing (TALFF) and reserve are stated in Part 4 B, Appendix I of § 611.20.

(ii) The specifications in Part 4 B, Appendix I are effective from January 1 through December 31.

(3) *Apportionment to TALFF of Reserves*—(i) *Apportionment to TALFF.* As soon as practicable after each of the following dates, and after consultation with the North Pacific Fishery Management Council, the Regional Director shall apportion to TALFF up to one-fourth (¼) of the reserve amount set forth in Part 4 B, Appendix I of § 611.20, in accordance with paragraph (b)(3)(ii) of this section: February 2, April 2, June 2, and August 2.

(ii) *Standards and Procedure for Apportionment.*

(A) *General.* The Regional Director shall apportion under paragraph (b)(3)(i) of this section such amounts of herring reserve as he determines will not be harvested by vessels of the United States during the remainder of the year. The amount of reserve which the Regional Director determines will be harvested by vessels of the United States may, in the discretion of the Regional Director, be either apportioned to the estimate of domestic annual harvest (DAH) or retained in the reserve as eligible for later apportionment under paragraph (b)(3)(ii)(F) of this section.

(B) *Factors.* In determining whether or not amounts proposed to be apportioned under paragraph (b)(3)(i) of this section will be harvested by vessels of the United States during the remainder of the fishing year, the Regional Director shall consider the following factors, although he shall not be limited to these factors:

(1) Reported United States catch and effort by species and area compared to previously projected United States harvesting capacity;

(2) Projected United States catch and effort by species and area for the remainder of the fishing year;

(3) Amounts of fish already purchased or processed by United States fish processors during the fishing year, compared to previously projected processing capacity of United States fish processors;

(4) Projected processing capacity, and utilization of that capacity for the processing of United States harvested fish, by United States fish processors for the remainder of the fishing year;

(5) Amounts of United States harvested fish already purchased or processed by foreign fishing vessels, compared to previously projected levels of such purchase or processing.

(C) *Allocation of increases in DAH between DAP and JVP.* The Regional Director shall allocate any increases in DAH amounts resulting from apportionments under paragraph (b)(3)(i) of this section between the estimates of domestic annual processing (DAP) and joint venture processing (JVP).

(D) *Public comment. (1)* Comments may be submitted to the Regional Director concerning:

(i) Whether and the extent to which vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year; and

(ii) Whether and the extent to which United States harvested herring can or will be processed by United States fish processors or by foreign processing vessels.

Comments should be addressed to Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, Alaska 99802, and must be received by the Regional Director no later than 5 days before the relevant date specified in paragraph (b)(3)(i) of this section (i.e. January 28, March 28, May 28 and July 28).

(2) The Regional Director shall consider any timely comments submitted in accordance with this paragraph in determining whether and to what extent vessels of the United States will harvest reserve or DAH amounts during the remainder of the fishing year, and whether any part of such amounts will be allocated to TALFF under paragraph (b)(3)(i) of this section.

(3) The Regional Director shall compile, in aggregate form, the most recent available reports on *(i)* level of catch and effort by vessels of the United States fishing for herring in the Bering Sea and Aleutian Islands fishery; and *(ii)* amounts of United States harvested herring taken in the Bering Sea and Aleutian Islands fishery and processed by United States fish processors or delivered at sea to foreign fishing vessels. These data shall be available for public inspection during business hours (8:00 a.m.–4:30 p.m., Monday–Friday) at the National Marine Fisheries Service Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802, during the last 15 days of each comment period.

(E) As soon as practicable after each of the dates specified in paragraph (b)(3)(i) of this section, the Regional Director shall publish in the **Federal Register:**

(1) Any reserve amounts to be apportioned to TALFF;

(2) The distribution of amounts apportioned to DAH between DAP and JVP;

(3) The reasons for any apportionments and their distribution; and

(4) Responses to any comments received.

(F) *Add-on.* If, following any of the four dates specified in paragraph (b)(3)(i) of this section, the Regional Director apportions less than 25 percent of any reserve amount to TALFF and DAH, the nonapportioned part of that 25 percent shall be added to the reserve amounts available for apportionment on the next date specified in paragraph (b)(3)(i) of this section.

(4) *Fishing Permitted.* (i) Foreign fishing for herring in the management area, and retention of the amount of any herring for which a nation has an allocation is permitted, except as provided in this section.

(ii) The Regional Director shall issue a notice of closure, pursuant to the procedures of § 611.15(c), prohibiting foreign herring fishing in the managment area when he determines that one or more of the following catch limitations will be reached:

(A) Optimum yield (OY) or TALFF for herring or any groundfish species or species group specified in Part 4 A, Appendix I of § 611.20. The Regional Director shall issue a notice prohibiting herring fishing in the management area by vessels subject to this section, until January 1.

(B) The allocation of a nation for herring or any groundfish species or species group specified in Part 4 A, Appendix I of § 611.20. The Regional Director shall issue a notice prohibiting herring fishing in the management area by all vessels of that nation until January 1.

(iii) On the effective date of a notice of closure issued by the Regional Director pursuant to the procedures of § 611.15(c), herring fishing by vessels of that nation is prohibited during the period stated in the notice. A notice of closure issued pursuant to paragraph (b)(4) of this section shall not apply to any receipt or processing of United States harvested fish by foreign vessels which is authorized by permit issued by the Department of Commerce under the Act. Foreign receipt and processing of U.S. harvested fish may continue until specifically prohibited under the procedures prescribed in the applicable permit.

(iv) A notice issued pursuant to this paragraph shall expire (A) on the effective date of a notice issued pursuant to § 611.15(c) rescinding that previous notice; or (B) when the time period stated in that notice expires.

(5) *Fishing prohibited.* Whether or not a nation receives a notice issued under paragraph (b)(4) of this section, herring fishing by vessels of a nation is prohibited when that nation's national allocation for herring or any groundfish species or species group specified in Part 4 A, Appendix I of § 611.20 is reached.

(c) *Open Areas.* Except for the closed areas set forth in paragraph (d) of this section, foreign fishing by vessels regulated under this section is permitted at all times throughout that portion of the management area beyond 12 miles from the baseline used to measure the territorial sea.

(d) *Closed Areas.*—(1) *3–12 Miles.* Foreign fishing for herring is prohibited in that portion of the management area between three and twelve nautical miles from the baseline used to measure the territorial sea, with the following exceptions:

(i) Foreign fishing vessels holding permits to receive United States harvested fish may receive, to extent authorized by the applicable permit, only United States harvested fish in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured: the receipt of foreign-caught fish by foreign vessels is prohibited unless receipt takes place in an area and during a period when foreign herring fishing is permitted;

(ii) Herring fishing is permitted in those areas and during those periods when foreign trawling is permitted by 50 CFR 611.93(d)(1);

(2) Herring fishing is prohibited in those areas and during those periods when foreign trawling is prohibited by 50 CFR 611.93(d)(2); and

(3) No foreign vessel may conduct a directed fishery for herring east of 168° W. longitude (see 50 CFR 611.2(j) and 611.12).

(e) *Additional statistical report.* Each nation whose vessels catch herring shall report, by May 30 of the following year, annual catch and effort statistics as follows:

(1) *Effort,* in hours trawled, and number of days fished, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical area; and

(2) *Catch* of herring in metric tons, by vessel class, by gear type, by month, by ½° (lat.) x 1° (long.) statistical area.

C. 50 CFR 611.20, Appendix I, Part 4 is amended by inserting the following Parts 4 A and B:

Appendix I—Section 611.20

Alaska fisheries	Species	Species code	Areas	Optimum yield (OY) mt.	Domestic harvest (DAH) mt	Joint venture (JVP)[1] mt	Reserve	TALFF
A. Bering Sea and Aleutian Islands Groundfish fishery.	Pollock	701	Bering sea[2]	1,000,000	19,550	9,050	50,000	930,450
			Aleutian[3]	100,000	0	0	0	100,000
	Yellowfin Sole	720		117,000	2,050	850	5,850	109,100
	Turbots	721, 118		90,000	1,075	75	4,500	84,425
	Other Flounders	129		61,000	1,300	100	3,050	56,650
	Pacific Ocean Perch [4]	780	Bering Sea	3,250	1,380	830	162	1,708
			Aleutian	7,500	1,380	830	375	5,745
	Other Rockfish	849		7,727	1,550	450	500	5,677
	Sablefish	703	Bearing Sea	3,500	700	200	350	2,450
			Aleutian	1,500	700	200	150	650
	Pacific Cod	702		58,700	24,265	17,065	2,935	31,500
	Atka Mackerel	207		24,800	100	100	1,240	23,460
	Squid	509		10,000	50	50	500	9,450
	Other Species	499		74,249	2,000	200	3,712	68,537
B. Bering Sea and Aleutian Island Herring fishery.	Herring	209		41,200	33,200	6,000	2,000	6,000

[1] JVP is a subset of DAH.

[2] Bering Sea means fishing Areas I, II, and III in Figure 2, Appendix II of 50 CFR 611.9.

[3] Aleutian means fishing Area IV in Figure 2, Appendix II of 50 CFR 611.9.

[4] The category "Pacific Ocean perch" includes *Sebastes* species *S. alutus* (Pacific Ocean perch). *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. zacentrus* (sharpchin rockfish).

[FR Doc. 80-326 Filed 1-3-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

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.

COST ACCOUNTING STANDARDS BOARD

4 CFR Part 421

Cost of Money as an Element of Cost of Facilities Under Construction

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed Rule.

SUMMARY: The Board provided in 1976, with the issuance of Cost Accounting Standard No. 414, for the recognition of cost of money. That Standard provides for the measurement and allocation of the cost of capital related to contractor investment in the facilities employed in contract performance. The proposal being published today will, if adopted, provide for an extension of the concept by recognizing the cost of money as an element of the acquisition cost to be capitalized.

DATE: Written comments must be received on or before March 14, 1980.

ADDRESS: Written comments should be sent to the Cost Accounting Standards Board, 441 G Street, NW., Room 4836, Washington, DC 20548. All written submissions made pursuant to this Notice will be available for public inspection at the Board's office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Rein Abel, Assistant Director, Cost Accounting Standards Board, 441 G Street, NW., Room 4836, Washington, DC 20548, (202) 275–5514.

SUPPLEMENTARY INFORMATION:

(1) Background

The Board, with its Standard No. 414, has provided for the measurement of the cost of money as a part of the cost of facilities capital. In May 1978 the Board asked, in a preliminary research mailing, for opinions about two approaches to an extension of the concept to cover contractor investments in assets under construction. While the Board was considering the responses, the Financial Accounting Standards Board indicated that it would soon reach a decision on a similar question as it applied to external financial reporting. The FASB's Exposure Draft on *Capitalization of Interest Costs* was issued on December 15, 1978. The CASB deferred action in order to avoid needless diversity of accounting practices in this regard. The FASB's issuance of October 1979 requires capitalization of interest cost under circumstances provided in Statement of Financial Accounting Standards No. 34.

(2) Compatibility

Statement No. 34 will, for most contractors, require capitalization of interest costs in amounts which will fairly represent the cost of money which is applicable to facilities constructed by the contractor for its own use. The CASB has expressed its desire to avoid conflict or disagreement with other bodies having similar responsibilities. The CASB is, therefore, proposing to allow capitalization, for contract cost purposes, of acquisition costs which include amounts of paid interest capitalized for external financial reporting.

Some contractors who do not have much interest-bearing debt may find that their cost of money related to assets under construction is not appropriately recognized under Statement of FAS No. 34 and therefore may prefer to capitalize an imputed cost of money in accordance with this Standard and to keep separate records for financial reporting purposes.

(3) The CASB Proposal

The proposed Standard would provide for imputation of cost of money to facilities capital assets on the same basic principle as that recognized under CAS 414. As an alternative the Standard would allow the contractor to elect to capitalize consistently the amounts of interest cost found allocable under the provisions of Statement of FAS No. 34.

The proposed Standard would apply to projects which are expected to require at least one year to complete. The Board will be interested in comments about this provision in proposed § 421.50(c). If commentators prefer any other specific time period or suggest eliminating such a criterion, reasons for the preference should be provided.

The proposed Standard does not deal with the other elements of cost of acquisition of assets. Construction projects are expected to include all direct and indirect costs properly allocable to such projects. One of the elements of such properly allocable costs is likely to be a share of the cost of money computed in accordance with Cost Accounting Standard No. 414 related to the investment in facilities which are already in service.

Commentators are requested to help the Board evaluate this proposal in terms of the probable costs of implementation compared to the probable benefits. The Board will be interested in estimates of the one-time cost impact of any anticipated changes and separate estimates of any recurring cost impacts related to this proposal.

Accordingly, it is proposed to promulgate Cost Accounting Standard No. 421, as follows:

PART 421—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL UNDER CONSTRUCTION

Sec.

421.10 General applicability.
421.20 Purpose.
421.30 Definitions.
421.40 Fundamental requirement.
421.50 Techniques for application.
421.60 Illustrations.
421.70 Exemptions.
421.80 Effective date.

Authority: Sec. 719, Defense Production Act of 1950, as amended, Pub. L. 91–379, 50 U.S.C. App. 2168.

§ 421.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 421.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement and allocation of the cost of money attributable to facilities under construction or fabrication as an element of the cost of those assets. Consistent application of these criteria will improve cost measurement by providing for recognition of cost of contractor investment in assets under construction.

§ 421.30 Definitions.

(a) The following are definitions of terms prominent in this Standard:

(1) *Facilities Capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(2) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use of possession beyond the current accounting period for the benefits it yields.

(3) *Tangible Capital Asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 421.40 Fundamental requirement.

(a) The cost of money or its equivalent, applicable to a business unit's investment in facilities capital items being constructed, or fabricated for its own use, shall be included in the capitalized cost of such items. The business unit shall elect and apply consistently for all its assets one of the following methods for this purpose.

(1) The amount to be included for facilities capital items may be identical to the amount capitalized for financial reporting purposes.

(2) The amount to be included for facilities capital items may be measured in accordance with the criteria set forth in § 421.50 (b) through (f) of this Standard.

§ 421.50 Techniques for application.

(a) When the contractor elects to use interest cost capitalized for financial reporting purposes also for contract costing purposes, the amounts so capitalized with respect to facilities capital items shall be accounted for in the same manner as capitalized cost of money computed in accordance with § 421.50 (b) through (f) of this Standard.

(b) When the contractor elects to capitalize cost of money in accordance with the provisions of § 421.40(a)(ii) the amount to be included as cost of each facilities capital item being constructed, or fabricated for its own use shall be determined once for each cost accounting period, using a method which is applied consistently.

(c) The cost of money applicable to a contractor's investment in facilities capital items being constructed, or fabricated for contractor's use shall be included in the capitalized cost of such items only if it is anticipated that at least one year will elapse between the initial expenditures related to the construction or fabrication of the facilities capital item and its readiness for its intended use.

(d) If substantially all the activities necessary to get the asset ready for its intended use are discontinued, cost of money shall not be capitalized until these activities are resumed. However, brief interruptions in activities, interruptions that are externally imposed, and delays that are inherent in the construction or fabrication process shall not require cessation of cost of money capitalization.

(e) For each facilities capital item an investment amount shall be determined for each cost accounting period or a part thereof. In determining a representative investment amount appropriate consideration should be given to the rate at which costs have been incurred.

(f) The cost of money rate used shall be based on interest rates determined by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat. 97). One cost of money rate shall be used for each cost accounting period or any fraction thereof. The rate shall be the time weighted average of the rates in effect for the monthly periods included in the period of investment. Where the relevant time period is a fraction of the year the rate shall be a corresponding fraction of the annual rate. The rate so determined shall be applied to the representative investment amount for each facilities capital item established in accordance with the provisions of § 421.50(e) above.

§ 421.60 Illustrations.

(a) A contractor decided to build a major addition to his plant using both his own labor and outside subcontractors. It took 13 months to complete the building at which time it became ready for its intended use in a normal or acceptable fashion. Ten months of the construction period were in one cost accounting period. At the end of the cost accounting period the total charges, including cost of money imputed in accordance with 4 CFR Part 414, accumulated in the construction-in-progress account for this project amounted to $750,000. The contractor's consistent practice was applied in accordance with § 421.50(b). He averaged the 10 month-end balances and determined that the average investment in the project was $245,000. Two cost of money rates were in effect during the 10-month period; their time-weighted average was determined to be 8.6%. Application of the 8.6% rate for 10/12 of a year to the representative balance of $245,000 resulted in the determination that $17,542 should be added to the construction-in-progress account in recognition of the cost of money related to this project in its first cost accounting period. The project was completed with the additiion of $750,000 of additional costs during the first three months of the subsequent cost accounting period. The contractor considered the three month-end balances (which included the $17,542 capitalized cost of money described in the preceding paragraph) and determined that the representative balance was $1,234,000. The cost of money rate in effect during this 3-month period was 7.75%. Applying the rate of 7.75% for ¼ of a year to the balance of $1,234,000 resulted in a determination that $23,909 should be added to the construction-in-progress account in recognition of the cost of money while under construction in the second cost accounting period. The capitalized project was put into service at the recognized cost of acquisition of $1,541,451 which consists of the "regular" cost of $1,500,000 plus $17,542 and $23,909 cost of money.

(b) A contractor built a major addition with identical out-of-pocket cash flows to those described in § 421.60(a). This contractor's practice, followed consistently for such projects in accordance with § 421.50(b), was to use beginning and ending balances to find the representative amounts. For the first cost accounting period the representative investment amount was the average of the beginning and ending balances (zero and $750,000), or $375,000. Application of the average interest rate of 8.6% for 10/12 of a year resulted in the determination that $26,873 should be added to the construction-in-progress account in recognition of the cost of money related to this project in its first cost accounting period. During the subsequent three months the contractor used the representative balance of $1,151,873, derived by averaging the beginning balance of $776,873 ($750,000 "regular" cost plus the $26,873 imputed cost from the prior period) and the balance at the end, $1,526,873. Applying the 7.75% cost of money rate to this balance for a 3-month period resulted in a determination that $22,317 should be added to the construction-in-progress account in recognition of the cost of money while under construction in the second cost accounting period. The capitalized project was put into service at the recognized cost of acquisition of $1,549,190 which consists of the

"regular" costs of $1,500,000 plus $26,873 and $22,317 imputed cost of money.

(c) A business unit undertook a major project for the construction of a facility. The business unit's home office arranged a specific new borrowing to help finance the project. Under Statement of Financial Accounting Standards No. 34 the corporation was required to capitalize the resulting facility at an amount which included interest cost paid by the home office. The asset may, under the provisions of § 421.50(a), be capitalized for contract costing purposes at the same amount used in reports to the shareholders.

§ 421.70 Exemptions.

None for this Standard.

§ 421.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [reserved].

(b) This Cost Accounting Standard shall be followed by each contractor for all qualifying facilities capital items where construction or fabrication by the contractor starts after the effective date.

(Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.)

Arthur Schoenhaut,

Executive Secretary.

[FR Doc. 80-324 Filed 1-3-80; 8:45 am]

BILLING CODE 1620-01-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 335; 351; 432; 752; and 771

Promotion and Internal Placement; Reduction in Force; Reduction in Grade and Removal Based on Unacceptable Performance; Adverse Actions; Agency Grievance System

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: In a response to requests from various agencies, the Office of Personnel Management (OPM) proposes to amend its regulations to provide agencies with the authority to make term promotions after entering into a formal agreement with OPM and to exclude from the provisions of Adverse Actions, Reduction in Grade and Removal Based on Unacceptable Performance, and Agency Grievance Systems regulations the return of an individual from a term promotion to a position of like pay and grade from which promoted.

DATE: To receive consideration, comments must be received on or before March 4, 1980.

ADDRESS: Send or deliver written comments to Chief, Office of Policy Analysis and Development, Staffing Services, Office of Personnel Management, 1900 E Street, N.W., Room 6525, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Maribeth Zankowski, 202-632-6817

SUPPLEMENTARY INFORMATION: Under this authority agencies could promote employees for extended, although temporary, periods of time (in excess of 2 years but no more than 5 years in length). There would be a clear distinction between term promotions and the broader authority to make temporary promotions. The proposed change would permit agencies, after entering into a formal agreement with OPM, to make term promotions in two situations. The first would involve the assignment of an employee to a position which is clearly of a project nature and would terminate upon completion of the project. The second would involve assigning an expert in a specialized field (such as a curator or scientist) to an administrative position for a specified period. At the end of the period, the employee would return to his or her former position or an equivalent position of like pay and status. Such return would be excluded from Parts 752, 771, and 432 of Title 5, Code of Federal Regulations.

The performance agreements would include a description of specific types of positions to which term promotions could be made, documentation of the temporary nature of the promotion, and notice to employees that they would be returned to their original position or one of equivalent pay and status at the conclusion of the project or agreed upon period. The employee agreement would state that the employee fully understands the nature of the term promotion and agrees to the return procedures.

Use of the authority would be subject to post-audit and oversight by OPM. The exclusions from Parts 432 and 752 procedures would apply only to the 'return from' or 'termination of' a specific project or assignment, or the end of a specified rotation period. For demotions due to any other reason, such as unacceptable performance or misconduct, the appropriate regulations would still apply (Part 432 and Part 752 of Title 5, Code of Federal Regulations).

These regulations will be supplemented by further guidance developed by the Office of Personnel Management and issued through the Federal Personnel Manual System.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to amend Title 5, Code of Federal Regulations, as follows:

1. § 335.102(g) is added to read as follows:

§ 335.102 Agency authority to promote, demote, or reassign.

* * * * *

(g) After entering into a formal agreement with the Office (OPM), promote an employee for a limited term in excess of 2 years but not more than 4 years to complete a designated project or as part of a planned rotational system for a definite period. Upon the approval of the Office, agencies may extend the period 1 year for a total of 5 years. OPM will consider such requests only on a case-by-case basis.

(1) Upon completion of the assigned project or the termination of the specified rotation period, the agency shall return the employee from the term promotion to the position from which he or she was promoted or to a position of equivalent grade and pay.

(2) The return of an employee to the position from which he or she was promoted to a position of equivalent grade and pay is not subject to Parts 351, 432, 752 and 771, of this chapter. Demotions of an employee promoted under this paragraph for any other reason, such as unacceptable performance or misconduct, are covered by the appropriate part of this chapter (Part 432 or 752).

2. § 351.201(g) is added to read as follows:

§ 351.201 Use of regulations.

* * * * *

(g) This part does not apply to the return of an employee promoted under § 335.102(g) to the position from which promoted or to a position of equivalent grade and pay.

3. § 432.201(c)(3) (x) through (xiii) are redesignated paragraphs (c)(3) (xi) through (xiv). A new paragraph (c)(3)(x) is added to read as follows:

§ 432.201 Coverage.

* * * * *

(c) * * *

(3)* * *

(x) An action which terminates a term promotion at the completion of a specified period, in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

4. § 752.401 (c)(8) through (14) are redesignated paragraphs (9) through (15) respectively. A new paragraph (c)(8) is added to read as follows:

§ 752.401 Coverage.

* * * * *

(c) * * *

(8) An action which terminates a term promotion at the completion of a period, in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

5. § 771.206(c)(1)(vii) through (xii) are redesignated paragraphs (c)(1)(viii) through (xiii). A new paragraph (c)(1)(vii) is added to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) * * *

(1) * * *

(viii) An action which terminates a term promotion at the completion of a specified period, in excess of two years but not more than five years, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with § 335.102(g).

* * * * *

(5 U.S.C. 3301, 3302, 3502, 4305, 7514)

[FR Doc. 80-284 Filed 1-3-80; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 831

Retirement

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: To implement the provisions of the Civil Service Retirement law, the Office of Personnel Management proposes to eliminate the law enforcement officer and/or firefighter "experience" as a basic qualification for filling an administrative law enforcement or fireghter position. The proposed revisions would allow individuals without basic experience to fill administrative positions and not be covered under the more liberalized retirement provisions while assuring continued coverage for individuals who transfer from basic positions to administrative positions.

DATE: Comments must be received on or before March 4, 1980.

ADDRESS: Send written comments to Craig B. Pettibone, Chief, Office of Policy Development and Technical Services, Compensation Group, Retirement and Insurance, Room 4351, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Jane Lohr, Paralegal Specialist, (202) 632-4634.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management proposes a change in the regulations implementing Public Law 93-350. Public Law 93-350 provides that law enforcement officer and firefighter personnel may retire at age 50 with 20 years of such service. Current regulations require that experience as a law enforcement officer or firefighter must be a basic qualification for filling an administrative position in the supervisory/administrative category under title 5, United States Code, sections 8331(20)(21), and 5 CFR 831. 903 and 831.904, respectively. This proposed revision will eliminate the experience requirement for granting coverage to administrative positions, thus allowing individuals without basic experience to fill a supervisory/administrative position, while assuring continued section 8336(c) coverage for those individuals who transfer from basic positions.

Office of Personnel Management.

Beverly M. Jones

Issuance Systems Manager.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR Part 831 as set out below:

1. The authority citation for Part 831 reads as follows: Sections 553 and 8347(a) of title 5, United States Code.

2. In § 831.903, paragraph (c)(3)(ii) is revised and paragraph (c)(3)(iii) is added to read as follows:

§ 831.903 Law enforcement officer.

* * * * *

(c) * * *

(3) * * *

(ii) *Administrative*—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no law enforcement responsibilities.

(iii) For retirement purposes under title 5, United States Code, section 8336(c), service in supervisory and/or administrative positions is creditable only if the incumbent has served in a position as defined in paragraph (a) of this section and is transferred to the supervisory/administrative position in accordance with paragraph (c)(1) of this section.

3. In § 831.904, paragraphs (b)(3)(ii) and (b)(3)(iii) are revised to read as follows:

§ 831.904 Firefighter.

* * * * *

(b) * * *

(3) * * *

(ii) *Administrative*—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no firefighting responsibilities.

(iii) For retirement purposes under title 5, United States Code, section 8336(c), service in supervisory and/or administrative positions is creditable only if the incumbent has served in a position as defined in paragraph (a) of this section and is transferred to the supervisory/administrative position in accordance with paragraph (b)(1) of this section.

[FR Doc. 80-285 Filed 1-3-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210 and 235

National School Lunch Program and State Administrative Expense Funds; Extension of Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of comment period.

SUMMARY: This notice extends the public comment period regarding the proposed and interim rules, published October 30, 1979 (44 FR 62441-62466), which are known collectively as the Assessment, Improvement and Monitoring System (AIMS).

DATES: The close of the comment period announced in the October 30, 1979 publication was January 2, 1980. The revised comment period shall be extended for an additional 30 days to February 1, 1980.

ADDRESS: Comments should be sent to Margaret O'K. Glavin, Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, (202) 447-8130.

FOR FURTHER INFORMATION, CONTACT: Barbara Hallman, School Programs Division, USDA-FNS, Washington, D.C. 20250, (202) 447-9069.

SUPPLEMENTARY INFORMATION: On October 30, 1979 the Food and Nutrition Service published proposed regulations (44 FR 62441-62466). The proposal, known as AIMS, is a design for a management improvement system. The objectives of the AIM System are: To analyze current school lunch and breakfast program management by State

agencies; to foster improvements in program management by States; to monitor effectively the use of Federal funds; and to protect the nutritional integrity of meals served under the programs.

The U.S. Department of Agriculture has decided to extend the comment period on the proposed regulation to February 1, 1980. During the past month, USDA has conducted seven public briefings on the AIMS proposals. At these briefings as well as in letters sent to the Department and comments made at a Congressional hearing the public has suggested that the comment period on the proposal be extended beyond January 2. One argument for this extension is that the two weeks immediately preceding the close of the comment period is a holiday time. In addition, public interest in the AIMS proposal has been intense, due in part to the major impact that the System would have on monitoring school nutrition programs. The complexity of the proposed regulations make commenting more difficult for the interested public and yet that same complexity and degree of impact make it especially important for USDA to receive a large number of detailed comments. To allow the public adequate time to formulate constructive comments, the comment period shall be extended from its original 64 days to 94 days so that the comment period will now end on February 1, 1980.

Dated: December 28, 1979.

Carol Tucker Foreman,

Food and Consumer Services.

[FR Doc. 80-123 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-30-M

Commodity Credit Corporation

7 CFR Part 1421

Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is considering changes in the regulations governing the Farmer-Owned Grain Reserve Program. The major changes being considered are (1) revision of release levels and procedures for determining them, (2) revision of call levels and procedures for determining them, (3) widening the spread between release and call levels, (4) provision for a mid-level price or trigger to restart the accural of interest, (5) revision of storage earning procedure, (6) revision of time frame for settlement by producers, and (7) revision of reserve contract agreements.

DATES: This notice invites written comments on any aspects of the Grain Reserve Program. Comments must be received on or before March 4, 1979 in order to be assured of consideration.

ADDRESSES: Director, Price Support and Loan Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013. Comments will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, ASCS, (202) 447-7973.

SUPPLEMENTARY INFORMATION: The proposed rule asks for comments with respect to a proposed Farmer-Owned Grain Reserve Program. The existing, as well as the proposed program, generally provides for the extension of farm storage and warehouse storage loans. Under either reserve program, when the release level is reached, a producer may redeem the applicable commodity without payment of liquidated damages. Also, when the reserve loan is called, the producer must redeem or forfeit such commodity. Release and call levels under both programs, as well as the proposed mid-level trigger price restarting the accural of interest, are tied to the national average loan rate for each commodity eligible for the reserve program. Loan rates for these commodities are determined by the Secretary for price support purposes under the provisions of the Agricultural Act of 1949, as amended. It should be noted, however, that these rates will have an effect on release, call, and mid-level trigger prices.

Comments are requested with regard to increasing the range between release and call levels under the proposed program, in order to alleviate problems which arose under the present program. As an example: Barley was released on June 5, 1979, and called on June 26, 1979, (only 21 days). The narrow range between release and call levels allowed a strong market to reach call levels before any appreciable amount of the barley had been marketed.

Consideration will be given to changing release and call levels for wheat and feed grains within the percentage ranges set forth in subsection 1421.643(a) of the proposed regulations. Comments are requested in regard to the specific level to be used within the ranges shown. The range for the release level for wheat is prescribed by law as 140 percent to 160 percent of the then current national average loan rate. In the case of feed grains, suggestions are requested as to a specific release level in the range of 125 percent to 135 percent of the then current national average loan rate.

The italicized language in § 1421.643 (a) which provides for using Agricultural Marketing Service (AMS) prices for all release and call determinations is being considered to simplify the release and call determinations and make them more understandable for both producers and the grain trade. Under the present program either AMS prices or prices furnished by the Economic, Statistics and Cooperative Service (ESCS) could trigger release or call.

In addition, the italicized language in § 1421.643(a) proposes that the initial release period for a commodity be extended by one month in order to reduce the risk of an unmanageably large volume of grain being forced onto the market within a very limited time span.

Subsection 1421.643 (c) of the proposed rule would provide new call levels for wheat and feed grains. In the case of wheat, the Agricultural Act of 1949, as amended, provides a minimum call level of 175 percent of the then current national average loan rate and comments are requested on a specific call level in the range of 175 percent to 200 percent of that rate. In the case of feed grains, comments are being sought on a specific call level in the range of 140 percent to 160 percent of the then current national average loan rate. The italicized language in § 1421.643 (c) would allow a period of an additional month after the call level is reached before wheat and feed grain reserve loans are actually called. This provision differs from the current Grain Reserve Program which requires that a commodity be called as soon as the call level is reached. The change would provide a longer period of time for markets to stabilize.

The italicized language in § 1421.643(c) proposes to allow a producer 90 days after call to redeem wheat for feed grains. Under the current Grain Reserve Program, only 30 days are permitted for redemption. The change should permit more orderly marketing and alleviate transporation and storage problems created by having a large volume of grain entering the marketing channels during a 30-day period.

Subsections 1421.641 (b) and (c) contain italicized language, which would be applicable only if a mid-level trigger price concept is adopted. This language would provide for the resumption of interest charges whenever

a commodity is at or above the proposed mid-level trigger price at the time of two consecutive monthly announcements in order to encourage redemption prior to call. Comments are requested on the addition of a mid-level trigger price as contained in § 1421.643 (b). The mid-level trigger price, at which interest charges would resume, is a new concept for consideration. The blank spaces in the subsection are provided for suggestions as to the specific mid-level trigger price between release and call levels, at which interest would resume. The mid-level trigger point is not to be interpreted to mean a point exactly mid-way between release and call levels. The percentage of the applicable current national average loan rate chosen for the mid-level trigger price should be so related to the release price and the call price as to promote more redemptions taking into consideration the additional interest which would accrue once the mid-level trigger price is reached.

In addition to the foregoing changes, other new operating provisions are being proposed.

It is being suggested that storage earnings be related to State mid-month prices for wheat and feed grains as provided in § 1421.640(d) because national average prices do not always reflect market demand in particular localities where storage and transportation problems may block movement of grain.

A new subsection (1421.642(d)) is being proposed so that producers may be authorized to sell or feed the grain from the reserves before replacement stocks are available if the county committee approves such action in writing and the conditions set out in the subsection have been met. The purpose of this proposal is to make it easier for producers to rotate stocks in the reserve without impairing the purpose of the program.

The percentage levels in § 1421.643(d) which apply to early redemption or voluntary forfeiture of a commodity will be the release levels adopted in the Final Rule for wheat and feed grains and such percentages will be inserted in these spaces.

All reserve loan agreements approved prior to the effective date of a new program would remain subject to the current program regulations, the "Subpart-Regulations Governing the Grain Reserve Program for 1976 and Subsequent Crops". However, producers with such prior grain reserve agreements could be permitted to enter the new program by executing new agreements.

Public comment is sought for all of the provisions of the proposed rule set forth below. It should be noted that the language printed in italics is largely new material and comment on these provisions is particularly invited.

Proposed Rule

Accordingly, it is proposed 7 CFR Part 1421 be amended by adding a new "Subpart—Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops" to read as follows:

Subpart—Regulations Governing the Grain Reserve Program for 1979 and Subsequent Crops and Alternative Program for 1979 and Prior Crops

Sec.

1421.630 General statement.
1421.631 Eligible commodities and length of loans.
1421.632 Limit on reserve quantity.
1421.633 Program availability.
1421.634 Eligibility requirements.
1421.635 Applicability of the general regulations governing price support for the 1978 and subsequent crops.
1421.636 Warehouse receipts.
1421.637 Quantity eligible for extended loans.
1421.638 Quality of farm-stored grain.
1421.639 Storage rates.
1421.640 Storage payments.
1421.641 Interest rate.
1421.642 Commingling and replacement of grain.
1421.643 Release levels, redemption requirements, and early redemption charges.
1421.644 Maturity.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); sec. 110, 63 Stat. 1051, as amended (7 U.S.C. 1445e).

§ 1421.630 General statement.

(a) The regulations in this subpart set forth the terms and conditions for the reserve program which provides for the extension of farm storage and warehouse storage loans (hereinafter called "grain reserve loan(s)") on eligible commodities as provided in § 1421.631. Farm storage grain reserve loans will be evidenced by notes and secured by security agreements, grain reserve agreements, and in certain cases, chattel mortgages or financing statements. Warehouse storage grain reserve loans will be evidenced by notes, security agreements, and grain reserve agreements and secured by the pledge of warehouse receipts representing an eligible commodity in approved warehouse storage. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) To participate in the grain reserve program a producer must request and enter into a grain reserve agreement with the local county ASCS office. Such agreement shall be for a period of time specified in § 1421.631. Storage payments will be paid to the producer annually during the period of the grain reserve agreement for the time the commodity is eligible to earn storage payments. Producers may redeem commodities under the Grain Reserve Program without repaying earned storage when the national average market price reaches the release level, as determined pursuant to § 1421.643. All wheat loans in the grain reserve and all loans on any feed grain in the reserve will be called when the national average market price of such wheat or feed grain reaches the call level pursuant to § 1421.643.

§ 1421.631 Eligible commodities and length of loans.

(a) *Eligible commodities.* Subject to such limitations on quantity as may be provided in accordance with § 1421.632, wheat and feed grains shall be eligible for the grain reserve, when such commodities are in abundant supply as determined by the Secretary, and announced and published in the **Federal Register.**

(b) *Length of reserve agreements.* Reserve agreements shall be for a period of three years.

§ 1421.632 Limit on reserve quantity.

The Secretary will announce the quantity of wheat or feed grains he determines should be stored under this program to promote the orderly marketing of each commodity as far in advance of making loans as practicable. The Secretary may thereafter adjust such quantities in the event he finds that such adjustments are necessary in order to achieve orderly marketing. The quanity of wheat will not be less than 300,000,000 nor more than 700,000,000 bushels, except that such maximum quantity may be adjusted by the Secretary pursuant to an international agreement containing provisions relating to grain reserves. Notice of all such determinations will be published in the **Federal Register.**

§ 1421.633 Program availability.

Producers with farm or warehouse-stored wheat or feed grain under loan (hereinafter called "regular loan(s)") may participate in the Grain Reserve Program anytime the program is available for their commodity pursuant to § 1421.631(a). A producer desiring to participate in the Grain Reserve Program shall file a request to

participate anytime during a period of time the program is open to applicants. Such period of time will be announced in the **Federal Register**. The producer shall request the grain reserve loan at the county ASCS office which disbursed the regular loan. An approved cooperative marketing association shall request a grain reserve loan at the county ASCS office which disbursed the regular loan or at its servicing agent bank which disbursed the regular loan.

§ 1421.634 Eligiblity requirements.

(a) *Producer.* A producer shall be eligible to participate in this program if such producer has an eligible commodity under a regular loan or has an eligible commodity under a purchase agreement which is converted into a regular loan.

(b) *Commodities.* Eligibility of producers to place designated wheat and feed grains into the reserve program will be on a first come, first served basis. After the quantities established pursuant to § 1421.632 have been accomplished, the program will be suspended to new applicants.

§ 1421.635 Applicability of the general regulations governing price support for the 1978 and subsequent crops.

Provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Crops, published at 44 FR 2353 and corrected at 44 FR 6351 and any amendments thereto (hereinafter referred to as "General Regulations") which are not inconsistent with provisions of this subpart shall apply to grain reserve loans.

§ 1421.636 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet all of the requirements of this section and any other requirements contained in the regulations in this subpart, the General Regulations, and the applicable commodity supplement.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable and must cover the eligible commodity actually in storage in the warehouse of original deposit, except that warehouse receipts may be issued by another warehouse if the eligible commodity was reconcentrated under a "Reconcentration Agreement and Trust Receipt" approved by CCC. All receipts must be registered or recorded with appropriate State or local officials when required by State law. The producer must provide evidence that storage charges have been paid or otherwise provided for through the end of the first year of the grain reserve agreement.

(c) *Where a warehouseman is also owner.* If the receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on their own commodity is invalid, the warehouseman may offer such commodity to CCC for loan only if such warehouse is licensed and operating under the U.S. Warehouse Act.

§ 1421.637 Quantity eligible for grain reserve loans.

(a) *Farm-stored.* The quantity eligible for grain reserve loan shall be the measured quantity covered by the regular loan, as determined by the county committee.

(b) *Warehouse-stored.* The quantity eligible for grain reserve loan shall be the quantity shown on the warehouse receipt or the supplemental certificate, if applicable, which secured the regular loan.

§ 1421.638 Quality of farm-stored grain.

Prior to approval of a grain reserve farm-stored loan, the commodity will be inspected by a representative of the county committee and the agreement will not be approved unless it is determined on the basis of such inspection that the commodity is such that it can reasonably be expected to be stored with safety until maturity of the loan.

§ 1421.639 Storage rates.

Producers will be paid per annum storage payments at the initial rate of 25 cents per bushel for wheat, barley and corn, 19 cents per bushel for oats, and 44.64 cents per hundredweight for sorghum. Such rates may be changed from time to time by announcement in a separate notice published in the **Federal Register** but will not be less than (1) 25 cents per bushel for wheat, barley, and corn, (2) 44.64 cents per hundredweight for sorghum, and (3) 19 cents per bushel for oats. When storage is computed for less than one year, appropriate daily rates announced in the **Federal Register** will be used, which will not be less than (1) .0685 cents per bushel for wheat, barley, and corn, (2) .1223 cents per hundredweight for sorghum, and (3) .0521 cents per bushel for oats. Annual storage payments shall be adjusted and paid in accordance with provisions outlined in § 1421.640.

§ 1421.640 Storage payments.

(a) *Time.* Storage payments shall be paid annually in advance on the date the grain reserve agreement is approved and each anniversary date thereafter, except storage payments will not be made in any State when storage earning has been stopped according to § 1421.640(d) in the State where the grain is stored. If CCC subsequently determines that the price in the State where the grain is stored has dropped below the release level, storage payments will be made for the balance of the year. Second or third year storage payments will not be made to producers having grain reserve warehouse loans until the producers furnish written evidence that at least the next year's storage payment has been paid to the warehouseman or provided for with the warehouseman. If the producer fails to provide such written evidence within a reasonable period of time, the county office shall call such loan, and if the loan is not repaid or evidence that storage has been paid is not furnished, within 10 days after such call, title to the commodity shall vest in CCC on the eleventh day and the producer shall be considered to have voluntarily forfeited his commodity to CCC and shall be subject to the voluntary forfeiture provisions of § 1421.643(d).

(b) *Storage payment units.* Storage payments for farm-stored grain reserve loans shall be based on the regular loan quantity, transferred to the reserve, except that such payments can be based on the quantity measured for reserve loan when such measured quantity is more than the regular loan quantity.

(c) *Storage credit.* Storage credit for less than one year will be computed on a daily basis.

(d) *Eligible storage credit.* Storage credit shall be allowed for the duration of the loan except that no storage credit shall be earned between the day following the second consecutive CCC announcement that the national average market price for the commodity is equal to or exceeds the release level and the date of a subsequent announcement by CCC that the market price is again below the release level. *However, notwithstanding the above exception and similar provisions of paragraph 2 of the "Farm Storage Grain Reserve Agreement and the Warehouse Storage Grain Reserve Agreement" storage credits will continue to be earned by farmers if their States' mid-month average price received by farmers*

where the crop is stored (as announced by the Economics, Statistics, and Cooperatives Service) is less than such State's average loan level, plus the difference between the national average loan rate and the release level. Any unearned storage will be subtracted from any future storage payments or will be collected when the loan is redeemed or forfeited to CCC.

(e) *Unearned storage.* No storage payment shall be earned if the producer (1) has made any false representation in the loan documents in obtaining the loan or in settlement of the loam, (2) makes an unauthorized disposition of the commodity with intent to defraud CCC, (3) abandons the commodity, or (4) negligently or otherwise impairs the commodity.

§ 1421.641 Interest.

(a) Each grain reserve loan shall bear interest during the first year of the agreement at the rate recorded on the regular loan document or such lower rate as may be later announced in a separate notice(s) published in the Federal Register. The loans shall bear interest at such lower rates from the effective dates of such announcements.

(b) The loans shall not bear interest after the first year. *However, the loans shall bear interest at the rates specified above beginning the day following the second consecutive monthly announcement that the national average market price of the applicable commodity equals or exceeds the mid-level price of the commodity as defined in § 1421.643(b). The loans shall continue to bear interest at the specified rate until a subsequent announcement is made that the national average market price of the commodity is below mid-level.*

(c) *The determination that interest charges will resume under the exception in paragraph (b) above will be made on a State-by-State basis as follows: When the Economics, Statistics and Cooperatives Service mid-month price, received by farmers for the commodity, equals or exceeds the State's loan level plus the difference between the national mid-level for the commodity and the national average loan rate of the commodity, interest charges resume.*

§ 1421.642 Commingling and replacement of grain.

(a) *Commingling.* In the case of farm storage, grain in the grain reserve may, with prior written approval of the county committee, be commingled with other eligible or ineligible grain from the same or any other crop year and of the same class if (1) the county committee gives prior written approval of such commingling, and (2) the county ASCS office inspects and measures the grain prior to commingling at the producer's expense.

(b) *Replacement.* Grain in the reserve may, with prior written approval of the county committee, be replaced with other grain of the same kind and equal value produced by the borrower if (1) the county committee gives prior written approval of such replacement, (2) the grain to be used for replacement is in storage on the farm or the county committee has authorized removal of the reserve grain to licensed storage before replacement according to § 1421.642(c), (3) the county committee inspects and measures the grain replacing the reserve grain at the producer's expense before removal of the reserve grain, and (4) the county committee determines that the grain to be used for replacement is of a quality equal to or better than the grain in storage in the grain reserve program. Removal of farm-stored grain in the grain reserve program without prior written approval will be considered unauthorized removal.

(c) *Licensed storage.* The producer may be authorized to move the grain in the Grain Reserve Program to licensed warehouse storage before replacement if, (1) prior to the movement of grain, a written request to do so is filed in the county office, (2) approval of the county committee is granted in writing, (3) the county ASCS office inspects and measures the grain at the producer's expense prior to removal, and (4) the grain is moved to licensed storage within 30 days after approval is granted and an endorsed negotiable warehouse receipt is deposited in escrow with the county executive director. The producer shall agree to remain liable for all charges incident to the storage of the grain in the warehouse and the United States in no way shall be liable for such charges. Whenever the grain which is used to replace the grain covered by the warehouse receipt held in escrow is in farm storage and the county office has determined by inspection and measurement that there is sufficient quantity in storage and the quality is equal to or better than the grain represented on the warehouse receipt, the warehouse receipt shall be returned to the person who deposited it. Whenever a producer does not place grain in acceptable farm storage as provided herein prior to maturity of the grain reserve agreement, the producer's interest in the grain represented by the warehouse receipt, held in escrow by the County Executive Director, shall transfer to Commodity Credit Corporation.

(d) *Release for sale or livestock feed. The producer may be authorized to move farm-stored grain in the Grain Reserve Program for delivery to a buyer for sale or for livestock feed thirty days before the producer intends to have replacement stocks in place if, (1) prior to the movement of the grain, a written request to do so is filed in the county office, (2) approval of the county committee is granted in writing, (3) the county ASCS office inspects and measures the grain at the producer's expense prior to removal, (4) the grain released for livestock feed will be fed to the producer's own livestock, and (5) an inspection, at the producer's expense, of the unharvested crops indicates there will be sufficient eligible unencumbered production of equal or better quality to replace the reserve commodity.*

§ 1421.643 Release levels, redemption, requirements, and early redemption charges.

(a) *General.* Commodities under grain reserve loans shall not be eligible for redemption without the producer incurring liability for liquidated damages unless the national average market price as determined and announced by CCC is at least ( ) [a percentage between 140–160 will be specified in final rule] percent of the then current national average loan rate in the case of wheat and ( ) [a percentage between 125–135 will be specified in final rule] percent of the then current national average loan rate in the case of feed grains (hereinafter called the release level). The national average market price for each commodity will be considered by CCC to have reached the release level, *when the five-day national average price for the respective commodity at major markets published by the Agricultural Marketing Service adjusted downward to reflect prices received by farmers by the difference between the mid-month prices published by the Economics, Statistics and Cooperative Service for the respective commodity for the previous month, and the average mid-month price for the same month at major markets published by the Agricultural Marketing Service and such adjusted price equals or exceeds the release level for the respective commodity. However, if CCC determines that the trend in such prices is downward, release may not be authorized.* Producers will be advised when the market reaches this level for any such commodity and that their loans are eligible for redemption without an early redemption charge. Such determinations shall be made and announced by CCC and shall be

applicable until a subsequent announcement is made. When the release level is reached for a commodity, *the initial release period shall be for the remainder of the month in which release is announced plus the next two months. Subsequent announcements to continue or discontinue release will be made at the end of the initial or subsequent release period. Subsequent announcements to continue release will be for the month following the preceding release period.* If a subsequent announcement shows that the market price is below the applicable release level, the terms of the reserve agreement and the regulations which are applicable to the commodity prior to release shall again apply, and the commodity will not be eligible for redemption without an early redemption charge.

(b) *Mid-Level. The national average market price shall be determined to be at the mid-level when the national average market price for the commodity is at least ( ) [a percentage between release percentage and call percentage may be specified* in the *final rule] percent for wheat or ( ) [a percentage between release percentage and call percentage may be specified in the final rule] percent for feed grains of the then current national average loan rate. When the national average market price is at or above mid-level at the end of a release period, release will continue for an additional month. If, at that time the adjusted average market price as calculated in § 1421.643(a) remains above the mid-level, interest charges will begin and remain in effect on a monthly basis until the adjusted average market price drops below the mid-level. Resumption of interest charges will be made on a State-by-State basis, using Economics, Statistics and Cooperatives Service mid-month prices. Each State determination will be made by substracting the then current national average loan rate for the commodity from the national mid-level price for the commodity, and the difference will be added to the State's loan rate for the commodity. If the Economics, Statistics, and Cooperatives Service mid-month price for the State, where the grain is stored, equals or exceeds the determined level, interest charges will resume.*

(c) *Call Level.* The national average market price shall be determined to be at the call level when the national average market price is at least ( ) [a percentage between 175–200 will be specified in the final rule] percent for wheat or ( ) [percentage between 140–160 will be specified in the final rule] percent for feed grains of the then current national average loan rate.

(1) *When CCC determines that the national average market price is at call level at the end of the release period, release will continue for one additional month. If, at the end of the additional month the national average market price remains at or above the call level, the loan will be called.* Such call will be determined in the same manner as prescribed for release levels in § 1421.643(a). *If the loan is not redeemed within 90 days after notification, CCC may take title to the commodity.*

(2) Notwithstanding any provision of this subpart, with respect to loans called under paragraph (c)(1) of this section, the Secretary may provide producers the options of (i) delaying their date for settlement of such loans for a period of 30 days and such additional 30-day periods as determined necessary by the Secretary in areas where the Secretary determines conditions exist which disrupt orderly marketing of the commodity under loan, and (ii) re-entering the loan into the reserve loan program under all the original terms and conditions if subsequent to such loan call the national average market price of the loan commodity falls below the release level applicable to the loan commodity.

(d) *Redemption or voluntary forfeiture.* Redemption or voluntary forfeiture of a commodity when the national average market price for the commodity is below the release level.

(1) For conditions other than emergency release as provided in subparagraph (2), if a producer redeems the commodity prior to CCC announcing that the release level has been reached, such producer will be required to repay as liquidated damages, the higher of the loan principal, plus interest, plus all storage payments, plus interest, or ( ) [the percentage chosen as the release level for wheat will be inserted in Final Rule] percent of the producer's then current loan rate in the case of wheat or ( ) [the percentage chosen as the release level for feed grains will be inserted in Final Rule] percent of the producer's then current loan rate in the case of feed grains. If a producer voluntarily forfeits the commodity prior to CCC announcing that the release level has been reached, such producer shall be required to repay all storage, payments, plus interest and, as liquidated damages, the difference between the amount which would otherwise be due on the loan if redeemed at such time and ( ) [the percentage chosen as the release level for wheat will be inserted in Final Rule] percent in the case of wheat or ( ) [the percentage chosen as the release level for feed grains will be inserted in Final Rule] percent in the case of feed grains of the producer's then current loan rate.

(2) *Emergency release.* In the case of warehouse-stored loans, if it is determined by CCC that storage space is no longer available and approved in-line storage for wheat, sorghum and barley cannot be found, the producer may repay the loan or forfeit the commodity to CCC without incurring liability for liquidated damages and may retain earned storage payments. In the case of farm-stored loans, if it is determined by CCC that there is insect infestation which cannot be controlled, the commodity is subject to damage by flood or fire, there is damage to the structure, the producer has lost control of the storage structure, or the commodity is going out of condition, the producer may repay the loan or forfeit the commodity to CCC without incurring liability for liquidated damages and retain earned storage payments.

§ 1421.644 Maturity.

Grain reserve loans mature and are due and payable on the last day of the 36th calendar month after the earlier of (1) the day the regular loan matured, or (2) the last day of the 36th month following the month in which the grain reserve agreement is approved.

Note.—This proposed action has been determined "significant" under USDA criteria implementing Executive Order 12044, Improving Government Regulations". An approved Draft Impact Analysis is available from Harold Jamison, Price Support and Loan Division (ASCS), Room 3749 South Building, Washington, D.C. 20013.

Signed in Washington, D.C. on December 28, 1979.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-235 Filed 1-3-80; 6:45 am]

BILLING CODE 3410-05-M

Food Safety and Quality Service

7 CFR Part 2852

U.S. Standards for Grades of Frozen Brussels Sprouts [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed Rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary grading

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act, or with applicable State laws and regulations.

standards for frozen Brussels sprouts. The proposed rule is submitted at the initiative of the Department and by request of the frozen vegetable industry. Its effect would be to improve the standards.

DATE: Comments must be received on or before: March 4, 1980.

ADDRESS: Comments should be sent to: Executive Secretariat, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3807 South Building, Washington, DC 20250. (For additional information on comments, see supplementary information.)

FOR FURTHER INFORMATION CONTACT: Mr. Melvin J. Horst, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6248.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit comments concerning this proposal. Comments must be sent in duplicate to the Office of the Executive Secretariat and should bear reference to the date and page number of this issue of the **Federal Register**. All comments submitted regarding this notice will be made available for public inspection in the Office of the Executive Secretariat during regular business hours (7 CFR 1.27(b)).

Background

The current voluntary grading standards for frozen Brussels sprouts do not reflect the recent development of mechanical devices, such as trimmers, to replace costly hand trimming. Mechanical devices have become commonplace in most of the Nation's frozen Brussels sprouts processing plants. These devices produce Brussels sprouts which are more nonuniform with respect to size and shape of the individual units, and thus have less eye-appeal. For example, sprouts or buds will more often show the effects of over-trimming or under-trimming, since they are removed from the stalk by a mechanical device. In addition, more of the tender leaf material, from the exterior portion of the Brussels sprout which was once trimmed by hand, is now more likely to appear in the frozen food.

It is believed these trimming conditions are "cosmetic" in nature, and do not significantly affect the eating quality or nutritional value of the finished food. It is also believed that any cost savings resulting from the use of mechanical devices could be passed on to the consumers.

This proposed rule does not affect the use of mechanical devices, as they will be used with or without concurrence of the voluntary grading standards. The issue to be resolved is whether the voluntary grading standards should include or exclude the Brussels sprouts produced by mechanical devices.

This proposed rule for frozen Brussels sprouts would change the quality requirements of the product with respect to appearance by permitting more variation in the trim of the units. Other changes in the proposed rule would: (1) adopt a single letter grade nomenclature of "A," "B" and "C," which is preferred by consumers; (2) reference the appropriate sampling plans in the Department's procedures; and, (3) change the grading procedure to a statistical approach.

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

In consideration of the foregoing, it is proposed to revise §§ 2852.651 through 2852.659 to read as follows, and the Table of Contents would be revised accordingly:

Sec.

2852.651 Product description.
2852.652 Definitions of terms.
2852.653 Recommended sample unit size.
2852.654 Grades.
2852.655 Factors of quality.
2852.656 Classification of defects.
2852.657 Tolerances for defects.
2852.658 Sample size.
2852.659 Compliance with quality requirements.

§ 2852.651 Product description.

"Frozen Brussels sprouts" means the frozen product prepared from the clean, sound, succulent heads of the Brussels sprouts plant (Brassica oleracea L. var. gemmifera) by trimming, washing, blanching, and properly draining. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for its preservation.

§ 2852.652 Definitions of terms.

(a) *Acceptable Quality Level (AQL).* The maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purposes of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished.* A unit affected by surface or internal discoloration, pathological injury, insect injury, or by other means to the extent that the appearance or eating quality is affected:

(1) Slightly;

(2) Materially; or

(3) Seriously.

(c) *Brightness.* The extent that the overall appearance of the sample unit as a mass is affected by dullness.

(1) Grade A—not affected.

(2) Grade B—slightly affected.

(3) Grade C—materially affected.

(4) Substandard—fails Grade C.

(d) *Character.* (1) *Good character.* The individual heads are well formed, compact or very compact, and reasonably firm.

(2) *Reasonably good character.* The individual heads are reasonably well formed, reasonably compact, and fairly firm.

(3) *Fairly good character.* The individual heads are fairly well formed but may have been reduced in size or excessively stripped by removal of leaves.

(4) *Poor character.* The individual heads are very loose structured or very light in weight in comparison to size, and possess large open spaces resulting in a very spongy condition that yields easily and considerably to moderate pressure.

(e) *Color (individual units).* (1) *Well colored.* The individual units have a color ranging from a distinct dark green to a lighter predominating characteristic green color with a definite yellow cast.

(2) *Fairly well colored.* The individual units have a predominating characteristic yellow color with or without slight tinges of green color.

(f) *Defect (or defective).* Any nonconformance of a unit(s) of product from a specified requirement of a single characteristic.

(g) *Extraneous vegetable material.* Harmless vegetable substances other than from Brussels sprouts; or extraneous material from the Brussels sprouts plant including stem and leaf, but excluding bud leaves and fragments.

(h) *Flavor and odor.* "Normal flavor and odor" means that the product, after cooking, is free from objectionable flavors or odors of any kind.

(i) *Loose leaves and loose small pieces.* Brussels sprouts leaves, pieces of leaves or small pieces of edible stalk or strems not attached to a unit.

(j) *Sample unit.* The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the contents of two or more containers; or

(4) A portion of unpacked product.

(k) *Trim.* (1) *Well trimmed.* The appearance of the unit is not materially affected by mechanical damage or by cutting into the head or by cutting of the stalk or stem.

(2) *Poorly trimmed.* The appearance of the unit is materially affected by mechanical damage or by excessive cutting into the bud, or by insufficient cutting of the stalk or stem.

(l) *Unit.* A Brussels sprout or portion thereof other than loose leaves and loose small pieces.

§ 2852.653 Recommended sample unit size.

Compliance with the requirements for factors of quality is based on a sample unit size of 50 units.

§ 2852.654 Grades.

(a) *"U.S. Grade A"* is the quality of fozen Brussels sprouts that:

(1) Meets the following prerequisites in which the sprouts:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have a good overall brightness as a mass that is not affected by dullness;

(iv) Are free from grit or silt that affects the appearance or eating quality;

(v) Have loose leaves and loose small pieces which do no more than slightly affect the appearance or eating quality.

(2) Are within the limits for defects as classified in Tables I and II and specified in Tables III and IV, as applicable.

(b) *"U.S. Grade B"* is the quality of frozen Brussels sprouts that:

(1) Meets the following prerequisites in which the sprouts:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have a reasonably good overall brightness as a mass which may be slightly dull;

(iv) Are free from grit or silt that affects the appearance or eating quality;

(v) Have loose leaves and loose small pieces which materially affect the appearance or eating quality.

(2) Are within the limits for defects as classified in Tables I and II and specified in Tables III and IV, as applicable.

(c) *"U.S. Grade C"* is the quality of frozen Brussels sprouts that:

(1) Meets the following prerequisites in which the sprouts:

(i) Have similar varietal characteristics;

(ii) Have a normal flavor and odor;

(iii) Have a fairly good overall brightness as a mass which may be dull but in not off-color;

(iv) Have slight trace of grit or silt which does not affect the appearance or eating quality;

(v) Have loose leaves and loose small pieces which seriously affect the appearance or eating quality.

(2) Are within the limits for defects as classified in Tables I and II and specified in Tables III and IV, as applicable.

(d) *"Substandard"* is the quality of frozen Brussels sprouts that fails to meet the requirements of U.S. Grade C.

§ 2852.655 Factors of quality.

The grade of a lot of frozen Brussels sprouts is based on compliance with the requirements for the following quality factors:

(a) *Prerequisite quality factors:*

(1) Similar varietal characteristics;

(2) Flavor and odor;

(3) Brightness;

(4) Grit or silt; and

(5) Loose leaves and loose small pieces.

(b) *Classified quality factors:*

(1) Individual unit color (in U.S. Grade A and U.S. Grade B only);

(2) Blemish;

(3) Trim;

(4) Extraneous vegetable material; and

(5) Character.

§ 2852.656 Classification of defects.

All defects are classified as minor, major, severe, or critical. Each "X" in Tables I and II represents "one (1) defect."

Table I.—*Classification of Defects (Other Than Character)*

Quality factor	Defects	Classification			
		Minor	Major	Severe	Critical
Individual unit color	Fairly well colored (in U.S. Grade A and U.S. Grade B only)		X		
Blemished	Slightly	X			
	Materially		X		
	Seriously			X	
Trim	Poor (each unit)		X		
Extraneous vegetable material					X

Table II.—*Classification of Character Defects*

Quality factor	Defects	Reasonably good	Fairly good	Poor
Character	"B" Units	X		
	"C" Units		X	
	"Substandard" Units			X

§ 2852.657 Tolerances for defects.

Table III.—*All Classified Defects Except Character*

	Grade A				Grade B				Grade C			
	Total[2]	Maj	Sev	Crit	Total[2]	Maj	Sev	Crit	Total[2]	Maj	Sev	Crit
AQL[1]	20.0	12.5	4.0	0.15	40.0	33.0	8.5	1.5	50.0	33.0	10.0	2.5

[1] AQL expressed as defects per hundred units.
[2] Total = Minor + Major + Severe + Critical.

Table IV.—*Classified Defects for Character Only*

	Grade A			Grade B		Grade C
	Total[2]	Fairly good	Poor	Total[3]	Poor	Poor
AQL[1]	15.0	5.0	1.5	40.0	6.5	40.0

[1] AQL expressed as percent defective.
[2] Total = Reasonably Good + Fairly Good + Poor.
[3] Total = Fairly Good + Poor.

§ 2852.658 Sample size.

The sample size to determine compliance with the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 2852.1–2852.83), for lot inspection and on-line inspection, as applicable.

§ 2852.659 Compliance with quality requirements.

(a) *Lot inspection.* A lot of frozen Brussels sprouts is considered as meeting the requirements for quality if:

(1) The prequisite requirements specified in § 2852.654 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables III and IV, as applicable, are not exceeded.

(b) *On-line inspection.* A portion of production is considered as meeting requirements for quality if:

(1) The prequisite requirements specified in § 2852.654 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables III and IV, as applicable, are not exceeded.

(c) *Single sample unit.* Each unofficial sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 2852.654 are met; and

(2) The Acceptable Quality Levels (AQL) in Tables III and IV, as applicable, are not exceeded.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended (7 U.S.C. 1622, 1624))

This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from Mr. Melvin J. Horst, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., on: December 21, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-4 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-DM-M

7 CFR Part 2853

Meats, Prepared Meats, and Meat Products; Grading, Certification, and Standards

AGENCY: Food Safety and Quality Service.

ACTION: Reopening of Comment Period.

SUMMARY: On October 16, 1979, the Department published in the **Federal Register** (44 FR 59548) a proposed rule to revise certain official United States standards for grades of meat and the related meat grading regulations. This notice advises that the Department is reopening the comment period for 15 days.

DATE: Comments must be received on or before January 21, 1980.

ADDRESS: Comments should be sent to: Executive Secretariat, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 3807, Washington, D.C. 20250. (202) 447–4727.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Goodall, Deputy Director, Meat Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202) 447–4727.

SUPPLEMENTARY INFORMATION: On October 16, 1979, the Department proposed to revise certain official United States standards for grades of meat and the related meat grading regulations. The proposed changes provided that, in general, meat would be graded only in the form of carcasses or sides and in the plant in which the animals were slaughtered. The proposal also clarified and revised trimming procedures and conditions necessary for the proper presentation of carcasses to be graded. The proposed changes are designed to increase the accuracy and uniformity of grade determinations and to provide more accurate grade information to purchasers of meat.

The Department requested comments on the proposed revisions and gave interested persons until December 17, 1979 to comment. Subsequent to that period, the Department was requested to extend the period of time within which data, views, or arguments may be submitted. The request stated that additional time was needed in order to gather additional data that would be necessary to comment fully on the proposed rule.

Since the Department is interested in receiving meaningful data, the Department has determined that these circumstances are considered sufficient justification for reopening the comment period for 15 days. In all other respects, the procedure specified in the notice published on October 16, 1979, shall continue to apply in this rulemaking proceeding.

Done at Washington, D.C., on December 31, 1979.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 80-300 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Direct Investment Surveys; Mandatory Reporting Requirement

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to abolish the present mandatory reporting requirement for one annual statistical survey, the BE–133, Sources and Applications of Funds of U.S. Direct Investment Abroad, and to establish a mandatory reporting requirement for a new statistical survey, the BE–11, Annual Survey of U.S. Direct Investment Abroad. The purpose of this amendment is to further implement the President's responsibilities for collecting data on U.S. direct investment abroad under the International Investment Survey Act of 1976; these responsibilities were delegated to the Secretary of Commerce, who redelegated them to the Bureau of Economic Analysis.

DATE: Comments must be received on or before February 4, 1979.

ADDRESS: Send comments to: U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE–50), Washington, D.C. 20230. All comments, material, questions, etc., in response to this proposal will be available for public inspection from 8:00 am to 4:00 pm, in Room 608, 1401 K Street, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202–523–0657.

SUPPLEMENTARY INFORMATION: On December 22, 1977, the Department of Commerce published final rules implementing the duties and authority delegated to it by the President in Section 3 of Executive Order 11961 of January 19, 1977 to carry out the

International Investment Survey Act of 1976 (Public Law 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108). Section 806.14(f)(1) of those rules reads as follows:

(f) Annual report forms. (1) BE–133—Sources and Applications of Funds of U.S. Direct Investment Abroad: One report is required for each majority-owned foreign affiliate exceeding an exemption level of $8,000,000.

Note.—This survey will not be conducted for the year for which a BE–10, Benchmark Survey of U.S. Direct Investment Abroad, is conducted.

This notice of proposed rulemaking is to inform the public that the BE–133, Sources and Applications of Funds of U.S. Direct Investment Abroad, survey is to be discontinued and that a new survey, the BE–11, Annual Survey of U.S. Direct Investment Abroad, is to be instituted. the BE–11 survey, consisting of Forms BE–11A and BE–11B, and the instructions for the survey are reproduced at the end of this notice. The BE–11 survey is needed to provide annual time series data on important aspects of the operations of U.S. multinational corporations and their foreign affiliates. Most of the information contained in the discontinued survey can be derived from the information being requested in the proposed new survey. Public comment on these actions and on the reporting requirements for the new survey is invited.

The legal authorities, provisions, definitions, and requirements presently contained in 15 CFR Part 806 pertaining to U.S. direct investment abroad will be applicable to the BE–11 survey.

U.S. Reporters, as defined in the current regulations, that are banks or bank holding companies, and their foreign affiliates, are exempt from reporting in the BE–11 survey. A report, consisting of Form BE–11A and Form(s) BE–11B, will be required from all other U.S. Reporters who, on December 31 of a year for which a report is required, had a majority-owned *non-bank* foreign affiliate whose assets, sales, or net income (positive or negative) exceeded an exemption level of $8,000,000. For those subject to the reporting requirements, a Form BE–11A will be required for each U.S. Reporter and a Form BE–11B will be required for each majority-owned non-bank foreign affiliate exceeding the exemption level.

The first BE–11 survey will cover both 1978 and 1979 in order to maintain the continuity of the data collected int he Benchmark Survey of U.S. Direct Investment Abroad, 1977. Subsequent surveys will cover one year.

Note.—The Department of Commerce has determined that this proposal is not a significant regulation requiring preparation of a regulatory analysis under Executive Order 12044.

It is therefore proposed to modify Part 806, 15 CFR, as set forth below:

L. H. Hodges, Jr.,

Acting Secretary of Commerce.

Strike existing language in § 806.14, paragraph (f)(1) and replace it with the following:

§ 806.14 U.S. Direct investment abroad.

* * * * *

(f) Annual Report Forms.

(1) BE–11—Annual Survey of U.S. Direct Investment Abroad.

Reporting under this survey consists of:

(i) Form BE–11A: Report for U.S. Reporter. One report is required from each U.S. Reporter who has a foreign affiliate for which a form BE–11B is required to be filed. Note that a U.S. Reporter that is a bank, and all its foreign affiliates, is exempt.

(ii) Form BE–11B: Report for Foreign Affiliate. A U.S. Reporter is required to file one report for each majority-owned foreign affiliate exceeding an exemption level of $8,000,000 and that was in existence on December 31 of the reporting year, except that a foreign affiliate that is a bank or a bank holding company, or whose U.S. Reporter is a bank or bank holding company, is exempt.

Note.—This survey will not be conducted for the year for which a BE–10, Benchmark Survey of U.S. Direct Investment Abroad, is conducted.

The following instructions and forms are included for information and comment, and will not appear in the Code of Federal Regulations.

BILLING CODE 3510–06–M

U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS

MANDATORY

ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD - 1978 and 1979

INSTRUCTION BOOKLET
(Forms BE-11A and BE-11B)

INTRODUCTION

The Annual Survey of U.S. Direct Investment Abroad - 1978 and 1979 is being conducted by the Department of Commerce to secure annual updates of major data items collected in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 1977. The survey will provide current data on the economic significance of these investments and changes in them over time. This information will be used to analyze the effect of these investments on the U.S. and foreign economies. Data for 1978 and 1979 are being collected in this survey in order to maintain the continuity of data collected in the 1977 BE-10 survey.

As provided by Section 5(c) of the International Investment Survey Act of 1976 (Public Law No. 472, 94th Congress, 90 Stat. 2059, 22 U.S.C. 3101-3108 (hereinafter "the Act")), the information reported may be used for analytical and statistical purposes only and access to the information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act. No official or employee (including consultants and contractors and their employees) shall publish or make available to any other person any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified. Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by any person without the prior permission of the person filing the report and the customer of such person where the information supplied is identifiable as being derived from the records of such customer.

Reporting requirements are detailed in Section 1, Who Must Report, on page 1 of this booklet. Foreign branches, other unincorporated foreign business enterprises, and foreign incorporated business enterprises owned by U.S. persons, are covered. Real estate abroad held for business purposes by a U.S. person is considered to be a business enterprise. Other reporting requirements and instructions relating to specific parts of the report forms are given herein. Regulations may be found in 15 CFR, Part 806.

The filing of reports for this survey is mandatory under Section 5 of the Act. In Section 3 of Executive Order 11961 of January 19, 1977, the President designated the Department of Commerce as the federal executive agency responsible for collecting the required data on direct investment, and the Secretary of Commerce has delegated this responsibility to the Bureau of Economic Analysis. This survey has been approved by OMB under the Federal Reports Act (44 U.S.C. 3501, et seq). Failure to respond is punishable by civil or criminal penalties, or both.

If a person receiving the report forms and instructions is not required to report according to the Act and the reporting requirements contained herein, the attached "Certification that a BE-11 Survey Report is Not Required" must be completed and returned to the Bureau of Economic Analysis within 30 days. (See page 4 of this booklet.)

Your cooperation will be appreciated.

BE-11 INSTRUCTION BOOKLET

CONTENTS

I.	WHO MUST REPORT	1
II.	DEFINITIONS	2
III.	CONSOLIDATION	3
IV.	FILING REPORT	4
V.	ACCOUNTING METHODS AND REPORTING PROCEDURES	4
VI.	CLARIFICATION OF COVERAGE AND SPECIAL SITUATIONS	6
VII.	INSTRUCTIONS FOR SPECIFIC PARTS OF REPORT FORMS	7

I. WHO MUST REPORT

A. Basic Requirement - A report, consisting of Form BE-11A and Form(s) BE-11B, is required from every U.S. person having, on December 31, 1978 or 1979, a "direct investment interest" in a foreign affiliate that was majority-owned, i.e., an affiliate in which the combined direct investment interest of all U.S. Reporters of the affiliate exceeds 50 per centum, except as specifically exempted below. (See definitions in Section II.)

1. BEA is providing to all U.S. Reporters who filed reports in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 1977, a labeled Form BE-11A (Report for U.S. Reporter) and a labeled Form BE-11B (Report for Foreign Affiliate) for each of its foreign affiliates that, based on the data furnished in the 1977 survey, meet the reporting requirements of this BE-11 survey. (However, changes subsequent to 1977 may mean they do not have to be reported.) A supply of unlabeled forms is included for use in reporting new affiliates and old affiliates that have gone above the exemption level since 1977.

Other U.S. persons subject to the reporting requirements of this survey should contact BEA for forms.

2. Individuals who own reportable foreign affiliates directly on their own account (rather than indirectly through their ownership of a U.S. business enterprise) must report.

3. For persons contacted by BEA, a response is required even if all foreign affiliates are exempt. (See Section IV.F. below.)

B. Filing and Exemptions

1. Form BE-11A (Report for U.S. Reporter) - A completed Form BE-11A is required from each U.S. Reporter who has a foreign affiliate for which a Form BE-11B is required to be filed. See filing requirements for Form BE-11B in B.2. for criteria for determining which foreign affiliates must be reported on that Form.

Exemption: A U.S. Reporter that is a bank, or a bank holding company, is exempt from reporting in this survey on either Form BE-11A or on Form BE-11B for its foreign affiliates. (See BEA Code 600 on page 19 of Industry Classifications and Export and Import Trade Classifications Booklet for a complete definition of "Bank".)

2. Form BE-11B (Report for Foreign Affiliate) - A U.S. person is required to file one completed Form BE-11B for each of its foreign affiliates that was majority-owned, i.e., for each affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeded 50 per centum, on December 31, 1978 or 1979, except as specifically exempted below. (Branches and other unincorporated foreign business enterprises may be foreign affiliates and, if so, must be reported if majority-owned.)

All direct and indirect lines of ownership interest held by a U.S. person in the given foreign business enterprise must be summed to determine whether the enterprise is a foreign affiliate, i.e., the U.S. person's interest is 10 percent or more. A U.S. person's percentage of indirect voting ownership in a given foreign business enterprise is the product of the direct voting ownership percentage of the U.S. person in the first foreign business enterprise in the ownership chain times that first enterprise's direct voting ownership percentage in the second foreign business enterprise times each succeeding direct voting ownership percentage of each intervening foreign business enterprise in the ownership chain between the U.S. person and the given foreign business enterprise.

The calculated direct plus indirect voting ownership interests of all U.S. Reporters are then summed to determine whether the foreign affiliate is a majority-owned affiliate.

Exemptions:

a. A majority-owned foreign affiliate is exempt from being reported for a year in which all three of the following items were $8,000,000 or less:

Total assets (Item 31 of Form BE-11B)
Net sales or gross operating revenues excluding sales taxes (Item 40 of Form BE-11B)
Net income after income taxes (whether positive or negative) (Item 51 of Form BE-11B)

b. Banks

i. All foreign affiliates of a U.S. Reporter that is a bank are exempt.

ii. A foreign affiliate that is a bank is exempt.

(See BEA Code 600 on page 19 of Industry Classifications and Export and Import Trade Classifications Booklet for a complete definition of "Bank".)

c. Dual ownership - Where a foreign affiliate is owned by two or more U.S. persons, the affiliate should be reported only by the U.S. person with the largest ownership share. If ownership shares are exactly equal, the owner who filed the Part II data for the foreign affiliate on the 1977 Form BE-10B should report, or, for new affiliates, the owners should agree among themselves as to who will report.

Reporting of foreign affiliates that go above or below the exemption level or cross the majority ownership line: Data must be furnished for each year -- 1978 and 1979 -- for which a foreign affiliate was above the $8,000,000 exemption level and was majority-owned on December 31.

If a foreign affiliate is exempt in both 1978 and 1979 but a labeled Form BE-11B for the affiliate was sent to the U.S. Reporter, mark the labeled page "exempt," note the reason for the exemption, and return it to BEA.

If a foreign affiliate is exempt for 1978 or 1979, complete Part I and the data columns for the year it is not exempt, note on the face of the form that it is "exempt" for the other year and give the reason for the exemption.

II. DEFINITIONS

A. United States, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

B. Foreign, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States.

C. Person means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

D. United States person means any person resident in the United States or subject to the jurisdiction of the United States.

E. Foreign person means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

F. Business enterprise means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate.

G. U.S. direct investment abroad means the ownership or control, directly or indirectly, by one U.S. person of 10 per centum or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise, including a branch.

H. U.S. Reporter means the U.S. person which has direct investment in a foreign business enterprise, including a branch. (If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise consisting of the U.S. parent corporation which is not owned to the extent of more than 50 per centum of its voting stock by another U.S. corporation and all other domestic corporations in which the parent corporation directly or indirectly owns more than 50 per centum of the outstanding voting stock.)

I. Affiliate means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch.

J. Foreign affiliate means an affiliate located outside the United States in which a U.S. person has direct investment.

K. Majority-owned foreign affiliate means a foreign affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeds 50 per centum.

L. Foreign affiliate parent means a U.S. Reporter's foreign affiliate which has an equity interest in another foreign affiliate of the U.S. Reporter.

M. Associated group means two or more persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. Each of the following are deemed to be an associated group:

1. Members of the same family,
2. A business enterprise and one or more of its officers and directors,
3. Members of a syndicate or joint venture, or
4. A corporation and its domestic subsidiaries.

N. Branch means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity.

(For a business enterprise that is incorporated in the United States but carries on substantially all of its operations abroad, the foreign portion of its operations should be considered and treated as a branch, i.e., as an unincorporated foreign affiliate, in this survey.)

O. Intermediary means an agent, nominee, manager, custodian, trust, or any person acting in a similar capacity.

III. CONSOLIDATION

A. Form BE-11A (Report for U.S. Reporter) - When the U.S. Reporter is a corporation, Form BE-11A is required to cover the fully consolidated U.S. domestic enterprise consisting of the U.S. parent corporation which is not owned to the extent of more than 50 percent of its voting stock by another U.S. corporation and all other domestic corporations in which the U.S. parent corporation directly or indirectly owns more than 50 percent of the outstanding voting stock.

The fully consolidated U.S. domestic enterprise therefore includes majority-owned Domestic International Sales Corporations but excludes foreign branches and other foreign affiliates.

It is recognized, however, that conditions may exist that would lead to the exclusion of certain majority-owned (more than 50 percent owned) domestic corporations from normal consolidation methods as would be used in reports generated for shareholders. Examples of exclusion might be a majority-owned domestic corporation whose operations are unrelated to those of its owning company and where the owning company of a finance company is a manufacturer.

A U.S. Reporter that has a majority ownership interest in a domestic corporation that is not normally included in the consolidated financial and operating data must, in lieu of consolidation, aggregate the financial and operating data of such domestic corporation on the U.S. Reporter's consolidated Form BE-11A. The names of each domestic corporation included by aggregation must be given in the transmittal letter.

For a U.S. Reporter that filed in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 1977, the consolidation should be the same as used for Form BE-10A of that survey, less any domestic subsidiaries that are no longer owned, plus any domestic subsidiaries owned more than 50 percent that were acquired since 1977.

B. Form BE-11B (Report for Foreign Affiliate) - In cases where the recordkeeping system of foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following conditions apply:

1. The affiliates are in the same BEA 3-digit industry, as defined in the Industry Classifications and Export and Import Trade Classifications Booklet; or

2. The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated.

In all other situations, the U.S. Reporter should call this office at (202) 523-0632, for guidance.

Under no circumstances may foreign affiliates in different countries be consolidated.

U.S. Reporters who filed in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 1977, should consolidate foreign affiliates in the same manner for this BE-11 survey and for all subsequent BEA surveys (e.g., BE-133B and C, BE-577, BE-578). In the event that this is not possible (due, for example, to sale of a foreign affiliate) U.S. Reporters should inform BEA, in writing, each time a report is submitted with consolidation differing from that in the 1977 BE-10. If this foreign affiliate is being reported for the first time to BEA, then all subsequent BEA reports should carry the same consolidation.

C. Relationship between Form BE-11A and Form BE-11B - The term "U.S. Reporter" as defined herein means the fully consolidated U.S. domestic enterprise; therefore, on Form BE-11B, when data on trade and financial relationships between the U.S. Reporter and the foreign affiliate are requested, the data must reflect the foreign affiliate's relationship with the entire U.S. enterprise as reported on Form BE-11A, not merely with one division or part.

IV. FILING REPORT

A. Due date - Reports, consisting of both Form BE-11A and Form(s) BE-11B, are due on June 15, 1980.

B. Extension - Requests for an extension of the reporting deadline will not normally be granted. However, in a hardship case, a written request for an extension will be considered provided it is received at least 15 days prior to the due date of the report and enumerates substantive reasons necessitating the extension. BEA will provide a written response to such requests.

C. Assistance - If there are any questions concerning the report, phone (202) 523-0632 for assistance.

D. Number of copies - A single original copy of each form must be filed with the Bureau of Economic Analysis; this should be the copy with the label if such a labeled copy has been provided. In addition, each U.S. Reporter must retain a copy of its report to facilitate resolution of any problems that may arise covering the data reported. (Both copies are protected by law; see statement on confidentiality in the Introduction.)

E. Where to send report - Return the report to U.S. Department of Commerce, Bureau of Economic Analysis (BE-50, SSB), Washington, D.C. 20230.

F. Response required - Any person BEA contacts, either by sending them the BE-11 survey report forms or by written inquiry concerning the person's being subject to the reporting requirements of the BE-11 survey, must respond in writing. Filing the properly completed form is, of course, adequate response. A person so contacted who claims they have no direct investment within the purview of the reporting requirements, must certify in writing to that fact within 30 days of being contacted by BEA, by filing the "Certification that a BE-11 Report is Not Required", which is on the outside back cover of this booklet. The requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act.

V. ACCOUNTING METHODS AND REPORTING PROCEDURES

A. Accounting methods and records - Generally accepted U.S. accounting principles should be followed. Corporations should generally use the same methods and records that are used to generate reports to stockholders, unless the line instruction for a given item indicates otherwise. Reports for unincorporated persons must be generated on an equivalent basis.

Reference to Financial Accounting Standards Board statements are referred to as "FASB" statements.

B. Translation of foreign currency financial and operating data into U.S. dollars

1. Financial statements - Foreign affiliate financial statements, such as the balance sheet and income statement, should be translated from the host country currency to U.S. dollars using U.S. generally accepted accounting principles (FASB 8) as would be required in order to incorporate foreign statements into the U.S. Reporter's financial statements for reports to shareholders.

2. Selected financial and operating data of foreign affiliate - According to FASB 8, "Revenue and expense transactions shall be translated in a manner that produces approximately the same dollar amounts that would have resulted had the underlying transactions been translated into dollars on the dates they occurred. Since separate translation of each transaction is usually impractical, the specific result can be achieved by using an average rate for the period. However, revenue and expenses that relate to assets and liabilities translated at historical rates shall be translated at the historical rates used to translate the related assets and liabilities."

In this report, certain revenue and expense transactions that may not be translated separately for the financial statements, such as wages and salaries, exports and imports, and fees and royalties, are required to be reported. These transactions should be translated in a manner that is consistent with that used to translate the financial statements to U.S. dollars. Unless specifically permitted in the application of FASB 8, do not use the spot foreign exchange rate in effect at yearend or the end of the reporting period as an expediency in order to translate detailed financial and operating data into U.S. dollars.

C. Equity method of accounting for reporting equity investments - Investments by one business enterprise in the common stock of another business enterprise should be accounted for as detailed below. (Note that a U.S. Reporter may not fully consolidate a foreign affiliate, nor may a foreign affiliate consolidate an affiliate it owns that is in a different industry or in a different country. See page 3 for the rules governing consolidation.)

1. Investment in all unconsolidated business enterprises owned more than 50 percent should be reported using the equity method.

2. Investment in those business enterprises owned at least 20 percent but not more than 50 percent should be reported using the equity method.

3. Investment in those business enterprises owned less than 20 percent should be reported using the cost method.

4. Immaterial investments may be reported using the cost basis provided this method is consistent with normal reporting practice.

Reporting equity investments in the manner described in instructions 1, 2, and 3 above in the accounts of the enterprise holding the investment does not substitute for the filing of a Form BE-11B for any majority-owned foreign affiliate that is not specifically exempt (see Section I of this Instruction Booklet).

Furthermore, when according to the rules for this survey, the owning and the owned foreign business enterprises cannot be fully consolidated, adjustments similar to those made in preparing consolidated statements, including adjustments to eliminate intercompany account balances, equity holdings, sales and purchases, interest, dividends, and gains and losses, should NOT be made.

D. Reporting period - Reports must be submitted on a calendar year basis for the years ending December 31, 1978 and December 31, 1979. If the estimation of annual data based upon quarterly or monthly reports is necessary in order to present the data on or closer to a calendar year basis, such estimates are acceptable. If it would cause an undue burden on a company to provide data on a calendar year basis, a report may be submitted covering years ending between November 16, 1978 (1979) and February 15, 1979 (1980) inclusive, the actual date coinciding with the actual ending date of a fiscal year or a fiscal quarter within that period.

E. Required information not available - All reasonable efforts should be made to obtain information required for reporting. Every question on each form should be answered, except where the instructions specifically state that an answer is not required.

F. Estimates - If actual figures are not available, estimates should be supplied and labeled as such. When data items cannot be fully subdivided as required, totals and an estimated breakdown of the total should be supplied.

G. Specify - When "specify" is included in the line instruction for certain data items, the type and dollar amount of the major items included must be given for at least the items mentioned in the line instruction.

H. Space on form insufficient - When space on a form is insufficient to permit a full answer to any item, the required information should be submitted on supplementary sheets, appropriately labeled and referenced to the item number and the form.

I. Annual stockholder's report - U.S. business enterprises issuing annual reports to stockholders are required to furnish a copy of their annual report to this Bureau as part of their BE-11 submission.

VI. CLARIFICATION OF COVERAGE AND SPECIAL SITUATIONS

A. Business enterprise in the United States owned by a foreign person - A business enterprise in the United States owned by a foreign person shall report with respect to any foreign affiliate it owns or controls, directly or indirectly, that is not otherwise exempt, but shall not report other property of its foreign owner.

B. Real estate - Real estate held exclusively for personal use and not for profitmaking purposes is exempt from being reported. A residence that is leased by the owner who intends to reoccupy it is considered real estate held for personal use. If a business enterprise, otherwise required to report, is in the form of real property not identifiable by name, a report is required to be filed by and in the name of the beneficial owner, or in the name of such beneficial owner by the intermediary of such beneficial owner.

C. Airlines and ship operators - Foreign stations, ticket offices, and terminal and port facilities of U.S. airlines and ship operators that provide services only to their own operations are exempt from being reported. Reports are required when such facilities produce significant revenues from services provided to unaffiliated persons.

D. Partnerships - Limited partners do not have voting rights in a partnership and therefore cannot have a direct investment in a partnership; their investment is considered to be portfolio investment. Determination of the existence of direct investment in a partnership shall be based on the country of residence of, and the percentage control exercised by, the general partner(s) although the latter may differ from the financial interest of the general partner(s).

E. Determining place of residence and country of jurisdiction of individuals - An individual will be considered a resident of, and subject to the jurisdiction of, the country in which physically located, subject to the following qualifications:

1. Individuals who reside, or expect to reside, outside their country of citizenship for less than one year are considered to be residents of their country of citizenship.

2. Individuals who reside, or expect to reside, outside their country of citizenship for one year or more are considered to be residents of the country in which they are residing, except as provided in E.3.

3. Notwithstanding E.2, if an owner or employee of a business enterprise resides outside the country of location of the enterprise for one year or more for the purpose of furthering the business of the enterprise, and the country of the business enterprise is the country of citizenship of the owner or employee, then such owner or employee shall nevertheless be considered a resident of the country of citizenship provided there is the intent to return within a reasonable period of time.

4. Individuals and members of their immediate families who are residing outside their country of citizenship as a result of employment by the government of that country -- diplomats, consular officials, members of the armed forces, etc. -- are considered to be residents of their country of citizenship.

F. Estates, trusts, and intermediaries

1. A U.S. estate is a person and therefore may have direct investment, and the estate, not the beneficiary, is considered to be the U.S. Reporter. Thus, ownership of a foreign affiliate by a U.S. estate shall be reported by the administrator, executor, etc., of the estate and not by the beneficiary.

2. A U.S. trust is a person, but is not a business enterprise. The trust shall be considered the same as an intermediary and reporting should be as outlined in 3 below. For reporting purposes, the beneficiary(ies) of the trust, or the creator(s) of the trust either in the situation detailed below or if there is, or may be, a reversionary interest, shall be considered to be the owner(s) of the investments of the trust for determining the existence of direct investment. Where a corporation or other organization creates a trust designating its shareholders or members as beneficiaries, the creating corporation or organization shall be deemed to be the owner of the investments of the trust, or succeeding trusts where the presently existing trust has evolved out of a prior trust, for the purposes of determining the existence and reporting of direct investment.

This procedure is adopted in order to fulfill the statistical purposes of this survey and does not imply that control over an enterprise owned or controlled by a trust is, or can be, exercised by the beneficiary(ies) or creator(s).

3. Intermediary

a. If a particular U.S. direct investment abroad is held, exercised, administered or managed by a U.S. intermediary, such intermediary shall be responsible for reporting the required information for, and in the name of, its principal or shall instruct the principal to submit the required information. Upon instructing the principal, the intermediary shall be released from further liability to report provided it has informed this Bureau of the date such instructions were given and the name and address of the principal, and has supplied the principal with any information in the possession of, or which can be secured by, the intermediary, that is necessary to permit the principal to complete the required reports. When acting in the capacity of an intermediary, the accounts or transactions of the U.S. intermediary with the foreign affiliate shall be considered as accounts or transactions of the U.S. principal with the foreign affiliate. To the extent such transactions or accounts are unavailable to the principal, they may be required to be reported by the intermediary.

b. If the U.S. person holds a foreign affiliate through a foreign intermediary, the U.S. person will be considered to own the foreign affiliate directly and all accounts or transactions of the U.S. person with the intermediary will be considered to be with the foreign affiliate.

G. Ownership by one U.S. person, including an individual, in another U.S. person that owns a foreign affiliate

1. By a U.S. person other than a business enterprise - When a U.S. person who is not a business enterprise has an interest in a U.S. business enterprise that owns a foreign affiliate, the business enterprise, rather than the non-business person, is considered to be the U.S. Reporter. In this case, the report should be filed by, and Form BE-11A should be for, the business enterprise. If the non-business person is an individual and the individual's interest in the U.S. business enterprise exceeds 50 percent, then direct transactions or positions, if any, with the foreign affiliate by the individual must be included in the business enterprise's report.

2. By a business enterprise - A U.S. business enterprise that owns 50 percent or less of another U.S. business enterprise is not considered to have an "indirect" ownership interest in the foreign affiliates of the latter U.S. business enterprise.

VII. INSTRUCTIONS FOR SPECIFIC PARTS OF THE REPORT FORMS

A. Reference to "All Foreign Affiliates" of the U.S. Reporter on Forms BE-11A and BE-11B - In certain items on Form BE-11A and Form(s) BE-11B, reference is made to "all foreign affiliates" of the U.S. Reporter, rather than just "reported foreign affiliates." The term "all foreign affiliates" refers to every foreign affiliate, whether or not a Form BE-11B is required to be filed for that affiliate, i.e., every foreign business enterprise owned or controlled, directly or indirectly, by the U.S. Reporter to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch. Thus, it includes bank affiliates; affiliates that are not majority-owned, i.e., that are owned less than 50 percent by all U.S. Reporters combined; and affiliates with assets, sales, or net income of $8,000,000 or less -- all of which are exempt from being reported on Form BE-11B.

B. Employment and Employee Compensation, Form BE-11A and Form(s) BE-11B - Employment and employee compensation data should be based on payroll records for the reporting period. They should relate, therefore, to activities during the reporting period regardless of whether the costs of such activities were charged as an expense on the income statement, charged to inventories, or capitalized. Do not include data related to activities taking place in periods prior to the reporting period, such as those whose costs were charged to inventories or capitalized in prior years.

(NOTE: On Form BE-11B, the breakdown of data on employment and employee compensation between production and non-production workers should be supplied for manufacturing affiliates only, i.e., for those affiliates classified in BEA industries 201 through 390, inclusive.

1. Employment is the average number of employees for the reporting period, including part-time employees but excluding home workers and independent sales personnel who are not employees. If possible, the average should be the average for the year of the number of persons on the payroll at the end of each payroll period, month, or quarter. If precise figures are not available, give your best estimate of the average number of employees for the reporting period. Employment at the end of the reporting period may be used as an estimate of average employment only if employment throughout the reporting period did not vary significantly due to seasonal operations, a strike, temporary shutdowns, etc. This definition of employment applies both to total employment and to its subdivisions, which are given below.

a. Production and related workers for manufacturing affiliates are those employees, up to and including working foremen, but excluding other supervisory employees, who are involved in the physical production of goods, handling and storage of goods, related services (e.g., maintenance and repair), and auxiliary production for plant's own use (e.g., power plant). If foreign affiliates maintain employment and payroll records according to national (host country) definitions of wage workers or manual workers that do not differ significantly from the above production worker concept, data may be submitted according to the national concepts.

b. Non-production workers are those employees who are not production and related workers.

2. Employee compensation consists of wages and salaries of employees and employer expenditures for all employee benefit plans.

a. Wages and salaries are the gross earnings of all employees before deduction of employees' payroll withholding tax, social insurance contributions, group insurance premiums, union dues, etc. Include basic time and piece-rate payments, cost of living adjustments, overtime pay and shift differentials, regularly paid bonuses, premiums, personal allowances, summer and yearend bonuses, profit-sharing allocations, and commissions. Exclude commissions paid to independent sales personnel and piece-rate payments made to home workers who are not employees. For incorporated business enterprises, include salaries of officers; for unincorporated business enterprises, exclude payments to proprietors or partners.

Also include in wages and salaries any other direct payments by employers to employees, such as those for holiday and vacation pay, paid sick leave, severance (redundancy) pay, etc.

If the employer contributes to benefit funds and also makes direct payments to employees, include the direct payments in "wages and salaries." However, exclude direct payments if the employer pays employees as an agent of benefit funds and is reimbursed for the payments by the funds. Exclude all payments made by benefit funds rather than by the employer. (Employer contributions to benefit funds are included in "employee benefit plans" as discussed below.)

Also include wages and salaries paid in-kind, valued at the cost to the employer. Pay in-kind should include the actual cost to the employer of those goods and services furnished to employees free or at a significant discount which are clearly and primarily of benefit to employees as consumers, such as food, fuel, and housing. For goods sold to the employee below cost, include the difference between the cost of the goods to the employer and the prices paid by the employee. Housing costs should include depreciation of buildings and equipment, interest, taxes, insurance, repairs and maintenance, and other costs, less grants-in-aid or tax rebates received from public authorities and rent charged to workers. Allowances paid to employees in lieu of pay in-kind should also be included. Do not include expenditures that benefit employers as well as employees, such as for plant facilities, employee training programs, and reimbursements for business expenses.

b. Employee benefit plans are employer expenditures for all employee benefit plans, including those required by government statute, those resulting from a collective-bargaining contract, or those that are voluntary. Employee benefit plans include retirement plans, life and disability insurance, guaranteed sick pay programs, workers' compensation insurance, medical insurance, family allowances, unemployment insurance, severance (redundancy) pay funds, etc. If plans are financed jointly by the employer and the employee, only the contributions of the employer should be included.

(NOTE: A breakdown of employer expenditures for employee benefit plans between those for (1) production and related workers, and (2) non-production workers is required on Form BE-11B for manufacturing affiliates only. If actual data for such a breakdown are not available, give your best estimate. To provide reasonable estimates, it may be necessary to separately estimate the breakdown for each benefit plan (or group of benefit plans), based on the characteristics of the plan(s). For example, if employer expenditures for a particular benefit plan are the same for each employee, the production and related workers' share of the total cost of the plan should reflect the ratio of the number of such workers to total employment. If, for another benefit plan, employer expenditures are based on a percentage of wages and salaries, the production and related workers' share of the total cost of the plan should reflect the ratio of such workers' wages and salaries to total wages and salaries for all employees. For benefit plans whose characteristics differ from the two examples, appropriate estimating procedures should be used.)

C. U.S. merchandise exports and imports, Form BE-11A and Form BE-11B - The items on the report forms on U.S. merchandise trade of U.S. Reporters and their foreign affiliates attempt to obtain data on a "shipped" basis, i.e., on the basis of when and to (or by) whom the goods were shipped. This is the basis used in compiling official U.S. trade statistics to which the data on U.S. trade of U.S. Reporters and their foreign affiliates will be compared. However, most U.S. Reporters and their foreign affiliates may normally keep their accounting records on a "charged" basis, i.e., on the basis of when and to (or by) whom the goods were charged. In some cases, the difference between the "charged" and "shipped" bases may be significant. If, for a U.S. Reporter or any of its affiliates, the difference is significant in determining what is U.S. trade, whose trade it is, or the timing of the trade, then the "shipped" basis must be used by that Reporter or for that affiliate. However, if for a U.S. Reporter or any of its affiliates, there is no material difference between the two bases in determining what is U.S. trade, whose trade it is, and the timing of the trade, then the "charged" basis may be used instead.

1. Definition of U.S. merchandise trade - The phrases "U.S. merchandise trade," "U.S. merchandise exports," and "U.S. merchandise imports" refer to physical movements of goods between the customs area of the United States and the customs area of a foreign country. Consigned goods must be included in the trade figures even though not normally recorded as sales or purchases, or entered into intercompany accounts when initially consigned.

2. Timing - Only goods actually shipped between the United States and a foreign country in the calendar year should be included, regardless of when the goods were charged or consigned. For example, goods shipped by the U.S. Reporter to an affiliate in 1978 that were charged or consigned to the affiliate in 1979 should be included for 1978, but goods shipped to an affiliate in 1977 that were charged or consigned to the affiliate in 1978 should be excluded.

3. Trade of the U.S. Reporter - Goods shipped by or to the U.S. Reporter, whether or not they were actually charged or consigned by or to the U.S. Reporter, are considered to be trade of the U.S. Reporter.

4. Trade of a foreign affiliate - Goods shipped by (or to) a foreign affiliate, whether or not they were actually charged or consigned by (or to) the foreign affiliate, are considered trade of the foreign affiliate.

5. By (or to) whom goods were shipped - Shipment by (or to) an entity refers to the physical movement of merchandise by (or to) that entity regardless of by (or to) whom the merchandise was charged or consigned. Thus, for example, if the U.S. Reporter charges goods to a foreign affiliate but ships the goods to an unaffiliated foreigner, the goods are considered U.S. merchandise exports by the U.S. Reporter to the unaffiliated foreigner and should be recorded as such on the U.S. Reporter's Form BE-11A. Or, if the U.S. Reporter charges goods to a German affiliate but ships them to an Italian affiliate, the goods should be recorded as U.S. merchandise exports by the U.S. Reporter only on the Form BE-11B of the Italian affiliate, not on that of the German affiliate. Similarly, if goods were charged by the U.S. Reporter to an affiliate but shipped to the affiliate by another U.S. person, the goods should be considered an export by "other U.S. persons," not by the U.S. Reporter, on the affiliate's Form BE-11B.

(NOTE: Merchandise shipped by an independent carrier or a freight forwarder at the expense of an entity are shipments of that entity.)

6. Valuation of exports - U.S. merchandise exports should be valued f.a.s. at the port of exportation. This includes all costs incurred up to the point of loading the goods aboard the export carrier at the U.S. port of exportation, including the

selling price at the interior point of shipment (or cost if not sold), packaging costs, and inland freight and insurance. It excludes all subsequent costs, such as loading costs, foreign import duties, and freight and insurance from the U.S. port of exportation to the foreign port of entry.

7. Valuation of imports - U.S. imports should be valued at the actual contract price agreed upon between buyer and seller, adjusted to an f.a.s. foreign-port-of-exportation basis. This includes all costs incurred up to the point of loading the goods aboard the export carrier at the foreign port of exportation, including the selling price at the interior point of shipment (or cost if not sold), packaging costs, and inland freight and insurance. It excludes all subsequent costs, such as loading costs, U.S. import duties, and freight and insurance from the foreign port of exportation to the U.S. port of entry.

CERTIFICATION THAT A BE-11 SURVEY REPORT IS NOT REQUIRED

Any person BEA contacts, either by sending them the BE-11 survey report forms or by written inquiry concerning the person's being subject to the reporting requirements of the BE-11 survey, must respond in writing. The response must be made by filing the properly completed report, or by certifying in writing that the person had no direct investment within the purview of the reporting requirements of the BE-11 survey. This requirement is necessary to ensure compliance with reporting requirements and for the efficient administration of the International Investment Survey Act.

A person receiving report forms from BEA and who has no direct investment within the purview of the reporting requirements must complete and return this certification within thirty (30) days to:

U.S. Department of Commerce
Bureau of Economic Analysis (BE-50, SSB)
Washington, D.C. 20230

I hereby certify that I have reviewed the definitions and reporting requirements for the BE-11, Annual Survey of U.S. Direct Investment Abroad - 1978 and 1979, and that I have no direct investment within the purview of the reporting requirements.

Signature	Title (if applicable)
Typed or printed name of signer	Company name (if applicable)
Date	Address
Phone number	

NOTE: Title 18, U.S.C., Section 1001 (Crimes and Criminal Procedures), makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

FORM BE-11A (Report for U.S. Reporter)

U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS
MANDATORY
ANNUAL SURVEY
OF
U.S. DIRECT INVESTMENT ABROAD
1978 and 1979

Return Reports to: U.S. Department of Commerce
Bureau of Economic Analysis (BE-50, SSB)
Washington, D.C. 20230

IMPORTANT: Read Instruction Booklet before completing form. The instructions given below are only a brief summary of certain ones relating to this form.

1. Filing - A completed Form BE-11A is required from each U.S. Reporter who has a foreign affiliate for which a Form BE-11B is required to be filed. See Form BE-11B for criteria for determining which foreign affiliates must be reported on that Form.

Exemption: A U.S. Reporter that is a bank, or a bank holding company, is exempt from reporting in this survey both on Form BE-11A for itself and on Form BE-11B for its foreign affiliates.

2. Definitions

a. U.S. direct investment abroad means the ownership or control, directly or indirectly, by one U.S. person of 10 per centum or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise, including a branch.

b. U.S. Reporter means the U.S. person which has direct investment in a foreign business enterprise, including a branch. (If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise consisting of the U.S. parent corporation which is not owned to the extent of more than 50 per centum of its voting stock by another U.S. corporation and all other domestic corporations in which the parent corporation directly or indirectly owns more than 50 per centum of the outstanding voting stock.)

As used in the above, the fully consolidated U.S. domestic enterprise therefore includes majority-owned Domestic International Sales Corporations but excludes foreign branches and other foreign affiliates.

c. United States person means any person resident in the United States or subject to the jurisdiction of the United States.

d. Foreign affiliate means an affiliate located outside the United States in which a U.S. person has direct investment.

e. Affiliate means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business, or an equivalent interest for an unincorporated business, including a branch.

f. Majority-owned foreign affiliate means a foreign affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeds 50 per centum.

3. Consolidation - See definition of "U.S. Reporter" above for the basic consolidation rule to be used on this Form. For a U.S. Reporter that filed in the BE-10, Benchmark Survey of U.S. Direct Investment Abroad - 1977, the consolidation should be the same as used for Form BE-10A of that survey, less any domestic subsidiaries that are no longer owned, plus any domestic subsidiaries owned more than 50 percent that were acquired since 1977. See page 3 of Instruction Booklet for additional information concerning consolidation.

4. Partial exemption based on type of Reporter - U.S. Reporters that are religious, charitable, or other non-profit organizations and individuals, estates, and trusts, who directly own a reportable foreign affiliate, are required to file a Form BE-11A, in addition to required Form(s) BE-11B. However, on Form BE-11A only the information on person to consult; the certification; and Part I, Section B or C, as appropriate, and Section D, item 15 need be completed.

5. Reporting based on residency, not citizenship - U.S. citizens resident abroad for one year or more are not required to report in this survey. They are considered residents of the country in which they reside. Reporting requirements are based primarily on residency rather than citizenship. See page 6 of Instruction Booklet.

6. Due date - Reports, consisting of both Form BE-11A and Form(s) BE-11B, are due on June 15, 1980.

7. Response required - Any person BEA contacts, either by sending them the BE-11A and BE-11B report forms or by written inquiry concerning the person's being subject to the reporting requirements of Forms BE-11A and BE-11B must respond in writing. The response should be made by filing the properly completed forms, or by filing the "Certification that a BE-11 Report is Not Required"; the Certification is on the outside back cover of the Instruction Booklet.

8. Answer all questions - Every question on the form must be answered except where reporting is specifically exempt.

9. Assistance - Phone (202) 523-0632 for assistance in completing this form or for additional forms.

10. General notes

a. Currency amounts should be reported in U.S. dollars and rounded to the nearest thousand. EXAMPLE: $1,033,242.00 should be reported as $1,033.

b. If an item is between ± $500, enter "0".

c. Use parentheses to indicate negative numbers.

d. Data must be reported on a calendar year basis. If this poses an undue burden, the data may cover a year ending between November 16 and February 15. (See page 5 of the Instruction Booklet.)

e. U.S. business enterprises issuing annual reports to stockholders are required to furnish a copy of their annual report(s) to BEA for the period(s) covered by the BE-11A report.

11. Mandatory - This survey is being conducted pursuant to the International Investment Survey Act of 1976 (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108 -- hereinafter the "Act"), and the filing of reports is mandatory pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

12. Penalties - Whoever fails to report may be subject to a civil penalty not exceeding $10,000 and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violations, upon conviction, may be punished by a like fine, imprisonment or both. (See Section 6 of the Act, 22 U.S.C. 3105.)

13. Confidentiality - The information filed in this report may be used only for analytical and statistical purposes and access to the information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act. The President may authorize the exchange of the information between agencies or officials designated to perform functions under the Act, but only for analytical and statistical purposes. No official or employee (including consultants and contractors and their employees) shall publish or make available any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified. Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by any person without the prior written permission of the person filing the report and the customer of such person where the information supplied is identifiable as being derived from the records of such customer (22 U.S.C. 3104).

Person to consult concerning this report: Name/telephone number

CERTIFICATION: The U.S. Reporter and the undersigned person hereby certify that the information contained in this report (Forms BE-11A and BE-11B and any statements attached thereto) is accurate and complete to the best of their knowledge and belief.

Name of U.S. Reporter	Date	Signature of authorized person	Name and Title (print)

Title 18 U.S.C. Sec 1001, (Crimes and Criminal Procedure), makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Persons having access to individual company information submitted pursuant to the Act are subject to penalties for unauthorized disclosure (22 U.S.C. 3104 and 18 U.S.C. 1905).

LABEL -- Reporter Name
Reporter ID Number (check digit, plus four digits)
Industry Classification: Code -- (description)

PART I -- IDENTIFICATION OF U.S. REPORTER -- A label affixed above indicates that the named U.S. Reporter reported in the Benchmark Survey of U.S. Direct Investment Abroad - 1977 (on Form BE-10A). The label information is from that survey, as edited by BEA.

SECTION A. DETERMINATION OF TOP PARENT

1. If the U.S. Reporter named on the label above, or to be named in item 5, is a corporation, is the corporation owned to the extent of more than 50 percent of its voting stock by another U.S. business enterprise?

☐ YES ☐ NO

IF THE ANSWER IS "YES," DO NOT COMPLETE THIS REPORT. The report must reflect information and data for, and be filed in the name of, the U.S. person meeting the definition of U.S. Reporter. Please call this office (202) 523-0632 for further instructions.

IF THE ANSWER IS "NO," AND IF A LABELED REPORT FORM:

a. HAS BEEN PROVIDED FOR THE U.S. REPORTER, COMPLETE PART I, SECTION B.

OR

b. HAS NOT BEEN PROVIDED FOR THE U.S. REPORTER, SKIP PART I, SECTION B; BEGIN WITH PART I, SECTION C.

SECTION B. TO BE COMPLETED BY A U.S. REPORTER FOR WHICH A LABELED REPORT FORM HAS BEEN PROVIDED

	YES	NO	
2.	☐	☐	Has the name of the U.S. Reporter changed from that shown on the label? If yes, give new name in item 8.
3.	☐	☐	Has the form of organization of the U.S. Reporter changed since the 1977 BE-10A report was filed? If yes, complete item 9.
4.	☐	☐	Has the State (or U.S. territory or possession) of location of the principle administrative office of the U.S. Reporter changed since the 1977 BE-10A report was filed? If yes, complete item 11.
5.	☐	☐	Has the ending date of the annual reporting period of the U.S. Reporter changed since the 1977 BE-10A report was filed? If yes, complete item 12.
6.	☐	☐	Has the industrial activity of the U.S. Reporter changed from that indicated by the industry code on the label? (See Industry Classifications and Export and Import Trade Classifications Booklet for a complete explanation of industry classifications.) If yes, a Form BE-507 (Industry Classification Questionnaire) must be, or must have been, filed. Form BE-507 (Mark one):
			☐ Accompanies this report.
			☐ Was previously filed with the quarterly reports (BE-577 or BE-578) to BEA. Give date when filed: mo. year
7.	☐	☐	Are there any other significant changes as regards the U.S. Reporter that in your judgment, would affect the comparability of the data reported herein to that reported in the 1977 BE-10A report? If yes, give a brief explanation.

Complete any items in Section C that are required by a "yes" response to items 2 through 5. Then go directly to Section D, item 14.

SECTION C. TO BE COMPLETED BY A U.S. REPORTER FOR WHICH A LABELED REPORT FORM HAS NOT BEEN PROVIDED.

8. Name and address of U.S. Reporter: BEA USE ONLY--CONTROL NO [ ]

BEA USE ONLY [ ]

9. Form of organization of U.S. Reporter (Mark one):

[ ] Corporation [ ] Estate

[ ] Partnership [ ] Trust

[ ] Individual [ ] Other - Specify _____

10. Employer identification number(s) used by U.S. Reporter to file U.S. income and payroll taxes - (Show additional numbers on separate sheet if necessary.)

[ ]

11. Location of principal administrative office of U.S. Reporter - State, U.S. territory, or possession (Mark one):

[ ] New York [ ] Pennsylvania

[ ] California [ ] New Jersey

[ ] Illinois [ ] Other - Specify _____

Reporting period - Data should be for a calendar year: see Instruction Booklet, page 5.

12. "Closing balance" in this BE-11A report, for both 1978 and 1979, refers to data as of:

Month Day [ ]

If not the same for both years, or if the reporting period for either year is not for a full year, give dates for each year and explain.

13. Filing of Form BE-507, Industry Classification Questionnaire - A Form BE-507 must be filed with BEA by each U.S. Reporter for which a labeled form was not provided. A completed Form BE-507 for this U.S. Reporter (Mark one):

[ ] Accompanies this report.

[ ] Was previously filed with the quarterly foreign affiliate reports (BE-577 or BE-578) to BEA. Give date when filed: ____ ____.
mo. year

SECTION D. DATA REQUIRED FROM ALL U.S. REPORTERS

14. If this report does not consolidate or aggregate all U.S. domestic business enterprises encompassed in the definition of U.S. Reporter, give name of business enterprises and reason why data are not included. (Note: BEA approval is required before a business enterprise within the scope of the definition of U.S. Reporter can be omitted from the consolidation. If BEA approval was given in the 1977 BE-10, Benchmark Survey of U.S. Direct Investment Abroad, renewed approval is not necessary but this item must still be completed.) See page 3 of Instruction Booklet.

15. Enter the number of foreign affiliate reports (BE-11B) that you are required to file.

[ ] NUMBER

PART II: SELECTED FINANCIAL AND OPERATING DATA OF U.S. REPORTER (See definition of U.S. Reporter) - To be completed by all U.S. Reporters

Report all amounts in thousands of U.S. dollars

1979	1978
Amount	

16. Property, plant, and equipment, net - Include land; timber; mineral rights; structures; machinery; equipment; special tools; deposit containers; construction in progress; and capitalized tangible and intangible exploration and development costs, at historical cost, net of accumulated depreciation, depletion, amortization, and like charges. Exclude all other types of intangible assets and land held for resale.

17. Total assets

18. Total liabilities

19. Total owner's equity (item 17 minus item 18)

20. Net sales or gross operating revenues, excluding sales taxes - Net sales (sales minus returns, allowances, and discounts) or gross operating revenues, both exclusive of sales or consumption taxes levied directly on the consumer and excise taxes levied on manufacturers, wholesalers, and retailers. Insurance companies should include earned premiums, annuity considerations, gross investment income, and items of a similar nature.

21. Net income - After provision for U.S. income taxes, but before dividends on common and preferred stock. Net income must be calculated in accordance with the "all inclusive" concept of the income statement.

22. Net exchange gains (losses) from translating foreign affiliate's financial statements into dollars - Enter the U.S. Reporter's share in all foreign affiliates' net exchange gains (losses) resulting from the translation (or remeasuring) of the foreign affiliate's financial statements from its local currency into dollars due to a change in the rate between the local currency and the dollar during the period (FASB 8).

23. U.S. Reporter's net exchange gains (losses) from translation, conversion, or settlement - Enter the U.S. Reporter's net gain (loss) resulting from translation into dollars of the assets and liabilities measured or denominated in foreign currency, from the conversion of foreign currency, or from the settlement of receivables or payables denominated in foreign currencies, excluding amounts included in item 22 above.

24. Research and development (R&D) expenditures, calculated in accordance with FASB 2 - All R&D costs incurred, including depreciation, amortization, wages and salaries, taxes, costs of materials and supplies, allocated overhead, indirect R&D costs, and the cost of R&D conducted by others on behalf of the U.S. Reporter. Exclude costs incurred in R&D activities conducted for others under a contractual agreement.

25. Expenditures for property - Expenditures during the year for acquisition of land, timber, and mineral rights, excluding those for intangible assets, land held for resale, and capitalized exploration and development costs.

26. Expenditures for plant and equipment - Expenditures during the year for acquisition and improvement of structures, machinery, equipment, special tools, deposit containers, construction in progress, and capitalized tangible and intangible exploration and development costs, excluding those for expensed repairs and all other types of intangible assets.

27. Expenditures for used plant and equipment - That portion of item 26 that represents expenditures during the year for major items of used plant and equipment.

1979	1978
Amount	

Petroleum and mining exploration and development expenditures:

28. Expenditures charged against income.

29. Expenditures capitalized and included in item 26.

30. Total exploration and development expenditures - Sum of items 28 and 29.

Employment and Employee Compensation - Employment and employee compensation data should be based on payroll records for the reporting period. They should relate, therefore, to activities during the reporting period regardless of whether the costs of such activities were charged as an expense on the income statement, charged to inventories, or capitalized. Do not include data related to activities taking place in periods prior to the reporting period, such as those whose costs were charged to inventories or capitalized in prior years. See Instruction Booklet, page 7 , for requirements and definitions.

1979	1978
Number of Employees	

31. Employment - The average number of employees for the reporting period, including part-time employees. If possible, the average should be the average for the year of the number of persons on the payroll at the end of each pay period, month, or quarter. If precise figures are not available, give your best estimate of the average number of employees for the reporting period.

1979	1978
Amount	

32. Employee compensation - Wages and salaries and employer expenditures for all employee benefit plans. Wages and salaries are employees' gross earnings (before payroll deductions), including overtime payments and shift differentials, paid bonuses, commissions (except to independent sales personnel), and all other direct payments by the employer to employees, such as those for holiday and vacation pay, paid sick leave, and severance pay. Also include payments in-kind valued at the cost to the employer. Employer expenditures for employee benefit plans include those required by government statute, those resulting from collective-bargaining contracts, and those that are voluntary. Employee benefit plans include retirement plans; life, disability, and medical insurance; workers' compensation insurance; and unemployment insurance. Include employer contributions to funds for paid sick leave, severance pay, and family allowances.

U.S. Merchandise Trade of U.S. Reporters (valued f.a.s. at the port of exportation) - U.S. merchandise trade refers to the physical movement of goods, including capital goods and goods on consignment, between the customs area of the United States and the customs area of a foreign country. Data should be reported on a "shipped" basis (the basis used in compiling official U.S. trade statistics) rather than on a "charged" basis (the basis normally used in company accounting). As a result, U.S. exports and imports are not necessarily synonymous with sales to, or purchases from, foreign persons. See Instruction Booklet, page 9 , for additional details of data requirements.

1979		1978	
Exports from the U.S.	Imports to the U.S.	Exports from the U.S.	Imports to the U.S.
Amount			

33. U.S. merchandise trade of U.S. Reporter with all foreign affiliates.

34. U.S. merchandise trade of U.S. Reporter with other foreign persons.

35. TOTAL TRADE -- Sum of items 33 and 34.

FORM BE-11B (Report for Foreign Affiliate)

MANDATORY

U.S. DEPARTMENT OF COMMERCE
BUREAU OF ECONOMIC ANALYSIS

ANNUAL SURVEY
OF
U.S. DIRECT INVESTMENT ABROAD
1978 and 1979

RETURN REPORTS TO: U.S. Department of Commerce
Bureau of Economic Analysis (BE-50, SSB)
Washington, D.C. 20230

IMPORTANT: Read Instruction Booklet before completing form. The instructions given below are only a brief summary of certain ones relating to this form.

1. Filing - A U.S. person is required to file one Form BE-11B for each of its foreign affiliates that was majority-owned, i.e., for each affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeded 50 per centum on December 31, 1978 or 1979, except as specifically exempted in instruction 4. (Branches and other unincorporated foreign business enterprises may be foreign affiliates and, if so, must be reported if majority-owned.)

2. Definitions

United States person means any person resident in the United States or subject to the jurisdiction of the United States.

Foreign affiliate means an affiliate located outside the United States in which a U.S. person has direct investment.

Affiliate means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business, or an equivalent interest for an unincorporated business, including a branch.

Majority-owned foreign affiliate means a foreign affiliate in which the combined "direct investment interest" of all U.S. Reporters of the affiliate exceeds 50 per centum.

U.S. direct investment abroad means the ownership or control, directly or indirectly, by one U.S. person of 10 per centum or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise, including a branch.

3. Consolidation - Do not consolidate affiliates in different countries. Affiliates in the same country that are in the same BEA 3-digit industry or that are integral parts of the same business operation may be consolidated. Foreign affiliates should be consolidated in the same manner for all foreign affiliate forms filed with BEA (e.g., BE-10, BE-133B and C, BE-577 and BE-578). See page 3 of the Instruction Booklet.

4. Exemptions

a. A majority owned foreign affiliate is exempt from being reported for a year in which all three of the following items were $8,000,000 or less:

Total assets (item 31)

Net sales or gross operating revenues excluding sales taxes (item 40)

Net income after income taxes (whether positive or negative) (Item 51)

b. Banks:

i. All foreign affiliates of a U.S. Reporter that is a bank are exempt.

ii. A foreign affiliate that is a bank is exempt.

(See BEA Code 600 on page 19 of "Industry Classifications and Export and Import Trade Classifications Booklet" for a complete definition of "Bank".)

c. Dual ownership - Where a foreign affiliate is owned by two or more U.S. persons, the affiliate should be reported only by the U.S. person with the largest ownership share. If ownership shares are exactly equal, the owner who filed the Part II data for the foreign affiliate on Form BE-10B, Benchmark Survey of U.S. Direct Investment Abroad - 1977, should report; or for new affiliates or affiliates for which a 1977 BE-10B report containing Part II data was not filed, the owners should agree among themselves as to who will report.

5. Reporting of foreign affiliates that go above or below the exemption level or cross the majority ownership line - See Instruction Booklet, page 2.

6. Due date - Reports, consisting of both Form BE-11A and Form(s) BE-11B, are due on June 15, 1980.

7. Response required - In addition to any other forms required, a response is required from a U.S. Reporter for each foreign affiliate for which a labeled Form BE-11B has been supplied. The response should be made by filing the properly completed Form BE-11B, by filing the partially completed Form BE-11B when the answer to item 1, 2, or 3 so indicates, or by returning the label page with a note on it that the affiliate is not required to be reported, and give the reason.

8. Answer all questions - Every question on the form must be answered except where reporting is specifically exempt. If certain information cannot be supplied because the accounts for the foreign affiliate cannot be obtained, give your best estimate.

9. Translation - The foreign affiliate's financial and operating data should be translated from foreign currency to U.S. dollars using U.S. generally accepted accounting principles (FASB 8).

10. Assistance - Phone (202) 523-0632 for assistance in completing the form or for additional forms.

11. General notes

a. Currency amounts should be reported in U.S. dollars and rounded to the nearest thousand. EXAMPLE: $1,033,242.00 should be reported as $1,033.

b. If an item is between ± $500, enter "0".

c. Use parentheses to indicate negative numbers.

d. Data must be reported on a calendar year basis. If this poses an undue burden, the data may cover a year ending between November 16 and February 15. (See page 5 of the Instruction Booklet.)

12. Mandatory - This survey is being conducted pursuant to the International Investment Survey Act of 1976 (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108 - hereinafter the "Act"), and the filing of reports is mandatory pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

13. Penalties - Whoever fails to report may be subject to a civil penalty not exceeding $10,000 and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violations, upon conviction, may be punished by a like fine, imprisonment, or both. (See Section 6 of the Act, 22 U.S.C. 3105.)

14. Confidentiality - The information filed in this report may be used only for analytical and statistical purposes and access to the information shall be available only to officials and employees (including consultants and contractors and their employees) of agencies designated by the President to perform functions under the Act. The President may authorize the exchange of the information between agencies or officials designated to perform functions under the Act, but only for analytical and statistical purposes. No official or employee (including consultants and contractors and their employees) shall publish or make available any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified. Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by any person without the prior written permission of the person filing the report and the customer of such person where the information supplied is identifiable as being derived from the records of such customer (22 U.S.C. 3104).

LABEL -- Reporter Name
Reporter ID Number (check digit, plus seven digits)
Foreign Affiliate Name
Industry Classification: Code -- (description)

PART I -- IDENTIFICATION OF FOREIGN AFFILIATE -- If a label is affixed above, this foreign affiliate was reported in the Benchmark Survey of U.S. Direct Investment Abroad - 1977 (on Form BE-10B). The label information is from that survey, as edited by BEA.

FOR A FOREIGN AFFILIATE FOR WHICH A LABEL:

a. HAS BEEN PROVIDED, COMPLETE PART I, SECTION A.

OR

b. HAS NOT BEEN PROVIDED, SKIP PART I, SECTION A; BEGIN WITH PART I, SECTION B.

SECTION A. TO BE COMPLETED FOR A FOREIGN AFFILIATE FOR WHICH A LABEL HAS BEEN PROVIDED.

YES NO

1. ☐ ☐ Did the U.S. Reporter's direct and indirect voting interest in the foreign affiliate cease or go below 10 percent prior to 12/31/79? If yes, enter date this happened: ____ ____, and (Mark one):
mo. year

Foreign affiliate was dissolved or liquidated. ☐

Foreign affiliate was seized, expropriated, or nationalized. ☐

Foreign affiliate was merged into, or combined with, another foreign affiliate. Give name of other foreign affiliate: ☐

Foreign affiliate was sold, i.e., the U.S. Reporter's voting interest ceased or went below 10 percent as a result of a sale of voting rights. Give buyer's name and address: ☐

2. ☐ ☐ Did the foreign affiliate cease to be majority-owned (although still a foreign affiliate) prior to 12/31/79? If yes, enter date this happened: ____ ____.
mo. year

If the answer to either 1 or 2 is yes and if the event occurred:
After 12/31/77 but before 12/31/78, do not complete the remainder of the form; return this portion to BEA.
On or after 12/31/78 but before 12/31/79, complete remainder of Part I, Section A, for the affiliate as it was prior to the event and complete data columns for 1978 only.

3. ☐ ☐ Is this foreign affiliate now consolidated with another reported foreign affiliate (see rules governing consolidation)? If yes, give name of other foreign affiliate:

Do not complete remainder of form; return this portion to BEA.

4. ☐ ☐ Does this report represent a consolidation of foreign affiliates that is different from that on the 1977 BE-10B report? If yes, explain.

5. ☐ ☐ Has the name of the foreign affiliate changed from that shown on the label? If yes, give new name in item 12.

6. ☐ ☐ Has the form of organization of the foreign affiliate changed since the 1977 BE-10B report was filed? If yes, complete item 13.

7. ☐ ☐ Has the country of location of the foreign affiliate changed since the 1977 BE-10B report was filed? If yes, complete item 15.

8. ☐ ☐ Has the ending data of the annual reporting period of the foreign affiliate changed since the 1977 BE-10B report was filed? If yes, complete item 10.

9. ☐ ☐ Has the industrial activity of the foreign affiliate changed from that indicated by the industry code on the label? (See Industry Classifications and Export and Import Trade Classifications Booklet for a complete explanation of industry classifications.) If yes, a Form BE-507 (Industry Classification Questionnaire) must be, or must have been, filed. Form BE-507 (Mark one):

☐ Accompanies this report.

☐ Was previously filed with the quarterly reports (BE-577 or BE-578) to BEA. Give date when filed: ____ ____.
mo. year

10. ☐ ☐ Are there any other significant changes as regards the foreign affiliate that, in your judgment, would affect the comparability of the data reported herein to that reported in the 1977 BE-10B report? If yes, give a brief explanation.

Complete any items in Section B that are required by a "yes" response to items 5 through 8. Then go directly to Part II, item 24.

SECTION B. TO BE COMPLETED FOR A FOREIGN AFFILIATE FOR WHICH A LABEL HAS NOT BEEN PROVIDED.

11. Name of U.S. Reporter of affiliate - Same as in item 8, Form BE-11A. BEA USE ONLY ☐

12. Name of foreign affiliate being reported - Use the same name on all reports filed subsequently for this affiliate with the Bureau of Economic Analysis, e.g., Forms BE-133B and C, BE-577, and BE-578.

BEA USE ONLY ☐

13. Form of organization of foreign affiliate (Mark one):

☐ Corporation ☐ Sole proprietorship

☐ Branch ☐ Other - Specify _____

☐ Partnership

14. If "corporation" is marked in item 13 above, is the foreign affiliate incorporated in the United States? (Mark one):

☐ YES ☐ NO

IF "YES" DO NOT COMPLETE THE REST OF THIS FORM. CALL (202) 523-0632 FOR FURTHER INSTRUCTIONS.

15. Country of location - Country in which foreign affiliate's physical assets are located or where primary activity is carried out (Mark one):

☐ Canada ☐ Japan

☐ Germany ☐ United Kingdom

☐ France ☐ Other - Specify _____

Reporting period - Data should be for a calendar year; see Instruction Booklet, page 5.

16. "Closing balance" in this BE-11B report, for both 1978 and 1979, refers to data as of: ____ ____.
mo. day

If not the same for both years, or if the reporting period for either year is not for a full year, give dates for each year and explain:

Ownership - Enter percent of ownership, to a tenth of one percent, based on voting stock if an incorporated affiliate, or an equivalent interest if an unincorporated affiliate, in this foreign affiliate held directly by:

	Reporting period	
	End 1979	End 1978

17. U.S. Reporter named in item 11 (or on label).

18. All foreign affiliate(s) of U.S. Reporter named in item 11 (or on label) - If entry here, item 22 must be completed.

19. Other U.S. Reporter(s) of this affiliate, and all its (their) foreign affiliates.

20. Other U.S. persons.

21. Other foreign persons.

TOTAL

22. Identification of foreign affiliate parent(s) - If there is an entry in item 18, enter below the name(s) and the percent(s) of ownership by the foreign affiliate parent(s).

Name (from label or item 12 of parent's Form BE-11B)

TOTAL - Must equal item 18 percentages

23. Filing of Form BE-507, Industry Classification Questionnaire - A Form BE-507 must be filed with BEA for each foreign affiliate for which a labeled form was not provided. A completed Form BE-507 for this affiliate (Mark one):

☐ Accompanies this report.

☐ Was previously filed with the quarterly reports (BE-577 or BE-578) to BEA. Give date when filed: ____ ____
mo. year

PART II -- BASIC FINANCIAL AND OPERATING DATA OF FOREIGN AFFILIATE (Insurance affiliates, see special instructions, page 13.)

Report all amounts in thousands of dollars

SECTION A. BALANCE SHEET OF FOREIGN AFFILIATE

(Note for unincorporated affiliates only - Asset items should exclude all claims the affiliate may have on its owners, but should include any assets of the affiliate carried only on an owner's books. Liability items should exclude all liabilities the affiliate may have to its owners. This means that total owners' equity is the net claim of the owners on the affiliate. "Owner" as applied to the U.S. Reporter means the fully consolidated domestic (U.S.) enterprise.)

1979	1978
Amount	

o ASSETS

24. Cash items - Deposits in financial institutions and other cash items. Exclude overdrafts, i.e., do not show overdrafts here as negative cash.

25. Current receivables - Include trade accounts and notes receivable and other current receivables, both net of allowances for doubtful items.

26. Inventories - Exclude land held for resale.

27. Other current assets - Include land held for resale, marketable securities, and other current assets not included above.

28. Property, plant, and equipment net - Include land; timber; mineral rights; structures; machinery; equipment; special tools; deposit containers; construction in progress; and capitalized tangible and intangible exploration and development costs of the affiliate, at historical cost, net of accumulated depreciation, depletion, amortization, and like charges. Exclude all other types of intangible assets and land held for resale.

29. Equity investment in all foreign affiliates for which this affiliate is a parent - This affiliate's equity investment in all foreign affiliates of U.S. Reporter(s), including branches of this affiliate. The value of equity investment must be computed using the equity method of accounting for those affiliates that are 20 percent or more owned. Affiliates, including branches, that are owned more than 50 percent must also be included on the equity method, regardless of how they are normally treated in financial statement preparation. Those affiliates that are immaterial, or owned at least 10 percent but less than 20 percent, may be included under the cost method.

30. Other non-current assets - Other intangible assets, net of amortization; other stocks, bonds, and receivables; equity investment not included in item 29; and other non-current assets not included above.

31. TOTAL ASSETS - Sum of items 24 through 30.

o LIABILITIES

32. Current liabilities - Include trade accounts and notes payable, current portion of long-term debt, overdrafts, and other current liabilities having an original maturity of one year or less. Exclude debt included in item 33.

33. Long-term debt - Debt with an original maturity of more than one year or with no stated maturity, and debt with an original maturity of one year or less that has been renewed, or with respect to which there is the intention and the means to renew, extend, or refinance for more than one year. Exclude current portion due.

34. Other non-current liabilities - Items other than those identifiable as long-term debt, such as deferred taxes and underlying minority interest in consolidated subsidiaries. (However, the equity of a direct minority ownership interest in this foreign affiliate is not to be separated from the normal equity accounts.) Specify

35. TOTAL LIABILITIES - Sum of items 32 through 34.

1979	1978
Amount	

o OWNERS' EQUITY

Incorporated Affiliate

36. Capital stock and additional paid-in-capital - Common and preferred stock, issued and outstanding, and all invested or contributed capital in addition to or in excess of capital stock.

37. Retained earnings - Earnings retained by the corporation and legally available for declaration of dividends. Include those that have been voluntarily restricted.

38. Surplus reserves - Specify_____

Incorporated and Unincorporated Affiliate

39. Total owners' equity - Item 31 minus item 35. For incorporated affiliates, must also equal the sum of items 36 through 38.

SECTION B. INCOME STATEMENT OF FOREIGN AFFILIATE

Net income must be calculated in accordance with the "all inclusive" concept of the income statement. (Report all amounts in thousands of U.S. dollars.)

1979	1978
Amount	

o INCOME

40. Net sales or gross operating revenues, excluding sales taxes - Net sales (sales minus returns, allowances, and discounts) or gross operating revenues, both exclusive of sales or consumption taxes levied directly on the consumer, net value-added taxes, and excise taxes levied on manufacturers, wholesalers, and retailers.

41. Equity in net income of all foreign affiliates for which this affiliate is a parent - Equity in net income (distributed and undistributed) after foreign income taxes, of other foreign affiliates for which an equity investment is reported in item 29.

42. Other dividends - Dividends other than those reported in item 41.

43. Net unrealized and realized capital gains (losses) - Include net realized capital gains (losses) from disposition of assets, such as the sale of investment securities, or property, plant, or equipment items; net capital gains (losses) resulting from changes in foreign affiliate's foreign currency denominated assets and liabilities due to changes in foreign exchange rates during the period; gain (loss) that results from the translation (or remeasuring) of the affiliate's financial statements from its local currency into dollars due to a change in the exchange rate between the local currency and the dollar during the period (FASB 8); and net unrealized capital gains (losses), that are recognized, resulting from valuation of assets.

44. Other income - Non-operating income, income from investment not reported in items 41 and 42, and other income not included above, specify _____

45. TOTAL INCOME - Sum of items 40 through 44.

o COSTS AND EXPENSES

46. Costs of goods sold - Operating expenditures that relate to net sales or gross operating revenues, excluding sales taxes (item 40). Include all production royalty payments, including those to foreign governments, their sub-divisions and agencies. Include depletion charges representing the amortization of the actual cost of capital assets, but exclude all other depletion charges.

47. Selling, general, and administrative expenses.

1979	1978
Amount	

48. Foreign income taxes - Provision for foreign income taxes for reporting period. Do not include U.S. income taxes. Exclude production royalty payments to foreign governments, their sub-divisions and agencies.

49. Other costs and expenses - Non-operating expenses, underlying minority interest in profits that arises out of consolidating more than one foreign affiliate on this form, and other costs and expenses not included above. (However, the equity of a direct minority interest in an affiliate is not to be separated from the normal income accounts.)

50. TOTAL COSTS AND EXPENSES - Sum of items 46 through 49.

o NET INCOME

51. Net income - After provision for foreign income taxes, but before dividends on common and preferred stock (item 45 minus item 50).

SECTION C. STATEMENT OF CHANGE IN RETAINED EARNINGS OF INCORPORATED FOREIGN AFFILIATE OR OWNERS' EQUITY OF UNINCORPORATED FOREIGN AFFILIATE

1979	1978
Amount	

52. Closing balance, preceding year - Incorporated affiliate, enter amount of retained earnings that would appear in preceding year's equivalent to item 37; unincorporated affiliate, enter amount of owners' equity that would appear in preceding year's equivalent to item 39.

53. Net income - Enter amount from item 51.

54. Dividends or net income remitted to owners - Incorporated affiliate, enter amount of dividends declared out of income on common and preferred stock, excluding stock dividends; unincorporated affiliate, enter amount of net income remitted to owners.

55. Stock dividends.

56. Other, specify:

a.

b.

c.

57. Closing balance, reporting year - Sum of items 52, 53, and 56 minus items 54 and 55; for incorporated affiliate, must equal item 37 and for unincorporated affiliate, must equal item 39.

Addendum - Incorporated Affiliate

58. Changes during the reporting year in capital stock and additional paid-in-capital other than stock dividends, specify: _____

59. Changes during the reporting year in surplus reserves, specify: _____

PART III - DETAILED FINANCIAL AND OPERATING DATA OF FOREIGN AFFILIATE

SECTION A. PROPERTY, PLANT, AND EQUIPMENT

PROPERTY includes land, timber, and mineral rights owned by the affiliate, except for (a) land held for resale and (b) capitalized tangible and intangible exploration and development costs. PLANT AND EQUIPMENT includes all structures, machinery, equipment, special tools, deposit containers, construction in progress, and capitalized tangible and intangible exploration and development costs. Include items that the affiliate

is acquiring pursuant to leases that it has capitalized; exclude leased items that the affiliate has recorded as installment sales and that are being carried as receivables; exclude all other intangible assets.

1979	1978
Amount	

60. Net book value, closing balance for preceding year - Enter amount that would appear in the preceding year's equivalent to item 28.

REPORTING PERIOD

61. Net book value of transfers in from U.S. Reporter or all foreign affiliates of U.S. Reporter - Name of person from whom transferred:

Expenditures for:

62. Property.

63. Plant and equipment.

64. Net book value of sales and transfers out.

65. Net book value of retirements.

66. Depletion and like charges charged against property.

67. Depreciation and like charges charged against plant and equipment.

68. Other increases (decreases) in net book value, specify:

69. Net book value, closing balance for reporting year - Equals sum of items 60, 61, 62, 63, and 68 minus sum of items 64, 65, 66 and 67, and must equal item 28.

Addendum

70. Expenditures for used plant and equipment - That portion of item 63 that represents expenditures for major items of used plant and equipment.

SECTION B. PETROLEUM AND MINING EXPLORATION AND DEVELOPMENT EXPENDITURES

71. Expenditures charged against income.

72. Expenditures capitalized - Included in items 62 and 63.

73. TOTAL - Sum of items 71 and 72.

SECTION C. INTEREST, TAXES, SUBSIDIES, AND RESEARCH AND DEVELOPMENT EXPENDITURES

74. Interest received - Interest received by affiliate from, or credited to affiliate by, all payors, net of tax withheld.

75. Interest paid - Interest paid, or credited, to all payees by affiliate, gross of tax withheld.

76. Taxes (other than income and payroll taxes) and non-tax payments (other than production royalty payments) - Include sales, consumption, value added, and excise taxes; property and other taxes on the value of assets or capital; any remaining taxes (other than income or payroll taxes); and all payments of non-tax liabilities (other than production royalty payments), such as import and export duties, license fees, fines, penalties, and similar items; paid or accrued for the year, net of refunds or credits, to foreign governments, their sub-divisions and agencies.

77. Subsidies received - Monetary grants received from governments. Include all grants received from governments and quasi-governmental organizations that are not payments for property, goods, or services purchased, whether these receipts are reflected in current income, or used for investment in, or to cover losses of, property, plant and equipment.

1979	1978
Amount	

78. Research and development (R&D) expenditures, calculated in accordance with FASB 2 - All R&D costs incurred, including depreciation, amortization, wages and salaries, taxes, costs of materials and supplies, allocated overhead, indirect R&D costs, and the costs of R&D conducted by others on behalf of the affiliate. Exclude costs incurred in R&D activities conducted for others under a contractual arrangement.

SECTION D. COMPOSITION OF EXTERNAL FINANCING

If there is more than one U.S. Reporter of this affiliate, then the entries in column 2 of this section must be for all U.S. Reporters of this affiliate and the entries in column 4 must be for all their foreign affiliates.

	TOTAL	U.S. Reporter(s) of this affiliate	Other U.S. persons	All foreign affiliate(s) of Reporter(s) of this affiliate	Other foreign persons

o 1978 CLOSING BALANCES

Current liabilities - Sum of items 79 and 80, column 1, must equal item 32, column 2.

79. To banks.

80. To other than banks.

Long-term debt - Sum of items 81 and 82, column 1, must equal item 33, column 2.

81. To banks.

82. To other than banks.

83. Current receivables - Column 1 must equal item 25, column 2.

84. Non-current receivables and financial investments - Column 1 must equal the part of item 30, column 2 that is stocks, bonds, non-current receivables and "other" equity investment.

85. Capital stock or owners' equity - For incorporated foreign affiliate, column 1 must equal item 36, column 2; for unincorporated foreign affiliate, column 1 must equal item 39, column 2.

o 1979 CLOSING BALANCES

Current liabilities - Sum of items 86 and 87, column 1, must equal item 32, column 1.

86. To banks.

87. To other than banks.

Long-term debt - Sum of items 88 and 89, column 1, must equal item 33, column 1.

88. To banks.

89. To other than banks.

90. Current receivables - Column 1 must equal item 25, column 1.

91. Non-current receivables and financial investments - Column 1 must equal the part of item 30, column 1 that is stocks, bonds, non-current receivables and "other" equity investment.

92. Capital stock or owners' equity - For incorporated foreign affiliate, column 1 must equal item 36, column 1; for unincorporated foreign affiliate, column 1 must equal item 39, column 1.

93. BEA USE ONLY

SECTION E. EMPLOYMENT AND EMPLOYEE COMPENSATION

Employment and employee compensation data should be based on payroll records for the reporting period. They should relate, therefore, to activities during the reporting period regardless of whether the costs of such activities were charged as an expense on the income statement, charged to inventories, or capitalized. Do not include data related to activities taking place in periods prior to the reporting period, such as those whose costs were charged to inventories or capitalized in prior years.

WAGES AND SALARIES are employee's gross earnings (before payroll deductions), including overtime payments and shift differentials, paid bonuses, commissions (except to independent sales personnel), and all other direct payments by the employer to employees, such as those for holiday and vacation pay, paid sick leave, and severance pay. Also include payments in-kind valued at the cost to the employer.

EMPLOYEE BENEFIT PLANS are employer expenditures for all employee benefit plans, including those required by government statute, those resulting from collective-bargaining contracts and those that are voluntary. Employee benefit plans include retirement plans; life, disability, and medical insurance; workers' compensation insurance; and unemployment insurance. Include employer contributions to funds for paid sick leave, severance pay, and family allowances. (For manufacturing affiliates only: For the breakdown between production and related workers and non-production workers, give your best estimate if actual data are not available. See Instruction Booklet, page 9, for some methods of estimating.)

EMPLOYMENT is the average number of employees for the reporting period, including part-time employees. If possible, the average should be the average for the year of the number of persons on the payroll at the end of each pay period, month, or quarter. If precise figures are not available, give your best estimate of average number of employees for the reporting period.

NOTE: CERTAIN ITEMS TO BE COMPLETED FOR MANUFACTURING AFFILIATES ONLY - The data cells asterisked, in columns 2, 3, 5, and 6, for items 94 through 97, and in item 98, are to be completed only for the affiliates classified in manufacturing (i.e., in BEA industry codes 201 through 390). Columns 1 and 4, for items 94 through 97, must be completed for all affiliates. For those affiliates for which a labeled form is provided, and for which the answer to item 9 is "NO," the industry code is as appears on the label. For all other affiliates, the industry code may be determined by reference to Form BE-507. If, in completing that form for a given affiliate, a larger percentage of the affiliate's total sales is classified in manufacturing than in any other major industry group -- mining, wholesale trade, services, etc. -- then the affiliate's industry code is in manufacturing. If not, then the affiliate's industry code is in an industry other than manufacturing. If the information for production/non-production workers is not contained in the report as filed but it is subsequently determined that the affiliate is in manufacturing, you will be required to furnish the data retroactively. If you are unsure as to an affiliate's correct industry classification, call (202) 523-0632 for guidance.

PRODUCTION AND RELATED WORKERS for manufacturing affiliates are those employees up to and including working foremen, but excluding other supervisory employees, who are involved in the physical production of goods, handling and storage of goods, related services (e.g., maintenance and repair), and auxiliary production for plant's own use (e.g., power plant).

See Instruction Booklet, page 7, for additional details of data requirements and definitions.

	1979			1978		
	All affiliates, total	Manufacturing affiliates only		All affiliates, total	Manufacturing affiliates only	
		Production workers	Non-Production workers		Production workers	Non-Production workers
	1	2	3	4	5	6
	Amount					
94. Wages and salaries		*	*		*	*
95. Employee benefit plans		*	*		*	*
96. Total employee compensation - Sum of items 94 and 95.		*	*		*	*
	Number of employees					
97. Total employment		*	*		*	*

	1979	1978
	Number of hours worked	
98. Hours worked by production and related workers, manufacturing affiliates only - Report total number of hours worked during the reporting period by production and related workers shown in item 97, columns 2 and 5, above. Include stand-by or reporting time; exclude hours paid for holidays, vacations, sick leave, or other paid leave.	*	*

If total employee compensation, item 96, column 1 or 4, or total employment, item 97, column 1 or 4 is zero, explain.

SECTION F. DISTRIBUTION OF SALES OR OPERATING REVENUES

If actual figures are not available, give best estimate. (Report all amounts in thousands of U.S. dollars.)

	TOTAL	To U.S. Reporter(s) and all its (their) foreign affiliates	To unaffiliated customers
DISTRIBUTION OF 1978 SALES OR OPERATING REVENUES			
99. Net sales or gross operating revenues, excluding sales taxes - Equals sum of items 100,101 and 102. Also, the amount in column 1 should equal item 40, column 2.			
100. Sales to persons in affiliate's country of location.			
101. Sales to persons in the United States.			
102. Sales to persons in other countries.			
DISTRIBUTION OF 1979 SALES OR OPERATING REVENUES			
103. Net sales or gross operating revenues, excluding sales taxes - Equals sum of items 104,105, and 106. Also, the amount in column 1 should equal item 40, column 1.			
104. Sales to persons in affiliate's country of location.			
105. Sales to persons in the United States.			
106. Sales to persons in other countries.			

SECTION G. U.S. MERCHANDISE TRADE OF FOREIGN AFFILIATE

U.S. merchandise trade refers to the physical movement of goods, including capital goods and goods on consignment, between the customs area of the United States and the customs area of a foreign country. Trade should be reported on a "shipped" basis (the basis used in compiling official U.S. trade statistics) rather than on a "charged" basis (the basis normally used in company accounting). As a result, U.S. exports and imports of the affiliate are not necessarily synonymous with sales to, or purchases from, the affiliate. Trade should be valued f.a.s. at the port of exportation. See Instruction Booklet, page 9, for additional details of data requirement.

1979		1978	
Exports from U.S.	Imports to U.S.	Exports from U.S.	Imports to U.S.
1	2	3	4

107. U.S. merchandise trade of foreign affiliate with U.S. Reporter(s).

108. U.S. merchandise trade of foreign affiliate with other U.S. persons.

109. TOTAL TRADE - Sum of items 107 and 108.

SUPPLEMENTAL INSTRUCTIONS FOR FOREIGN AFFILIATES THAT ARE INSURANCE COMPANIES

These special instructions are intended to supplement or supplant the instructions given elsewhere on the form. If problems should arise in applying these instructions or in reporting other specific items, please contact this Bureau at (202) 523-0632.

When there is a difference, the financial schedules are to be prepared on the same basis as an annual report to the stockholders, rather than on the basis of an annual statement to an insurance department. Valuation should be according to normal commercial accounting procedures, not at the rate promulgated by national insurance departments. Include assets not acceptable for the annual statement to an insurance department.

ITEMS:

25. Current receivables - Include current items such as agents' balances or uncollected premiums, amounts recoverable from reinsurers, and other current notes and accounts receivable (net of allowances for doubtful items).

32. Current liabilities - Include current items such as loss liabilities, policy claims, commissions due, and other current liabilities. Policy reserves are to be included in item 34, unless they are clearly current liabilities.

40. Net sales or gross operating revenues, excluding sales taxes - Include items such as earned premiums, annuity considerations, gross investment income, and items of a similar nature. Exclude income from all foreign affiliates that is to be reported in item 41.

46. Cost of goods sold - Include costs relating to net sales or gross operating revenues, excluding sales taxes (item 40), such as policy losses incurred, death benefits, matured endowments, other policy benefits, increases in liabilities for future policy benefits, other underwriting expenses, and investment expenses.

BILLING CODE 3510-06-C
[FR Doc. 80-23 Filed 1-3-80; 8:45 am]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-47]

Statewide Exemptions From Incremental Pricing

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTIONS: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes a procedural rule under which a State may apply for Statewide exemption from the incremental pricing program required by the Natural Gas Policy Act of 1978. An exemption application will be treated as a proposed rule and made subject to public comment. If the Commission determines that the purposes of incremental pricing would be as well advanced by the State program as by the Commission's incremental pricing rules, the State program will be submitted to Congress, and will take effect if neither House disapproves it.

A distinction is made in the Notice between State exemptions from incremental pricing and State-level incremental pricing. States setting rates and charges paid by incrementally priced users at the alternative fuel ceiling price are accomplishing the primary objective of incremental pricing. States need not obtain any formal Commission approval or exemption from Title II of the NGPA in order to effect incremental pricing at the State-level rather than at the interstate pipeline-level.

COMMENT DATE: February 15, 1980.

HEARING DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT:

Walter W. Schroeder, III, Executive Assistant to the Chairman, Federal Energy Regulatory Commission, Room 9000, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8335.

Nancy Williams, Deputy Assistant General Counsel for Regulatory Development, Federal Energy Regulatory Commission, Room 8100-I, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8130.

I. Introduction

Title II of the Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) requires that the Federal Energy Regulatory Commission (the Commission) promulgate regulations under which interstate pipelines and their local distribution company customers must channel a specified portion of the acquisition costs of natural gas to industrial users. The "incremental costs" of natural gas are to be passed through from the supplier to the industrial facility by means of a surcharge pricing mechanism. Final regulations implementing the statutory requirements for incremental pricing of industrial boiler fuel use were issued by the Commission on September 28, 1979 (44 F.R. 57726, October 5, 1979). The regulations issued on September 28 were contained in two dockets, Docket Nos. RM79-14 and RM79-21.

In the course of developing these rules, several commenters suggested that the Commission consider allowing, in appropriate circumstances, state-wide exemptions from incremental pricing. In response to these suggestions, the Commission on June 5, 1979, opened Docket No. RM79-47 for the purpose of receiving comments on whether a separate rulemaking proceeding should be established with respect to state-wide exemptions from incremental pricing (44 FR 33100-33101, June 8, 1979).

Comments received in this docket lead the Commission to believe that rules providing for state-wide exemptions from incremental pricing may be in the public interest. We are therefore issuing this Notice of Proposed Rulemaking to solicit specific comments on the advisability and content of any Statewide exemption. The Commission also believes that Section 206(d) of the Natural Gas Policy Act gives the Commission statutory authority to provide such state-wide exemptions. This statutory exemption provision requires that any exemption rule be submitted to Congress and may take effect only if neither House disapproves the rule during a 30-day review period.[1]

II. State Response to Incremental Pricing

On the basis of comments and other information received by the Commission in connection with incremental pricing, several States have proposed or taken action in response to the Commission's implementing regulations. These State responses appear to fall into two general categories.

One type of response is for the State to alter its rate structure, specifically setting the price of natural gas to non-exempt (incrementally priced) users at the alternative fuel cost as referenced in the Commission's regulations and published each month by the Energy Information Administration of the Department of Energy. A second type of response, apparently under consideration in a number of States, consists of State programs that might depart from the Commission's rules either as to the formula by which surcharges are apportioned among users subject to incremental pricing or as to the manner in which the maximum surcharge absorption capability (MSAC) of incrementally priced users is computed.

Any State taking the first course of action would eliminate any maximum surcharge absorption capability (MSAC) of non-exempt users in that State. It is asserted by various commenters that if a State takes this action, end users and local distribution companies located in the State should be excused from any further requirements imposed by Part 282 of the Commission's regulations (relating to accounting and reporting requirements in connection with incremental pricing).

The second type of response to the Commission's incremental pricing rules could occur where a State would desire to institute an innovative scheme for pricing natural gas and where the scheme would differ from the incremental pricing program promulgated by the FERC. It is argued by some commenters that the Commission should exempt States from the requirements of Title II only if the State's alternative regulatory program will achieve the same objectives that underly Title II of the NGPA.[2]

III. State-level Incremental Pricing

As noted, one response of some states to federally-imposed incremental pricing is to change State laws in order to set the price of gas for non-exempt uses, as defined by the Commission, at the applicable alternative fuel ceiling price. If a State raises the rates and charges for natural gas used by non-exempt users to the alternative fuel ceiling, the maximum surcharge absorption capability (MSAC) of those users becomes zero, so that they no longer contribute to recovering the interstate

[1] (d) Other Exemptions:

(1) In general.—The Commission may, by rule or order, provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof from the rule prescribed under section 201 (including any amendment under section 202 to such rule).

(2) Congressional Review.—Any rule which provides for any exemption under this subsection may take effect after the expiration of the first 30 calendar days of continuous session of Congress (determined in accordance with section 507(b)) after a copy of such rule has been submitted to each House of Congress, unless, during such 30 day period of continuous session of Congress, either House of the Congress adopts a resolution of disapproval described in section 507(c)(3), with respect to such rule. (Natural Gas Policy Act, Section 206(d)).

[2] The objectives of Title II are summarized below, in Section V.

pipeline supplier's incremental gas cost account. The effect of this action on the part of any State is to cause the entirety of revenues collected from non-exempt users to remain within that State. Because the Commission's rules operate at the interstate level, incremental surcharges paid by non-exempt users in one State will contribute to a reduction in the amount of purchased gas costs to be recovered from exempt users served by the pipeline, regardless of the State in which those exempt users are located. Some commenters have argued that the result of State-level incremental pricing is unfair; that there should be a State-by-State balancing of incremental pricing benefits to all exempt users.

Other commenters have pointed out that, even prior to enactment of the NGPA, some States had practiced a policy of pricing low priority users at or near the price of alternative fuel oil. The existing disparity of State pricing policies, coupled with the requirements of Title II, will inevitably result in the impact of incremental pricing on natural gas ratepayers to differ from one State to another. Unless commenters would argue that the NGPA requires that this Commission eliminate existing differences in State ratemaking practices, it would seem that these differences pose an issue that transcends incremental pricing and that Congress had no intention of neutralizing these imbalances through incremental pricing.

The fact that the distribution of benefits among exempt users is different when States raise non-exempt user prices to the alternative fuel ceiling than when these prices are imposed through interstate pipeline surcharges does not override the Commision's present willingness to permit States to pursue legal and logical policies for regulating the price of natural gas at the State level.

The Commission is also of the view that action by States to raise non-exempt user rates to the alternative fuel ceiling is fundamentally consistent with the purposes of incremental pricing. The thrust of Title II of the NGPA is to increase the cost of gas in price-sensitive industrial uses. With respect to non-exempt uses, Title II requires surcharge passthrough to the burner tip[3]; with respect to exempt users, Title II reflects a clear Congressional intent for incremental pricing to mitigate the impact of rising wellhead prices on residential and other customers. Because it is within the capability of States practicing State-level incremental pricing to use any increased revenues derived from non-exempt users, it is the Commission's expectation that States will cause this Congressional intent to be realized.

Section 205 of the NGPA prevents States from lowering rates to non-exempt users but is silent on the question of whether States may take the opposite action—to raise those rates. However, the Statement of Managers specifically appears to contemplate State action to increase industrial gas prices:

> The conference agreement does not preclude State regulatory agencies from exercising their authority under State law to regulate local distribution companies. A State regulatory agency could for example, raise prices to be paid by incrementally priced industrial facilities to levels higher than the levels required by this Title. The conferees have not mandated such a practice; nor has it been precluded. State law is not preempted in this case and States may wish to place more of the costs of service onto a particular class of industrial users. The conferees make no judgment as to the advisability of this action.
>
> A State regulatory agency may wish to provide for some form inverted rate schedules, or other rate-making technique, to provide for recovery of the costs required to be passed through under this Title. So long as the costs are passed through to the incrementally priced industrial facilities covered by the required rule, the State may use whatever ratemaking technique it so desires. The basic requirement of this Title is to recover the surcharge from the identified class of incrementally priced industrial facilities.[4]

In sum, the Commission believes that the Congress has already addressed and affirmed the substitution of State-level incremental pricing (through increased rates to non-exempt users) for incremental pricing pricing at the interstate pipeline level. These considerations lead the Commission to a preliminary view that it should not, and legally cannot, prevent States from raising rates of non-exempt industrial users at or above the federally-prescribed and published alternative fuel cost. However, the Commission recognizes that some commenters hold a contrary view, and requests, therefore, that parties commenting on this proposed rule address the questions of (a) whether the NGPA permits States to increase rates of incrementally priced users to the alternative fuel ceiling and (b) whether the NGPA requires that States use the increased revenues from incrementally priced users to offset rates and charges to exempt users.

IV. Proposed Elimination of Reporting Requirements Under State Level Incremental Pricing

The Commission does not believe it necessary for States to seek formal Commission or Congressional approval in order to effect State-level incremental pricing. The Commission does propose herein to entertain applications from States undertaking State-level incremental pricing to eliminate reporting requirements that would otherwise continue to be imposed by the Commission's incremental pricing regulations. Absent relief from reporting requirements set forth in Part 282 of the Commission's regulations, local distribution companies will have to make monthly reports of aggregate MSAC's to their pipeline suppliers, even though these MSAC's will be zero.

When reporting relief is granted, local distribution companies located in a State engaged in State-level incremental pricing will no longer be required to undertake such reporting, and shall be considered to have reported zero MSAC's for purposes of Part 282.

Any State seeking an elimination of reporting requirements under the Commission's incremental pricing rules must file with this Commission a letter from the State agency having authority over rates and charges for natural gas service certifying that rates and charges to each non-exempt industrial user (as defined by the Commission) located within that State are now and will remain at or above the alternative fuel ceiling price.[5] Specifically, the delivered price to these users in any billing month must be no lower than the alternative fuel ceiling price published by the Energy Information Administration on or about the 20th of the preceding month. Finally, the State agency must certify that it will notify this Commission if any change in law or policy is adopted such that rates to non-exempt users will no longer equal or exceed the alternative fuel ceiling.

Any party that has reason to believe that a non-exempt user located in a State having certified that non-exempt user rates will be at or above the alternative fuel ceiling is actually receiving gas service at a lower price may file a complaint with this Commission. The Commission will investigate the issues alleged in the complaint, and will take appropriate action. The Commission specifically

[3] This requirement is contained in sections 204 and 205 of the NGPA.

[4] House of Representatives Report No. 95-1752, October 10, 1978, pp. 100-101.

[5] Reporting relief will not be granted solely on the basis that a State intends to adopt conforming rates at some future point in time. Only after the State agency certifies that non-exempt user rates are at or above the alternative fuel ceiling will the reporting relief be granted.

requests comments on any monitoring and enforcement provisions which may be necessary in order to assure that non-exempt users actually pay rates not less than the applicable alternative fuel ceiling.

V. Statewide Alternatives to Incremental Pricing

The Commission is also willing to entertain proposed State exemption plans that do not meet the criteria of state-level incremental pricing outlined above and which are therefore truly exemptive in character. In the interest of encouraging States to consider the broadest range of alternatives to the statutorily-defined incremental pricing regime, the Commission will not attempt at this time to define or limit the types of State programs that merit consideration. But by way of illustration, such programs might provide for an alternative method of allocating incremental pricing surcharges among users in the State who are subject to incremental pricing. The Commission's regulations require that this allocation occur on a volumetric basis until the alternative fuel ceiling price is reached. States seeking to depart from the Commission's rules and instead to allocate more of the surcharges to some non-exempt users and correspondingly less of the surcharges to other non-exempt users (as might be involved in an "auction" or bidding approach) could pursue this course through an alternative incremental pricing program.

Notwithstanding the previously-quoted section of the Statement of Managers relating to section 205 indicating that States are free "to provide for some form of inverted rate schedules, or other rate-making technique" for surchage recovery, the Commission is concerned that inverted rates, even if they result in the full aggregate recovery of incremental pricing surcharges from non-exempt users in the State, may not meet the separate requirements of section 204 (c)(3)(B).

Inverted rates designed to fully reflect aggregate MSAC's within the State would presumably consist of one or more blocks at a price below the alternative fuel ceiling and one or more blocks priced above the ceiling. The probably result of such a rate program is that, in any given month, the actual average delivered price of gas to "conserving" non-exempt users (who successfully avoid the higher-priced rate blocks) will be below the alternative fuel ceiling. Other non-exempt users unable to avoid higher rate blocks might pay more, on average, than the alternative fuel ceiling price.

A problem arises from the fact that section 204(c)(3)(B) appears to permit an interstate pipeline to eliminate or reduce its unrecovered incremental pricing surchage account, through "spillover" into the general PGA account, only if such reductioin is necessary in order to prevent the price of gas to any nonexempt customers from exceeding the alternative fuel ceiling. The problem is with the wording of the section, which appears to refer to non-exempt users individually rather than as a class.[6] The Commission is in doubt as to the extent to which the statutory language and the Statement of Managers are in conflict, and invites comment on this matter.

Another category of State alternatives to statutory incremental pricing might provide for modified definitions of the maximum surcharge absorption capability of incrementally-priced users in the State. Proposals to redefine the category of non-exempt users or to apply an alternative fuel ceiling price other than the one imposed by the Commission's regulations would fall into the category of alternative MSAC formulations.

The essential difference between the two types of State alternatives illustrated above is in the degree of departure from the statutory incremental pricing program. In the first illustration, aggregate incremental surcharges recovered from the class of all non-exempt users within the State is no different from the statutory program. In effect, any differences in impact are confined within the State. The second type of alternative State program involves changes of a larger dimension, and could produce impacts that affect other customers in other States. Accordingly, the more a State alternative plan departs from statutory incremental pricing, the greater will be the amount of scrutiny given by the Commission to such a plan. This approcah will assure that any alternative plans ultimately referred to Congress can be fully understood and justified.

The Commission seeks to provide a broad measure of flexibility and creativity to States seeking exeptions from incremental pricing. If a State can show that it could accomplish the purposes of incremental pricing through means other than prescribed by the Commission's rules, the Commission will seriously consider this request. On the other hand, exemptions will not be granted to States simply on the basis that Federally-imposed incremental pricing imposes administrative or other burdens. It will be incumbent upon any State seeking an exemption from the requirements of Title II to show that the purposes underlying Title II will be as well or better advanced by State action than by imposition of the Commission's rules under Title II.

The purposes of Title II of the NGPA, as perceived by the Commission, are discussed at length in the Notice of Proposed Rulemaking on the so-called Phase II incremental pricing rule issued by the Commission on November 15, 1979 in Docket No. RM80–10 (44 FR 67170, November 23, 1979).

Rather than repeat the discussion of purposes contained in that Notice of Proposed Rulemaking, this Notice will merely point out that there appear to be two major purposes of incremental pricing. The first purpose is to raise the price of natural gas delivered to industrial users to a sufficiently high level that such users will motivate their pipeline suppliers to refrain from bidding up the price of deregulated natural gas or relying excessively on the regulated gas categories with high ceiling prices. Congress sought to use incremental pricing as a means of achieving an orderly transition to wellhead price deregulation in 1985. Any incentive on an interstate pipeline to bid higher than longrun market clearing prices for additions to pipeline supplies would be lessened if incremental pricing threatened to cause industrial customers to switch to alternative fuels, thereby reducing the marketability of that gas.

A second purpose of incremental pricing is to shelter residential and other high priority natural gas consumers from the full near-term impact of wellhead price increases permitted by the NGPA. This effort to mitigate price impacts on non-industrial customers is accomplished by recovering a greater proportion of interstate pipeline purchased gas costs from users subject to incremental pricing than from other users.

The Commission intends to treat any formally proposed state-wide alternative plan as a proposed rule. Upon its receipt, by the Secretary of the Commission, the plan will be treated procedurally as if it were a Commission-proposed rule. The proposal will be

[6] Section 204 (c)(3)(B) reads as follows: Elimination or reductioin of surcharge applicable to a facility.—The rule under section 201 (including any amendment under section 202 to such rule) shall provide one or more methods which have the effect of elimianting or reducing the amount of the surcharge determined under subparagraph (A) to be passed under paragraph (2) with respect to volumes of natural gas to be delivered directly or indirectly to *any incrementally priced industrial facility* for industrial use to the extent that such surcharge, in the absence of such elimination or reduction, would cause the rates and charges, per million Btu's, paid for such volumes of natural gas by that incrementally priced industrial facility to exceed the appropriate alternative fuel cost. (emphasis added)

noticed for comment. On the basis of comments received and its own analysis, the Commission would then either approve the plan and submit it to the Congress for review, or discontinue the rulemaking. As discussed earlier, the standard against which the Commission proposed to review State alternative plans is whether the purposes underlying Title II would be as well or better advanced under the plan. Commenters are invited to address the Commission's proposed procedure and standards for reviewing State alternatives to incremental pricing.

VI. Comment Procedures

A. *Written Comments.* Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM79–47. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, February 15, 1980, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., 20426, during regular business hours.

B. *Public Hearing.* A public hearing on this proposed rule will be held on February 5, 1980, beginning at 10:00 a.m. EST at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The exact location will be posted at the Commission on the morning of the hearing. Interested persons may also obtain this information by calling the Office of the Secretary of the Commission.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, no later than seven days prior to the hearing. Requests should reference Docket No. Rm79–47, and should indicate the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Office of Public Information three days before the hearing and will be available at the site of the hearing on the morning it is convened.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit question to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM79–47 in the Commission's Office of Public Information.

(Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350, 15 U.S.C. 3301, *et seq*)

By Direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–321 Filed 1–3–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 153

Antidumping; Treatment of Merchandise Subject to a Finding of Dumping in Effect on January 1, 1980

AGENCY: Department of the Treasury.

ACTION: Notice regarding treatment of merchandise subject to a finding of dumping in effect on January 1, 1980.

SUMMARY: This notice is to inform the public that it has been concluded that prior to completion of the first administrative review under section 751 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979, merchandise subject to a finding of dumping in effect on January 1, 1980, may continue to be entered under bond or other security. This supersedes the intention, announced in the preamble of the October 16, 1979, Notice of proposed rulemaking, to require the deposit of estimated duties on entries of such merchandise from January 1, 1980.

FOR FURTHER INFORMATION CONTACT: C. Christopher Parlin, Office of the General Counsel, Department of the Treasury; telephone: (202) 566–9947.

SUPPLEMENTARY INFORMATION: On October 16, 1979, the U.S. Customs Service of the Department of the Treasury published in the **Federal Register** a notice of "Proposed Revision of the Customs Regulations Relating to Antidumping Duties" (44 FR 59742). The preamble to that notice of proposed rulemaking included the following:

> The proposed regulations will implement section 736(a)(3) of the Act, which requires the deposit of estimated duties with regard to all merchandise subject to a Finding of Dumping in effect on January 1, 1980, or an Antidumping Duty Order published after January 1, 1980, which was entered, or withdrawn from warehouse, for consumption after December 31, 1979. The amount of the estimated duty to be deposited by each manufacturer, producer, or exporter shall be equal to the amount by which the foreign market value of the merchandise exceeds the United States price of the merchandise as determined in the affirmative final determination of the Secretary, the latest administrative review of such determination under § 153.53, or pursuant to § 153.49, which provides for a posting of security other than the deposit of estimated duties pending an early determination of the amount of the duty. Bonds required under § 153.51 of the current Customs Regulations (19 CFR 153.51) on entries made prior to January 1, 1980, will remain in effect and no deposit of estimated duties or additional security will be required with respect to those entries. (44 FR 59743).

It has been concluded that deposits of estimated dumping duties on entries of merchandise subject to dumping findings in existence on January 1, 1980, are not required under the Trade Agreements Act of 1979 prior to completion of the first annual review under section 751 of the Tariff Act of 1930, as amended. Authority to require such deposits, or to continue existing bonding procedures until annual reviews are completed, is contained in sections 505 and 623 of the Tariff Act of 1930 (19 U.S.C. 1505 and 1623).

Under Reorganization Plan No. 3 of 1979, published in the **Federal Register** on December 3, 1979 (44 FR 69273), the responsibility for administering the antidumping duty law is being transferred from the Department of the Treasury to the Department of Commerce. The Department of Commerce has concluded that it should not follow Treasury's announced intention to require, as of January 1, 1980, the deposit of estimated duties on entries of merchandise subject to findings of dumping under the Antidumping Act, 1921, then in effect. Prior to the completion of the first administrative review of any such finding of dumping under section 751 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144, 175, 19 U.S.C. 1675), and publication of the results thereof in the **Federal Register**, merchandise subject to a finding of dumping under the Antidumping Act, 1921, in existence on the date of repeal of such Act, shall continue to enter

under bond or other security (as has been permitted under that Act).

The Department of Commerce has been advised by Treasury that existing data would not permit the calculation of estimated duties on an equitable basis. Thus, requiring deposit of estimated duties should await the first annual review. Commerce has advised Treasury that it intends to begin administrative reviews under section 751 of existing findings of dumping promptly and to complete such reviews and publish the results thereof as soon thereafter as possible. In accordance with section 751 (19 U.S.C. 1675) estimated duties will be required subsequent to the first administrative review, in an amount determined on the basis of such review.

The Department of Commerce requested that Treasury publish this notice on its behalf since the transfer of administration of the antidumping duty law has not yet formally occurred.

Robert H. Mundheim,

General Counsel of the Treasury.

December 28, 1979.

[FR Doc. 80-312 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 172

[Docket No. 78N-0153]

Gum Guaiac; Removal as Regulated Food Additive for Direct Human Use in Foods; Termination of Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Termination of Proposal.

SUMMARY: The Food and Drug Administration (FDA) is terminating a proposal to delete gum guaiac from the list of food additives permitted for direct addition of food. The data do not warrant a change in the food additive status.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 28, 1978 (43 FR 32819), FDA proposed to remove gum guaiac from the list of approved food additives on the ground that it is no longer used in food. This action was proposed as part of the announced FDA review of the safety of GRAS and prior-sanctioned ingredients. The purpose of the safety review of gum guaiac was to determine whether the existing safety data show the known uses of this substance as a food ingredient to be generally recognized as safe (GRAS). No comments were received in response to FDA's proposal, and available data contain no evidence that gum guaiac is currently used in food.

FDA has reconsidered the proposal to remove food additive approval of gum guaiac as a flavoring agent and concludes that the lack of use data for gum guaiac does not warrant the proposed revocation. Therefore, FDA is withdrawing its proposal to remove gum guaiac from the list of substances approved in § 172.510 *Natural flavoring substances and natural substances used in conjunction with flavors* (21 CFR 172.510).

The document published on July 28, 1979 (43 FR 32819) also included a proposal to revoke the GRAS listing for gum guaiac in § 182.3336 (21 CFR 182.3336). This termination of proposed rulemaking does not affect that proposal. Elsewhere in this Federal Register—in the Rules section—FDA is deleting the entry for gum guaiac in Part 182 (21 CFR Part 182).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409, 701(a)) 52 Stat. 1055, 72 Stat. 1785-1788 (21 U.S.C. 348, 371(a), and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs hereby withdraws the proposal to amend § 172.510 *Natural flavoring substances and natural substances used in conjunction with flavors* published in the Federal Register of July 28, 1978 (43 FR 32819) and terminates the rulemaking proceeding begun by that proposal.

Dated: December 18, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-39680 Filed 1-3-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 452

[Docket No. 79N-0459]

Erythromycin Estolate; Proposed Revocation of Provisions for Certification of Adult Dosage Forms; Informal Conference and Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) announces that it will hold an informal conference in Rockville, MD, to receive information and views from interested persons on its proposal to revoke provisions for certification of adult dosage forms of erythromycin estolate. FDA is also extending the period for submission of written comments on the proposal.

DATES: A written notice of participation should be filed by January 14, 1980. The informal conference will be held on January 18, 1980; written comments by February 4, 1980.

ADDRESSES: Written notice of participation and comments to Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. The informal conference will be held in Conference Rm. M, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lillian Gavrilovich, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4280.

SUPPLEMENTARY INFORMATION: FDA will hold an informal conference on its proposal to amend the Code of Federal Regulations by revoking provisions for certification of adult dosage forms (capsules and tablets) of erythromycin estolate (21 CFR 452.115a, 452.115b). The proposal was published in the Federal Register of December 4, 1979 (44 FR 69670). The effect of the amendments would be to remove these drug products from the market.

The proposal gave interested persons an opportunity to submit written comments by January 3, 1980. It also announced that interested persons could submit a request by December 19, 1979, for an informal conference on the proposed revocation, and that, if a conference were granted, an extension of the comment period would be provided. One request for an informal conference and two requests for an extension of the comment period were received.

FDA believes that an informal conference should be held on the proposed revocation because it is a controversial matter. It believes holding an informal conference will contribute to the rulemaking process. The conference will be on January 18, 1980, at 9:30 a.m. in Conference Rm. M of the Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. It will be open to the public.

Any persons who wish to present their views at the conference should file a written notice of participation with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600

Fishers Lane, Rockville, MD 20857 by January 14, 1980.

The notice of participation should be prominently marked "Informal Conference, Erythromycin Estolate" and should contain the following information:

1. Name, address, and telephone number of the person desiring to make a presentation.
2. Business affiliation, if any.
3. A summary of the presentation.
4. The approximate amount of time requested for the presentation (no more than 30 minutes unless more time can be justified).

The time available for the conference will be allocated among the persons who file written notices of participation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. The agency may require consolidation to facilitate the purposes of the conference or to meet time constraints. At the discretion of the agency, participants and, as time permits, any person who attends may be heard on the issues under consideration.

As noted in the proposal, the agency will extend the period for submission of written comments for 15 days after the informal conference. Accordingly, interested persons may, on or before February 4, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the proposed revocation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with Docket No. 79N–0459, as appropriate. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 27, 1979.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 79–39960 Filed 12–28–79; 12:01 pm]

BILLING CODE 4110–03–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

32 CFR Part 651

Implementation of Procedures of the National Environmental Policy Act

AGENCY: Department of the Army, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army proposes to add a new part to subchapter K of 32 CFR. This new part will provide policy and guidance for consideration of environmental matters in the Army decisionmaking process. It implements the Council on Environmental Quality National Environmental Policy Act Regulation (43 FR 55990–56007, 29 Nov. 1978), and supersedes Army Regulation 200–1 subpart B—Environmental Considerations in DA Actions. Interested persons are invited to participate in this rulemaking by submitting comments to the point of contact listed below.

DATE: Comments must be received by February 4, 1980.

ADDRESS: Comments should be submitted to HQDA (DAEN-ZCE), Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Bickley, Army Environmental Office, Office, Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (202–694–3434).

SUPPLEMENTARY INFORMATION: In accordance with the Council on Environmental Quality National Environmental Policy Act Regulations and Department of Defense Directive 6050.1 and E.O. 12114 and Department of Defense Directive 6050.7, the Department of the Army has developed implementing procedures that apply to Army policy related to the environmental considerations of its actions. The implementing procedures result in a complete revision of AR 200–1 subpart B, 20 Jan. 1978.

CEQ has directed federal agencies to avoid restating or paraphrasing the CEQ Regulations even though agencies may quote or cross-reference the CEQ Regulations in their implementing procedures. Therefore, it must be made clear that the Department of the Army is proposing the following regulations with the understanding that the reader makes use of the attached policy statements and definitions contained in the CEQ Regulations, Appendix C.

Accordingly, the Department of the Army proposes to amend 32 CFR Part 650 by revising and redesignating §§ 650.21 through 650.39 as Part 651 as set forth below:

§§ 650.21—650.39 [Reserved]

1. Section 650.21 through 650.39 are deleted and reserved.

2. New Part 651 is added to read as follows:

Dated: December 27, 1979.

For the Chief of Engineers.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

A new Part 651 is proposed to be added as follows:

PART 651—ENVIRONMENTAL CONSIDERATIONS IN THE DEPARTMENT OF THE ARMY (DA)

Subpart A—General

Sec.
651.1 Purpose.
651.2 Background.
651.3 Applicability.
651.4 Policies.
651.5 Responsibilities.

Subpart B—Records and Documents

651.6 Summary of required records and documents.
651.7 Definitions.

Subpart C—NEPA and the Planning Process

651.8 General.
651.9 Applicability.
651.10 Categories of actions and procedures for environmental review.
651.11 Classified actions.
651.12 Integration with Army planning.
651.13 Mitigation and monitoring.

Subpart D—Categorical Exclusions

651.14 Purpose and definition.
651.15 Criteria.
651.16 Other exclusions.
651.17 Procedures.
651.18 Categorical exclusions.
651.19 Modification of the list of Categorical Exclusions.

Subpart E—Environmental Assessment

651.20 Purpose and definition.
651.21 Criteria.
651.22 Actions normally requiring an EA.
651.23 Format of the environmental assessment.
651.24 Decision process.
651.25 Public involvement.
651.26 Existing environmental assessments.

Subpart F—Environmental Impact Statement

651.27 Purpose and definition.
651.28 Criteria.
651.29 Actions normally requiring Environmental Impact Statements.
651.30 Format of the Environmental Impact Statement.
651.31 Steps in preparing and processing an EIS.
651.32 Existing Environmental Impact Statements.

Subpart G—Public Involvement

651.27 General procedure.
651.28 Scoping

Subpart H—Environmental Effects Abroad of Major DA Actions

651.29 General.
651.30 Purpose.
651.31 Applicability.
651.32 Definitions.
651.33 Policy.

Sec.

651.34 Responsibilities.
651.35 Guidance on implementation.

Authority: National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., Council on Environmental Quality Regulations, 40 CFR Part 1500, 43 FR 55990–56007, Nov. 29, 1978, and EO 12114.

Subpart A—General

§ 651.1 Purpose.

This regulation states Department of the Army (DA) policy, assigns responsibilities, and establishes procedures on the integration of environmental considerations into Army planning and decsionmaking in accordance with 42 USC 4321 et seq., "National Environmental Policy Act of 1969 (NEPA)", the Council on Environmental Quality Regulations of 29 November 1979 and Executive Order 12114.

§ 651.2 Background.

(a) NEPA establishes national policies and goals for the protection of the environment. Section 102 (2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. In particular, all Federal agencies are required to give appropriate pre-decisional consideration to the environmental effects of their proposed actions in their planning and decisionmaking, and to prepare detailed statements regarding recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement the procedural provisions of NEPA. Accordingly, CEQ issued final regulations for implementing NEPA's procedural provisions (40 CFR Part 1500–1508) on 29 November 1978, which became binding on all Federal agencies commencing 30 July 1979. These regulations provide that each Federal agency shall, as necessary, adopt implementing procedures to supplement the CEQ regulations. The Department of Defense (DOD) issued its implementing procedures in DOD Directive 6050.1, "Environmental Effects in the United States of DOD Actions," on 30 July 1979.

(c) Executive Order 12114 of 4 January 1979 directed that Federal agencies prepare and implement procedures to further the purpose of environmental protection and enhancement with respect to the areas outside the United States. Accordingly DOD issued DOD Directive 6050.7, "Environmental Effects Abroad of Major Department of Defense Actions," 31 March 1979.

§ 651.3 Applicability.

(a) The provisions of Subparts A through C and Appendices A through E in this regulation apply to Headquarters, Department of the Army (HQDA) and to all Army Command, subordinate activity, and agency (hereinafter referred to as DA agencies) actions affecting the environment in the United States,[1] and are effective immediately.

(1) The Civil Works functions of the Corps of Engineers are not subject to this regulation. See Corps of Engineers regulation ER 200–2–2, "Environmental Quality: Policy and Procedures for Implementing NEPA."

(b) Subpart H of this regulation applies to HQDA and DA agencies' actions that would significantly affect the quality of the human environment outside the United States.

(c) This regulation also applies to federally managed National Guard installations and sites and federally funded National Guard activities.

§ 651.4 Policies.

(a) It is the continuing policy of the DA, as a trustee of the environment, to carry out its mission of national security in a manner consistent with the NEPA and other national environmental standards, laws, and policies. All practicable means consistent with other essential consideration of national policy will be employed to minimize or avoid adverse environmental consequences and to attain the following objectives:

(1) Provide safe, healthful, productive, and aesthetically and culturally pleasing surroundings.

(2) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended adverse consequences.

(3) Preserve important historic, cultural, and natural aspects of our national heritage and maintain, where possible, an environment which supports diversity and variety of individual choice.

(4) Achieve a balance between resource use and development within the sustained carrying capacity of the ecosystem involved.

(5) Enhance the quality of renewable natural resources and approach the maximum attainable conservation and recycling of depletable resources.

(b) To accomplish these objectives, DA agencies shall—

(1) Integrate the requirements of NEPA with other planning and review procedures and documentation required by DOD or DA so that all such procedures run concurrently rather than consecutively. Army planners and decisionmakers will consider environmental values and amenities concurrently with economic and technical considerations. In particular, the Army will:

(i) Use a systematic, interdisciplinary approach in developing environmental documents and conducting environmental review processes.

(ii) Include environmental considerations in planning and decision making to the greatest extent practicable even when specific environmental documents are not required by this regulation.

(iii) Include a written environmental evaluation in all decision documentation where the decision may significantly impact the quality of human environment. This does not include implementing orders or similar guidance for actions which have previously been adequately analyzed.

(2) Assess the environmental consequences of proposed actions/alternatives in advance of the first significant decision point and also where appropriate in advance of later significant decision points. Where multiple decision points will occur, programmatic environmental evaluation or tiering should be considered (40 CFR 1502.20 and 1502.21).

(3) Study, develop, and describe appropriate and reasonable alternative actions to avoid or minimize adverse environmental consequences when any proposal involves unresolved conflicts concerning alternate uses of available resources or would significantly affect the quality of the human environment.

(4) Render decisions that are based on understanding of environmental consequences, and, consistent with national defense requirements, consider actions that protect, restore, and enhance the environment.

(5) Encourage and facilitate public involvement in decisions which affect the quality of the human environment. Invite cooperation and assistance, where appropriate, from Federal, state, regional, and local authorities and the public in identifying measures for minimizing adverse environmental consequences of proposed Army actions.

[1] *United States* means all states, territories, and possessions of the United States; and all waters and airspace subject to the territorial jurisdiction of the United States. For the purpose of this regulation, United States also includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Marianas. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, Kingman Reef, and the Trust Territory of the Pacific Islands, subject however to future changes in their legal status.

(6) Prepare and process necessary environmental documentation on recommendations or reports on proposals for legislation, and other major Army actions which are expected to have a significant effect on the quality of the human environment. Yearly appropriations requests will normally be excluded from any requirement for environmental documentation (40 CFR 1508.17).

(7) Develop and implement methods for improved environmental input to decisionmaking processes.

(8) Recognize the worldwide and long-range character of environmental problems and, where consistent with national security requirements and the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing the decline in the quality of the world human environment. In accordance with Executive Order 12114, DOD Directive 6050.7, and this regulation, incorporate the environmental planning and evaluation process into major Army actions which may significantly affect global commons, the environments of certain other nations, or any natural, ecological cultural resources of global importance designated for protection.

(9) Comply with laws other than NEPA which require DA to gain approval of another Federal, state, or local government agency before commencing certain types of action that may have environmental consequences. Compliance with the requirements of such laws does not relieve the responsible official from preparing and processing necessary environmental documents. Compliance with NEPA is required unless existing law applicable to a specific action or activity expressly prohibits, exempts or makes compliance impossible.

(10) Insure that all environmental documentation will be subjected to reviews which consider operations and security (OPSEC) principles and procedures described in AR 530–1. These reviews will be documented.

§ 651.5 Responsibilities.

(a) The Assistant Secretary of the Army (Installations, Logistics and Financial Management) serves as the Secretary of the Army's responsible official for NEPA matters.

(b) The Chief of Engineers exercises primary staff responsibility for coordinating and monitoring NEPA activities within the Army, and, through the Assistant Chief of Engineers (DAEN–ZCE), is the Army staff point of contact for environmental matters.

(1) Provides assistance and advice on the preparation/processing of environmental documentation through the identification and quantification of environmental impacts and selection of impact mitigation techniques.

(2) As necessary, designates a single agency or lead office having the responsibility for preparing and processing environmental documentation when more than one DA agency is involved and assign DA lead agency responsibility when non-DA agencies are involved.

(3) Reviews and comments on environmental impact statements (EISs) submitted by other DOD components and other Federal agencies.

(4) Monitors proposed policy and program documents issued by the DA which have environmental implications to determine if EISs or environmental assessments (EAs) are required and to insure that environmental considerations are integrated into the decisionmaking process.

(5) Maintains liaison with the Office of Management and Budget (OMB), CEQ, Environmental Protection Agency (EPA), and other Federal agencies and state local groups, with respect to their environmental policies which affect DA, thereby assisting in the identification and evaluation of applicable regulatory policies for proposed actions.

(6) Maintains a current record of actions for which EISs have been prepared or are under preparation, and those actions of national concern for which a Finding of No Significant Impact (FNSI) has been rendered.

(7) Retains a copy of each draft and final EIS prepared by DA. The EIS will be retained until the proposed action and any mitigation program is complete or the information therein is no longer valid, at which time they will be deposited in the National Archives.

(8) Directs the preparation of EISs as appropriate to insure adequate consideration of environmental impacts.

(9) Evaluates the technical aspects of the EISs submitted to HQDA for review.

(10) Comments on EISs within those areas of assigned staff responsibility and technical capability, and

(11) Fulfills those responsibilities as a DA staff agency for those actions or activities for which COE is normally responsible as defined in Subparts A and H of this part.

(c) HQDA staff agencies will:

(1) Apply the policies and procedures set forth in this regulation on the application of NEPA to programs and actions within their staff responsibility.

(2) Assess continuing and proposed programs and actions to determine their environmental consequences and initiate the preparation of necessary environmental documents.

(3) Coordinate, as appropriate, the preparation of EISs with other elements of HQDA as well as with the DAEN–ZCE.

(4) Designate, record, and report the identity to DAEN–ZCE of the agency's single point of contact of NEPA considerations.

(5) Maintain a current record of staff agency actions on which EISs have been prepared, or are being prepared and those actions of national concern for which FNSIs have been prepared.

(6) As requested, assist in the review of environment documentation prepared by other DA agencies and DOD or other Federal agencies.

(7) Coordinate existing and proposed directives, instructions, regulations and major policy publications that have environmental implications with DAEN–ZCE.

(8) Resolve issues in determining if a public hearing is necessary for the proposed action and assign, when necessary, the responsibility for the hearing to an appropriate office or agency.

(9) Support program and budget request for funds required to insure compliance with the requirements of this regulation for actions under their control.

(10) Shall be capable (in terms of personnel and other resources) of complying with the requirements of this regulation (40 CFR 1507.2).

(d) The Judge Advocate General (JAG) will provide legal advice and assistance, as requested, in the interpretation of NEPA and the CEQ regulations, and handle related litigation before the various courts and regulatory bodies.

(e) The Comptroller of the Army (COA) will establish necessary procedures to insure compliance with the requirements for environmental exhibits and data in support of annual authorization requests. Additionally, for those actions or activities for which the COA is normally responsible, the COA will fulfill the requirements defined in subparagraph c above.

(f) The Surgeon General (TSG) is responsible for coordinating the health, welfare, and environmental aspects of proposed EISs submitted to HQDA, and for preparing assessments or EISs required for actions and programs for which he/she is the proponent. DA agencies are encouraged to draw upon the special expertise which is available within the medical department to identify and evaluate environmental impacts.

(g) The Adjutant General will institute administrative procedures to preclude

the publication of any policy, regulation, circular, or other DA issuance unless the proponent staff agency certifies that necessary environmental documentation (including a Record of Determination) has been prepared.

(h) The Chief of Public Affairs (SAPA) will provide guidance in the issuance of public announcements required by this regulation.

(i) Major field commanders are responsible for monitoring actions programs proposed for accomplishment within their commands and for assuring that appropriate environmental documentation is prepared and, as necessary, forwarded to HQDA.

(j) All Army commands and agencies will:

(1) Establish, as necessary, internal procedures for assessing environmental consequences for continuing and proposed programs and actions for which they are the proponent agency in accordance with the policies contained herein, and for preparing, coordinating within their technical staffs, and processing of environmental documentation required for actions within their agencies.

(2) Establish, as necessary, internal procedures to insure that all regulations, directives, instructions, and other major policy publications for which they are the proponent agency, or which implement issuances by higher headquarters are evaluated for environmental consequences prior to publication.

(3) Establish a continuing program to assure that sufficient personnel within the command or agency are properly trained in the requirements of NEPA and the provisions of this regulation.

(4) Program and budget for funds required to insure compliance with the requirements of this regulation.

(5) Maintain the capability (in terms of personnel and other resources) to comply with the requirements of this regulation (40 CFR 1507.2).

Subpart B—Records and Documents

§ 651.6 Summary of required records and documents.

The following written records and documents are required in order to fully implement the requirements of this Regulation:

(a) *Record of determination.* See Subpart C of this part for application.

(b) *List of categorical exclusions (CX).* These are described in detail in Subpart D of this part.

(c) *Environmental assessment (EA).* See Subpart E of this part for requirements.

(d) *Finding of no significant impact (FNSI).* See sections 651.24 and 651.31 for application and processing.

(e) *Notice of intent (NOI).* See Sections 651.24 and 651.31 for application.

(f) *Environmental impact statement (EIS).* See Subpart F for requirements.

(g) *Record of decision.* See Subpart C of this part for application.

§ 651.7 Definitions.

(a) *List of categorical exclusions.* DAEN–ZCE will maintain for all DA agencies a master list of actions which normally qualify for a categorical exclusion from the requirement to prepare environmental documentation as defined in 40 CFR 1508.10. This list will include those in this regulation, Appendix A, and those nominated by DA agencies and approved by HQDA. Refer to Subpart D of this part for further discussion.

(b) *Record of determination.* A Record of Determination is a record which briefly describes the proposed action and its anticipated time frame; it accounts for the level of environmental analysis the action requires, as well as identifies the responsible proponent. See Figure 2–1 for format.

(c) *Reports control symbol.* Environmental Documentation has been assigned reports control symbol DD–M (AR) 1327.

(d) *Preparer.* The preparers are personnel from a variety of disciplines who write environmental documentation, in clear prose, based on planning, data acquisition, and data analysis documents.

(e) *HQDA staff proponent.* This is the principal approval authority of all lower staff level proponents.

(f) *Proponent.* Since the proponent is dependent on the nature and scope of any given action, a proponent may exist at all levels of the Army structure, i.e., the installation facility engineer becomes proponent of installation-wide MCA or O&M activity, HQ TRADOC becomes a proponent of a change in military training mission.

(g) *Environmental documents.* Record of Determination, Environmental Assessment, Environmental Impact Statement, Finding of No Significant Impact, Notice of Intent, and Record of Decision.

Figure 2–1 Format for Record of Determination

Record of Determination

Title:

Description: (Brief description (if not obvious from title))

Anticpated Date: (Month/year of expected action)

It has been determined that the action—

(choose one)

1. Is adequately covered in the existing EA ——— EIA ——— EIS ——— entitled: ——— and dated ———.

2. Falls under the Army list of categorically excluded actions as having no significant individual or cumulative environmental impacts. Exclusion # ———, Appendix A, AR 200–X.

——— and no special circumstances require further documentation.

——— but special circumstances (described on back of record) require preparation of an EA ———/EIS ———.

5. Is exempt from NEPA requirements under the provisions of (cite superceding Federal law other than security classification).

Signed ———

(office responsible for proposed action)

Date of Determination:

———

Concurrence: ———

(Installation, office, or agency designated Environmental Officer)

Date: ———

Subpart C—NEPA and the Planning Process

§ 651.8 General.

(a) The NEPA process includes the systematic examination of the possible and probable environmental consequences of implementing a proposed action. To be an effective decisionmaking tool, this process will be integrated with other Army project planning at the earliest possible time. This insures that planning and decisionmaking reflect environmental values, avoid delays later in the process, and avoid potential conflicts.

(b) To achieve these ends, NEPA requires that the Army "(u)tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on the man's environment" (PL 91–190; 102(2)(A)). This procedure enables the identification of environmental effects and values in sufficient detail so they can be evaluated in conjunction with economic, technical, and mission-related analyses.

(c) The NEPA process also requires that the proponent of an action or project identify and describe appropriate alternatives to the proposed action or project where the proposed action involves unresolved conflicts concerning alternatives uses of available resources or would significantly affect the quality of the

human environment. To assist in identifying appropriate alternatives, the proponent is encouraged to consult appropriate Federal, state and local agencies and the potentially affected public.

(d) These procedures are designed to allow the decisionmaker to select the proper coruse of action by providing him/her with the relevant background information and subsequent analyses of positive and negative environments effects of the proposal. The written report to the decisionmaker which contains the environmental evaluation of an action is either an EA, a FNSI, or an EIS. Other documents are used (1) to record interim recommendations or a finding that an action is categorically excluded from further environmental review (Record of Determination); and (2) to record the decisionmaker's final decision in regard to any project for which a final EIS has been filed (Record of Decision).

§ 651.9 Applicability.

(a) The types of projects or actions to be evaluated for environmental impact include:

(1) Policies, regulations, and procedures (DA Regulations, Circulars, or other issuances).

(2) New management and operational concepts and programs (in areas such as logistics, R&D, procurement, personnel assignment).

(3) Projects (e.g., major construction, weapons and vehicle research and development).

(4) Activities (e.g., advanced and unit training, flight operations, operation of tank washracks or waste treatment plant).

(b) In addition to the above, an environmental review is required for certain activities supported by the Army through:

(1) Federal contracts, grants, subsidies, loans, or other forms of funding assistance (such as the GOCO industrial plants).

(2) Lease, easement, permit, licenses, certificates, or other entitlements for use (e.g., grazing lease, grant of easement for highway right-of-way).

§ 651.10 Categories of actions and procedures for environmental review.

(a) There are five broad categories into which a proposed action may fall for environmental review purposes. These categories are:

(1) *Exemption by Law.* (i) The law must apply to the Department of Defense and/or DA and must prohibit, exempt or make impossible compliance with NEPA. (40 CFR 1500.6) See Section 651.11 below, however for security exemptions.

(ii) In order to determine the applicability of this category to a proposed action, an applicant for an exemption should contact the Judge Advocate General Officer (JAGO) at his/her level for an interpretation. Following JAGO approval, a record of determination will be made by the responsible commander and forwarded to DAEN—ZCE for concurrence.

(2) *Emergencies.* (i) In the event of an emergency, DA may be required to take immediate action with significant environmental impact. This includes actions that must be taken to promote the national defense or security and cannot be delayed and actions necessary for the protection of life or property. DA, through channels, shall notify the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics (ASD (MRA&L)) of an emergency action at the earliest possible time so that ASD (MRA&L) may consult with the CEQ. In no event shall DA delay an emergency action necessary to the preservation of national security or preservation of human life for the purpose of complying with this regulation or the CEQ Regulations (40 CFR 1500–1508).

(ii) These modifications apply to actions necessary to control the immediate effects of the emergency; other actions remain subject to NEPA review. (40 CFR 1506.11)

(3) *Categorical Exclusions (CX) (Chapter 4–4 and Appendix A).* These actions normally do not require documentation because DA has determined that they do not individually or cumulatively have a significant effect on the human environment. If qualifications are met for a CX, as described in Part D of this regulation, a record of determination will be made to that effect. In special cases, further environmental analysis may be necessary—see Section 651.16c.

(4) *Actions Normally Requiring an EIS (Sections 651.28 and 651.29).* (i) A record of determination should be developed and included in the project file for the specific action being considered.

(ii) If it is determined that the action is covered adequately in a previously filed final EIS, the record of determination must so state, citing the applicable EIS by name and date; the record of determination is then attached to the proponent's record copy of that final EIS.

(iii) If the proposed action is within the scope of an existing filed final EIS but was not covered in that document or not covered adequately, then the proponent may prepare supplemental documentation to that EIS.

(iv) If the proposed action is not within the scope of any existing filed final EIS, then the proponent must begin the preparation of a new EIS.

(5) *Actions normally requiring an Environmental Assessment (Sections 651.21, 22 and 24).* This may also be divided into three subcategories:

(i) If the proposed action is covered adequately within an existing adequate EIA, EA, or EIS, prepare a record of determination to that effect.

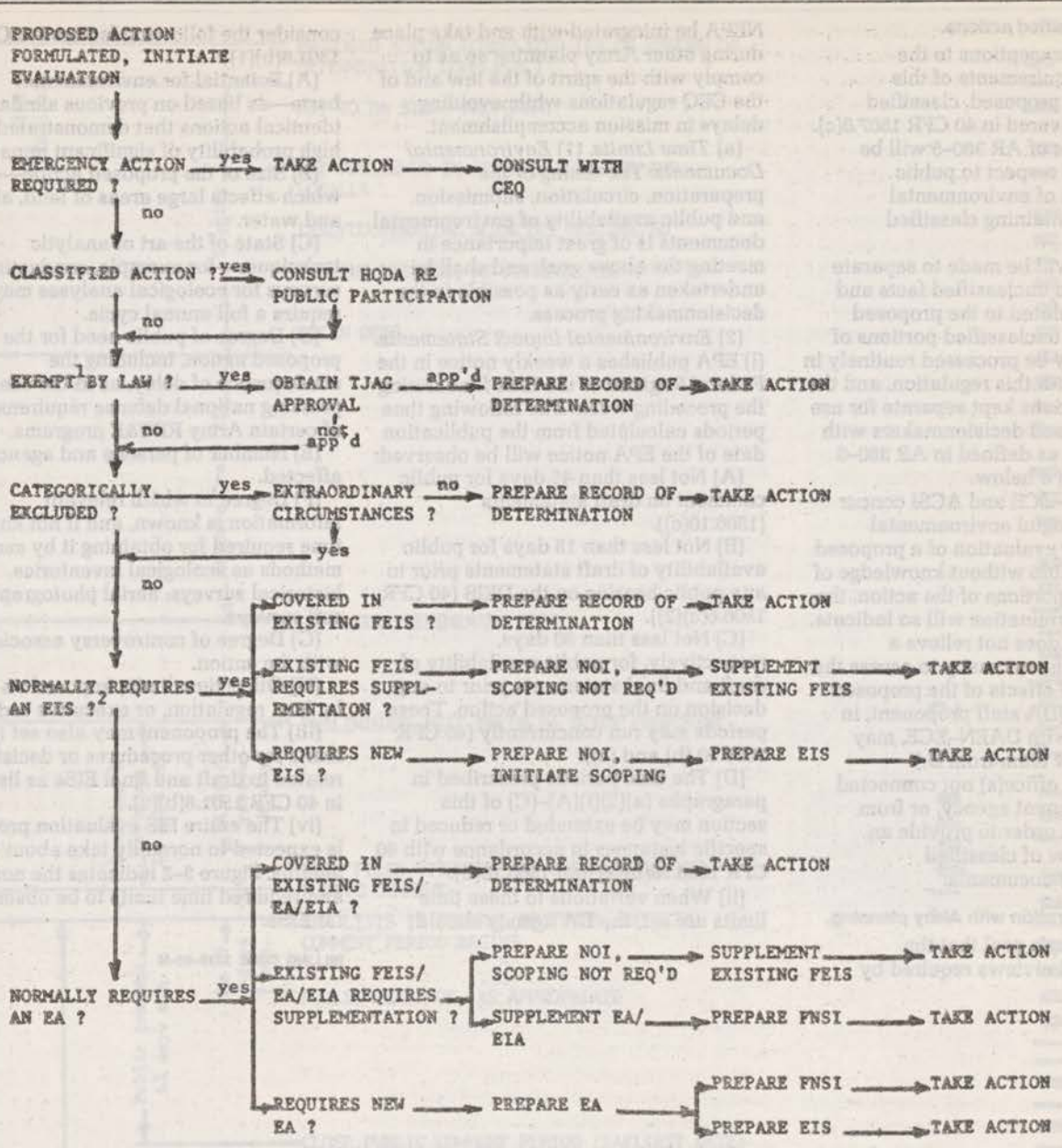
(ii) If the proposed action is within the general scope of an existing adequate EIA, EA, or EIS, but supplementation is needed, prepare a supplement to the existing document and a FNSI, if a FEIS supplement is not required. In preparing the FEIS supplement, the scoping process is not required.

(iii) If the proposed action is not covered in any existing EIA, EA, or EIS, or is of significantly larger scope than the existing document, then prepare a new EIS or an EA followed by either a FNSI or an EIS.

(b) The flow chart shown in Figure 3–1 summarizes the process for determining documentation requirements.

(c) The proponent of a proposed action may adopt appropriate environmental documents (EAs of EISs) prepared by another agency (40 CFR 1500.4 (n) and 1506.3). In such cases, the proponent will retain its own recordkeeping for records of determination and records of decision. See 40 CFR 1506.3 and 1506.4 for procedures to be followed when adopting other documents.

BILLING CODE 3710-92-M



[1] DOD and/or DA exempts, prohibits, or makes impossible compliance.[40 CFR 1500.6]

[2] An EA may be done to help determine adequacy of previousdocuments in covering the specific new proposed action.

Summary of Types of Environmental Analyses and Required Documentation

Figure 3-1

BILLING CODE 3710-92-C

§ 651.11 Classified actions.

(a) Limited exceptions to the procedural requirements of this regulation for proposed, classified actions are covered in 40 CFR 1507.3(c). The provisions of AR 380–5 will be followed with respect to public dissemination of environmental documents containing classified information.

(b) Efforts will be made to separate classified from unclassified facts and conclusions related to the proposed action so that unclassified portions of the action may be processed routinely in accordance with this regulation, and the classified portions kept separate for use by reviewers and decisionmakers with need-to-know as defined in AR 380–5 and paragraph c below.

(c) If DAEN–ZCE and ACSI concur that no meaningful environmental assessment or evaluation of a proposed action is possible without knowledge of the classified portions of the action, the record of determination will so indicate. Classification does not relieve a proponent of the necessity to assess the environmental effects of the proposed action. the HQDA staff proponent, in coordination with DAEN–ZCE, may select a review team from DA agency(ies) or office(s) not connected with the proponent agency, or from outside DA, in order to provide an external review of classified environmental documents.

§ 651.12 Integration with Army planning.

It is the Army's goal that the environmental reviews required by NEPA be integrated with and take place during other Army planning so as to comply with the spirit of the law and of the CEQ regulations while avoiding delays in mission accomplishment.

(a) *Time Limits.* (1) *Environmental Documents.* The timing of the preparation, circulation, submission, and public availability of environmental documents is of great importance in meeting the above goal, and shall be undertaken as early as possible in the decisionmaking process.

(2) *Environmental Impact Statements.* (i) EPA publishes a weekly notice in the Federal Register of the EISs filed during the preceding week. The following time periods calculated from the publication date of the EPA notice will be observed:

(A) Not less than 45 days for public comment on draft statements (1596.10(c)).

(B) Not less than 15 days for public availability of draft statements prior to any public hearing on the DEIS (40 CFR 1506.6(c)(2)).

(C) Not less than 90 days, respectively, for public availability of draft and final statements prior to any decision on the proposed action. These periods may run concurrently (40 CFR 1506.10 (b) and (c)).

(D) The time periods prescribed in paragraphs (a)(2)(i)(A)–(C) of this section may be extended or reduced in specific instances in accordance with 40 CFR 1506.10(b)(2) and 1506.10(d).

(ii) When variations to these time limits are set, the DA agency should consider the following factors (40 CFR 1501.8(b)(1)):

(A) Potential for environmental harm—as based on previous similar or identical actions that demonstrated a high probability of significant impact.

(B) Size of the proposed action—one which affects large areas of land, air, and water.

(C) State of the art of analytic techniques—for example, conducting of surveys for ecological analyses may require a full annual cycle.

(D) Degree of public need for the proposed action, including the consequence of delay, as in the case of pressing national defense requirements of certain Army RDT&E programs.

(E) Number of persons and agencies affected.

(F) Degree to which relevant information is known, and if not known, time required for obtaining it by such methods as ecological inventories, historical surveys, aerial photographs, or soil surveys.

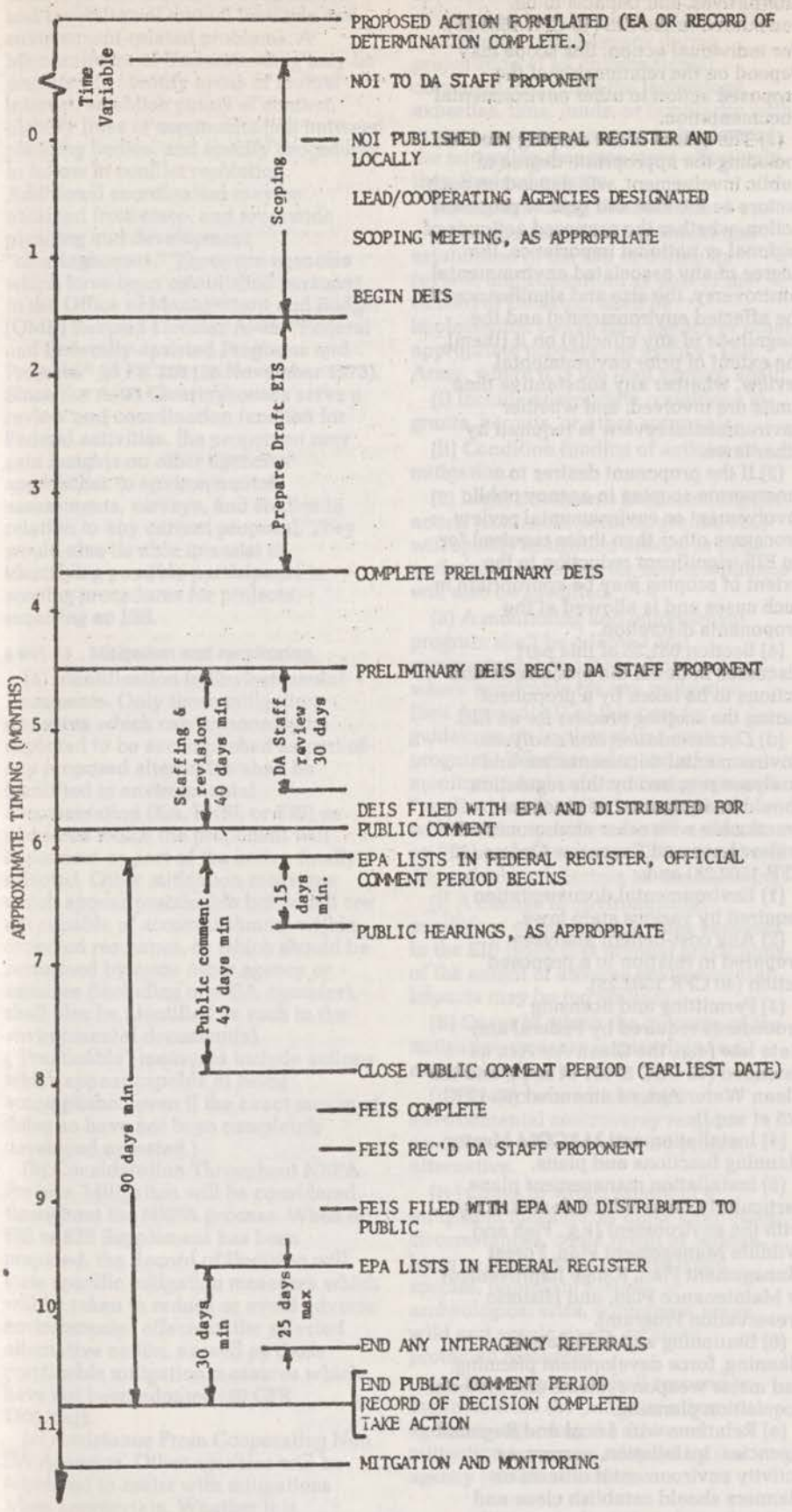
(G) Degree of controversy associated with the action.

(H) Other time limits imposed on DA by law, regulation, or executive order.

(iii) The proponent may also set time limits for other procedures or decisions related to draft and final EISs as listed in 40 CFR 1501.8(b)(2).

(iv) The entire EIS evaluation process is expected to normally take about ten months. Figure 3–2 indicates the normal and required time limits to be observed for EISs.

BILLING CODE 3710–92–M



BILLING CODE 3710-92-C

Figure 3-2

Normal Time Relationships for Preparing and Processing an EIS

(3) *Categorical Exclusions.* When a proposed action is categorically excluded from environmental review (see Subpart D of this part and Appendix A), the proponent may proceed immediately with the action upon concurrence of the appropriate environmental office.

(4) *Findings of no significant impact.* (i) When a proposed action is, or is closely similar to, one normally requiring an EIS (Subpart F), or is without precedent, the proponent will make any FNSI available for at least 30 days of review by the public (including state and areawide clearinghouses). Only after this 30-day period will the proponent make a final decision on whether to prepare an EIS and/or proceed with the proposed action (40 CFR 1501.4(e)(2)).

(ii) Without regard to paragraph (a)(4)(i) of this section, the proponent may allow a 15-day period or other reasonable period for public comment between the time that the FNSI is publicized in accordance with 40 CFR 1506.6(b) and the time the action begins. However, such a delay is not required and the action may begin immediately.

(b) *Programmatic environmental review (tiering).* (1) DA agencies are encouraged to write programmatic environmental analyses (tiering, 40 CFR 1502.20 and 1508.28) in order to eliminate repetitive discussions of the same issues and focus on the key issues at each appropriate level of project review. When a broad EIS has been prepared (such as a program or a policy statement) and a subsequent EIS or EA is then prepared on an action included within the entire program or policy (particularly a site-specific action), the subsequent EIS or EA need only summarize the issues discussed in the broader statement, incorporating longer discussions from the broader statement reference, and shall concentrate on the issues specific to the subsequent action. This subsequent document shall state where the earlier document is available.

(2) An example would be the assessment of a proposed major weapon system program. An overall programmatic EIS could be developed for the system; follow-on EAs and EISs, as appropriate, would evaluate specific sub-phases of development such as RDT&E, production, training, storage, transportation, and ultimate disposal.

(c) *Scoping.* (1) When the planning for an Army project or action indicates that an EIS should be prepared, an early and open process (called "scoping") shall be used for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action (40 CFR 1501.7). Scoping results in the identification by the proponent of the range of actions, alternatives, and impacts to be considered in the EIS (40 CFR 1508.25). For individual action, this scope may depend on the relationship of the proposed action to other environmental documentation.

(2) The extent of the scoping process, including the appropriate degree of public involvement, will depend on such factors as the size and type of proposed action, whether the proposed action is of regional or national importance, the degree of any associated environmental controversy, the size and significance of the affected environment(s) and the magnitude of any effect(s) on it (them), the extent of prior environmental review, whether any substantive time limits are involved, and whether environmental review is required by other laws.

(3) If the proponent desires to incorporate scoping in agency public involvement or environmental review processes other than those required for an EIS, significant reduction in the extent of scoping may be appropriate in such cases and is allowed at the proponents discretion.

(4) Section 651.28 of this part discusses in detail the procedures and actions to be taken by a proponent during the scoping process for an EIS.

(d) *Documentation and analyses.* Environmental documentation and analyses required by this regulation should be integrated as much as practicable with other environmental review laws and Executive Orders (40 CFR 1502.25) and:

(1) Environmental documentation required by various state laws.

(2) Any cost-benefit analyses prepared in relation to a proposed action (40 CFR 1502.23).

(3) Permitting and licensing procedures required by Federal and state law (e.g., the Clean Air Act, as amended (42 USC 57401 et seq.), and the Clean Water Act, as amended (33 USC 125 et seq.)).

(4) Installation and MACOM Master Planning functions and plans.

(5) Installation management plans, particularly those which deal directly with the environment (e.g., Fish and Wildlife Management Plan, Forest Management Plan, Range Improvement or Maintenance Plan, and Historic Preservation Program).

(6) Stationing and installation planning, force development planning, and major weapon systems and materiel acquisition planning.

(e) Relations with Local and Regional Agencies. Installation, agency, or activity environmental officers or planners should establish close and harmonious planning relations with local and regional agencies and planning commissions of adjacent cities,

countries, and states, for cooperation and resolution of mutual land use and environment-related problems. A Memorandum of Understanding may be prepared to identify areas of mutual interest, establish points of contact, identify lines of communication between planning bodies, and specify procedures to follow in conflict resolution. Additional coordination may be obtained from state- and area-wide planning and development "clearinghouses." These are agencies which have been established pursuant to the Office of Management and Budget (OMB) Revised Circular A–95, "Federal and Federally-assisted Programs and Projects," 38 FR 228 (28 November 1973). Since the A–95 Clearinghouses serve a review and coordination function for Federal activities, the proponent may gain insights on other agencies' approaches to environmental assessments, surveys, and studies in relation to any current proposal. They would also be able to assist in identifying possible participants in scoping procedures for projects requiring an EIS.

§ 651.13 Mitigation and monitoring.

(a) Identification in Environmental Documents. Only those mitigation measures which can reasonably be expected to be accomplished as part of any proposed alternative shall be identified in environmental documentation (EA, FNSI, or EIS) as measures which the proponent will implement as part of the action finally selected. Other mitigation measures which appear practicable but which are not capable of accomplishment within expected resources, or which should be performed by some other agency or agencies (including non-DA agencies), shall also be identified as such in the environmental document(s). ("Practicable" measures include actions which appear capable of being accomplished even if the exact means of doing so have not been completely developed or tested.)

(b) Consideration Throughout NEPA Process. Mitigation will be considered throughout the NEPA process. When an EIS or EIS Supplement has been prepared, the Record of Decision will state specific mitigation measures which will be taken to reduce or avoid adverse environmental effects of the selected alternative action, as well as those practicable mitigation measures which have not been adopted (40 CFR 1505.2(c)).

(c) Assistance From Cooperating Non DA Agencies. Other agencies will be requested to assist with mitigations when appropriate. Whether it is appropriate to request assistance is determined by whether the agency (1) was a cooperating agency during preparation of an environmental document, or (2) has the technology, expertise, time, funds, or familiarity with project or area necessary to implement the mitigation measure more effectively than the lead agency.

(d) Implementing the Decision.

(1) Mitigation and other conditions established in the EIS or during its review, and committed as part of the Record of Decision, shall be implemented by the lead agency or other appropriate cooperating agency. The Army, where it is the lead agency, shall:

(i) Include appropriate conditions in grants, permits, or other approvals.

(ii) Condition funding of actions on mitigation.

(2) Legal documents implementing the action (contracts, permits, grants, etc.) will specify mitigation measures to be performed. Penalties for non-compliance will also be specified.

(3) A monitoring and enforcement program shall be adopted and summarized in the Record of Decision where applicable for any mitigation. (See Appendix D of this part for guidelines on implementing such a program.) Whether adoption of a monitoring and enforcement program is "applicable" (40 CFR 1505.2(c)) and whether the specific adopted action is an "important" case (40 CFR 1505.3) will depend on such factors as the following:

(i) A change in environmental conditions or project activities assumed in the EIS (such that original predictions of the extent of adverse environmental impacts may be too limited).

(ii) Cases in which the outcome of the mitigation measure is uncertain (e.g., new technology).

(iii) Projects in which major environmental controversy remains associated with the selected project alternative.

(iv) Cases in which failure of a mitigation measure, or other unforeseen circumstances, could result in serious harm to endangered or threatened species, important historic or archeological sites, wilderness areas, wild and scenic rivers, or other protected resources.

(v) The proponent shall respond to inquiries from the public or other agencies regarding the status of mitigation measures adopted by the agency (40 CR 1505.3(c)).

Subpart D—Categorical Exclusions

§ 651.14 Purpose and definition.

The categorical Exclusion (CX) is intended to reduce paperwork and delay for those "actions which do not individually or cumulatively have a significant effect on the human environment," and do not require preparation of an EA or EIS, is authorized by the National Environmental Policy Act Regulations (40 CFR 1508.4).

§ 651.15 Criteria.

The criteria used to help determine those categories of actions that *normally* do not require either an EIS or an EA include the assumptions that the action is expected to have:

(a) Minimal or no significant effect on environmental quality.

(b) No significant or environmentally controversial change to existing conditions.

(c) No significant individual or cumulative environmental effects.

(d) Minimal effects, other than social and economic effects.

(e) Similarity to actions previously examined and found to meet the above criteria.

§ 651.16 Other exclusions.

A very large number of actions and activities has been previously assessed and found to be without significant environmental impact in a particular situation. Newly initiated actions which are considered to fall within an existing adequate assessment do not meet the definition required for CX (40 CFR 1508.4), but the preparation of new environmental documentation will probably not be necessary. Section 651.26 of this Part treats this subject.

§ 651.17 Procedures.

The proponent of the action shall perform the following:

(a) Determine the scope of the proposal and identify elements that may effect the environment.

(b) Determine whether or not the proposal is encompassed by one of the categories in Appendix A not normally requiring the preparation of an EA or EIS.

(c) Determine if there are any extraordinary circumstances that may result in the proposed action having significant impact on the human environment which would require an EA or EIS. These circumstances include:

(1) Greater scope or size than normally experienced for a particular category of action.

(2) Potential for degradation, even though slight, of already existing poor

environmental conditions, or initiation of a degrading influence, activity, or effect in areas not significantly modified from their natural condition.

(3) Employment of unproven technology.

(4) Presence of endangered species, archaeological remains, historical sites, or other protected resources.

(5) Use of hazardous or toxic substances which may come in contact with the surrounding environment. (i.e., Use of hazardous and toxic substances in controlled, laboratory conditions is categorically excluded).

(6) Proposed actions occurring in prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, floodplains, or wild and scenic river areas.

§ 651.18 Categorical exclusions.

Types of actions which normally qualify for categorical exclusion are listed in Appendix A of this Part.

§ 651.19 Modification of the list of categorical exclusions.

The DA list of CXs is subject to continual review and modification as changes are identified and experience is gained in the CX process. Proponents of all DA actions are encouraged to investigate and request modifications to the DA list of categorically excluded actions to HQDA (DAEN–ZCE). Subordinate headquarters are not authorized to modify the CX list through supplements to this regulation.

Subpart E—Environmental Assessments

§ 651.20 Purpose and definition.

The purpose of an environmental assessment is the examination of Army actions which do not normally require an EIS and are not categorically excluded from environmental discrimination or is excluded by law. An EA is (40 CFR 1508.9) a concise public document for which a Federal agency is responsible and which briefly provides sufficient evidence and analysis for determining possible effects or the environment from a proposed action.

§ 651.21 Criteria.

When a proposal is not one that normally requires an EIS, the Army proponent will determine if an EA is required by using the following criteria:

(a) Potential for measurable degradation of environmental quality.

(b) Potential for cumulative impact on the environmental quality when effects are combined with those of other actions or when the action is of lengthy duration.

(c) Presence of hazardous or toxic chemicals or ionizing or other radiation and it does not qualify for exclusion by law or categorical exclusion, which could be released into the environment.

(d) Potential for violation of pollution abatement standards.

(e) Potential for some harm to ecologically sensitive areas.

§ 651.22 Actions normally requiring an EA.

(a) Special field training exercise on DOD land of a level, nature, or magnitude not within the annual installation training cycle.

(b) Major (MCA) military construction.

(c) An installation herbicide, insecticide, and rodenticide use program.

(d) Preparation of regulations, directives, manuals, or other guidance documents which have a potential for measurable impact on the environment and which are not subject to categorical exclusion.

(e) Moderate changes to established installation land use which may be expected to have some impact on the environment.

(f) Repair or alteration projects which affect historically significant structures or areas.

(g) Acquisition of or alteration or space for a laboratory which will use dangerous or hazardous chemicals, drugs, or radioactive materials.

(h) Actions that could potentially affect prime or unique farm land, wetlands, flood plains, coastal zones, wilderness areas, wild and scenic rivers, and similar sensitive resources.

(i) New weapon systems development and acquisition, including Army Systems Acquisition Review Council and similar reviews.

(j) Development of installation master plans, and land and natural resource management plans.

(k) The excessing of Army property considered environmentally controversial.

(l) Actions which take place in wildlife refuges.

(m) Timber management programs and/or proposals for forest harvest for energy conversion.

(n) Field activities on land not owned by the military, including firing of weapons or missiles over navigable waters of the U.S.

(o) An action with significant local or regional effects on energy availability.

(p) An activity which affects any species which (1) is *not* on (or proposed for) the U.S. List of Endangered Species in accordance with the Endangered Species Act of 1973, as amended, but which (2) *is* on an applicable State or territorial list of endangered, threatened, or rare species.

§ 651.23 Format of the environment assessment.

(a) The EA shall contain brief discussions (40 CFR 1508.9) of:

(1) Purpose and need for the proposed action.

(2) Description of the proposed action.

(3) Alternatives considered.

(4) Environmental impact of the proposed action and any alternatives.

(5) Listing of agencies and persons consulted.

(6) Conclusion of whether to prepare an EIS.

(b) The required format for the EIS (Appendix B) may also be used to facilitate EA preparation.

§ 651.24 Decision process.

Every EA must lead to either a FNSI or the preparation of an EIS.

(a) The FNSI is a document (40 CFR 1508.13) which briefly presents reasons why an action will not have a significant effect on the human environment and, thus, will not be the subject of an EIS. The FNSI must contain the EA or a summary of the EA and references to any other environmental documents which are being or have been prepared on closely related topics. The FNSI must contain:

(1) The name of the action.

(2) A brief description of the action (including any alternatives required to be studied).

(3) A short discussion of the anticipated environmental effects, and

(4) The conclusions which have led to the FNSI.

(b) The FNSI should normally not exceed two typewritten pages in length.

(c) The FNSI will be made available to the affected or the potentially affected or interested public, unless excluded on a security basis in accordance with § 651.11 of this regulation, 40 CFR 1501.4(e) and (40 CFR 1506.6). The FNSIs covering all actions of national concern will be published in the **Federal Register** after being submitted through command channels to the HQDA proponent. Only HQDA may publish a FNSI in the **Federal Register.**

(d) For actions of only regional or local interest, the FNSI will be publicized in accordance with 40 CFR 1506.6 (b) (Appendix D). Copies of the FNSI may also be distributed to any agencies, organizations, and individuals which the (proponent) feels are appropriate.

(e) Local publication of the FNSI covering an action of national concern will not precede the **Federal Register** (FR) publication. The text of the local

announcement must be identical with that of the FR publication.

§ 651.25 Public involvement.

When considering the "extent practicable" of public interaction (40 CFR 1501.4 (b)) some of the factors to be weighed are:

(a) Magnitude of the proposed project/action.

(b) Extent of anticipated public interest.

(c) Urgency of the proposal.

(d) Any relevant questions of national security classification.

§ 651.26 Existing environmental assessments.

(a) It is expected that many proposed actions/activities which require assessment of their potential environmental consequences will fall entirely or partially within the scope of an existing EIA (Environmental Impact Assessment prepared under earlier guidelines), EIS, or EA. If the determination is made that the proposal is entirely within the scope of the existing, adequate environmental documentation, the Record of Determination (Chapter 2) must give the title and date of the assessment or statement, and that document must be available for public examination upon request.

(b) If the existing EIS, EIA, or EA could logically have covered the subject of the proposed action/activity, but did not do so, the existing document may be supplemented or a new EIS/EA prepared, at the option of the proponent. The new document must comply procedurally with all applicable parts of this regulation. A supplement need contain only the new elements introduced by the new proposal, and all background material may be incorporated by reference (40 CFR 1502.21) provided it is reasonably available within the time allowed. The supplement, however, should summarize the entire scope of the original document, and call attention to the portions which are revised and/or supplemented.

(c) Existing documentation (EIA/EA/EIS) should be continually reviewed to insure that the setting, actions, and effects described remain substantially accurate. New environmental documentation must be prepared if substantive changes are found.

Subpart F—Environmental Impact Statement

§ 651.27 Purpose and definition.

An EIS is a public document whose primary purpose (40 CFR 1502.1) is to serve to insure that the policies and goals defined in NEPA are infused into the ongoing programs and actions of government agencies. The EIS is required to "provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment" (40 CFR 1502.1)

§ 651.28 Criteria.

The criteria for proposed actions which normally require an EIS are:

The Proposed Action/Activity Has the Potential to:

(a) Significantly degrade environmental quality or public health or safety.

(b) Significantly and adversely affect historic or cultural resources, public parks and recreations areas, wildlife refuge or wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers, prime and unique farm lands, wetlands, flood plains, coastal zones, or ecologically or culturally important areas or other areas of unique or critical environmental concern.

(c) Result in potentially significant and uncertain environmental effects or unique or unkonwn environmental risks.

(d) Significantly affect a species listed or proposed to be listed on the Federal list of endangered or threatened species.

(e) Have significant adverse affect on properties listed or eligible to be listed in the National Register of Historic Places, or the National Register of Historic Areas maintained by the U.S. Deparment of the Interior's Heritage Conservation and Recreation Service.

(f) Either establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

(g) Adversely interact with other actions with individually insignificant effects so that cumulatively significant environmental effects result.

(h) Involve the production, storage, handling, use, and disposal of large quantities of hazardous or toxic materials.

§ 651.29 Actions normally requiring environmental impact statements.

The following actions are those whose effects are believed to correspond to the preceding criteria in such a way that an EIS will normally be required before it is decided to implement them:

(a) Construction or significant expansion of a military facility, such as a depot, munitions plant, or major training installation.

(b) Construction and operation of major facilities located in or near wetlands, coastal zones, or within otherwise ecologically sensitive areas.

(c) The disposal in large quantities of nuclear materials, munitions, explosives, industrial and military chemicals, and other hazardous or toxic substances.

(d) The life cycle development of major new weapon systems where the action will cause the construction and operation of major new fixed facilities or the significant commitment of natural resources.

(e) Major land acquisition, outleasing or land excessing action that may be expected to result in a significant change in land use.

(f) CONUS realignment of a major military unit or non-administrative activity during peacetime (except where the only significant impacts are socioeconomic).

(g) Closure of a major military installation (except where the only significant impacts are socioeconomic).

(h) Training exercises conducted outside the boundaries of an existing military reservation where significant environmental damage might occur.

(i) Major changes in the mission of facilities located in or near areas of critical environmental concern.

§ 651.30 Format of the environmental impact statement.

(a) The format of the EIS shall be uniform, and shall correspond to the following.

(1) Cover Sheet.

(2) Summary.

(3) Table of Contents.

(4) Purpose of and Need for the Action.

(5) Courses of Action Considered.

(6) Affected Environment.

(7) Environmental Consequences.

(8) List of preparers.

(9) Distribution List.

(10) Index.

(11) Appendices (if any).

(b) The content of each chapter is discussed in greater detail in Appendix B.

§ 651.31 Steps in preparing and processing an EIS.

(a) Notice of Intent. The NOI shall be published in the Federal Register (FR) and should be published in newspapers of general circulation in the area(s) potentially affected by the proposed action. The appropriate state or local A–95 clearinghouse should also be notified (40 CFR 1506.6(b)). Copies of the notice may also be distributed to agencies, organizations, and individuals as the responsible official feels is appropriate. The NOI will be forwarded to the HQDA staff proponent for FR publication. Since the NOI initiates the

scoping process adequate response time should be provided for those wishing to comment on the NOI or participate in the scoping process. Subpart G discusses public participation requirements and options.

(b) Lead and Cooperating Agency Determination. As soon as possible after the decision is made to prepare an EIS, the proponent office, if necessary, will contact appropriate Federal, state and local agencies to identify lead and cooperating agency responsibilities concerning EIS preparation (40 CFR 1501.5).

(c) Scoping. If it has been determined that DA is the lead agency, the proponent will begin the scoping process described in Part 651.28. Portions of the scoping process may take pace prior to publication of the NOI.

(d) Draft EIS (DEIS) preparation and Processing

(1) Preliminary Draft EIS. Based on information obtained and the decisions made during the scoping process, the proponent will prepare the preliminary DEIS and forward 15 copies to the appropriate HQDA staff proponent for HQDA staff review. The preliminary DEIS will be circulated by the proponent office to OASA (ILFM), DAEN–ZCE, and other interested offices for review and comment. All HQDA staff reviewing offices will, as soon as practicable, and within 30 days, supply written comments concerning the preliminary DEIS to the HQDA staff proponent. The preliminary DEIS is then returned to the preparer for revision.

(2) DEIS. One hundred copies of the DEIS will be forwarded to the HQDA staff proponent for final HQDA staff review, filing with EPA, and distribution to interested Congressional delegations and committees, governors, national environmental organizations, the DOD and Federal agency headquarters, and other selected entitites. When the DEIS is formally approved by HQDA, the HQDA staff proponent will notify the preparer to distribute the DEIS to the remainder of the distribution list.

(e) *Public Review of DEIS.*

(1) Circulation of a DEIS for comment serves as a guard against subjective errors or excessive bias. Further, it makes available expert knowledge from other agencies and the public, which can assist the Army in efforts to protect the environment.

(2) The HQDA staff proponent, after preparing a DEIS, shall request the comments of other involved Federal agencies and shall request comments of state and local agencies and the governing bodies in accordance with 40 CFR 1503.1.

(3) The length of the DEIS public comment period will normally be no less than 45 days from publication of the notice of availability in the FR. If the statement is unusually long, a summary may be circulated with an attached list of locations where the entire DEIS may be reviewed, e.g., local public libraries except that the EIS must be distributed to certain entities (40 CFR 1502.1(1)a).

(4) Public meetings or hearings will be held in accordance with the critieria established in 40 CFR 1506.6(c) and (d) or for any other reason the proponent deems appropriate.

(f) *Response to comments.* Responses to comments will be incorporated in the final EIS by modification of the text and/or written explanation. Where possible, comments of a similar nature will be grouped for a common response. Individual response may be made if considered disirable by the preparer or by higher authority (40 CFR 1503.4)

(g) *Prepare Final EIS (FEIS).* At the close of the DEIS public review period, the proponent will, in consultation with DAEN–ZCE and other interested offices, determine the need for the preparation of FEIS. If the changes in the DEIS are limited to factual corrections, only an errata sheet containing DEIS comments, responses, and changes must be prepared and circulated. However, the entire document with new cover sheet would be filed with EPA (40 CFR 1503.4(c)). If other more extensive modifications are required, the proponent will prepare a preliminary FEIS incorporating these modifications. Processing the FEIS is the same as outlined for the DEIS transmittal except that the public need not be invited to comment during 30 day waiting period (40 CFR 1503.1(b)).

(h) *Decision.* No decision on a proposed action shall be made until 30 days after the FEIS has been filed with EPA.

(i) *Record of Decision.* At the time of decision, or, if appropriate, it recommendation to Congress, the HQDA staff proponent will prepare a Record of Decision in accordance with 40 CFR 1505.2, and 3.

(j) *Predecision Referrals.* The procedures to be followed to resolve Federal agency disagreements on the environmental effects of a proposed action are those provided in 40 CFR 1504.

(k) *Revisions and Supplement.* If, at any time during the planning process for a proposed action, there are substantial changes in the proposed action relevant to environmental concerns, or significant new circunstances or information relevant to environmental concerns, the proponent office shall prepare revisions or a supplement to any environmental document.

(1) *Mitigation.* All measures which are planned to minimize or mitigate expected significant environmental impacts shall be indentified in the EIS. Implementation of the mitigation plan is the responsibility of the proponent. The proponent will make available, upon request, the status and/or results of mitigation measures associated with the proposed action.

§ 651.32 Existing environmental impact statements.

(a) It is expected that many proposed actions/activities which would normally require preparation of an EIS will fall entirely or partially within the scope of an existing EIS. If the determination is that the proposal is entirely within the scope of the existing, adequate EIS, the Record of Determination must give the title and date of the statement.

(b) If the existing EIS could logically have covered the subject of the proposed action/activity, but did not do so, the existing document may be supplemented or a new EIS prepared at the option of the proponent. (40 CFR 1502.9(c)). The new new document must comply with all applicable parts of this regulation. A supplement need contain only the new elements introduced by the new proposal, and all background material may be incorporated by reference (40 CFR 1502.21), provided it is reasonably available for inspection by potentially interested persons within the time allowed for comment. The new summary, however, should summarize the entire scope of the document as supplemented, and call attention to the portions which are revised and/or supplemented.

(c) When an existing EIS has been outmoded by extensive changes in the environmental, proposed action, environmental effects, or other substantive portions of the document, further supplementation is not allowed, and the newly proposed action must be the subject of a separate EIS; or the proponent may, at his/her option, entirely revise the existing document in such a way as to bring it completely up to date, including the new proposal. Such a revised EIS, however, must be prepared and processed entirely under the provisions of this regulation.

Subpart G—Public Involvement

§ 651.27 General procedures.

(a) The requirement (40 CFR 1506.6) for public involvement (PI) procedures recognize the principle that members of all publics should be consulted whenever practicable when formulating

specific courses of action which will require environmental documentation before their implementation. DA proponents should:

(1) Disseminate factual information about proposed actions which require environmental documentation.

(2) Coordinate proposed actions with official representatives of other Government jurisdictions before formulating specific courses of action.

(3) Request constructive input from members of the unorganized and organized general public with respect to the potential scope of the environmental documentation to be prepared for a proposed action.

(b) When an EIS is being propared, PI is required (40 CFR 1501.7(a)(1)) during the scoping process.

(c) All Army proponents of actions requiring preparation of an EA shall incorporate PI processes in the planning stages of these actions whenever practicable.

(d) Persons and/or agencies to be consulted, and from whom constructive input should be solicited, include, as appropriate to any one action:

(1) Municipal, township, and county elected and appointed officials.

(2) State, county, and local Government officials and administrative personnel whose official duties include responsibility for activities or environmental effects which are believed related to the proposed Army action (e.g., Water Quality).

(3) Local and/or regional administrators of other Federal Government agencies or commissions who may either control resources which may be affected by the proposed action (e.g., Fish and Wildlife Service) or who may be aware of other actions by other Federal Governmental entities whose effects must be considered in combination with the proposed Army action (e.g., GSA).

(4) The members of identifiable population segments within the potentially affected environments, whether or not they are organized or have clearly identifiable leaders (e.g., farners abd ranchers, homeowners, small business owners, Indian tribes).

(5) Members and officials of those identifiable interest groups of local or national scope which may be expected to have interest in the environmental effects of the proposed action or activity (e.g., hunters and fishermen, Audubon Society).

(6) State, regional, or local A–95 clearinghouses, as appropriate.

(7) Any person or group which has specifically requested to be involved in the specific action or in actions of this general nature.

(e) The PI processes and procedures by which participation may be solicited include the following, as appropriate to a proposed action:

(1) Direct individual contact—identifies persons expected to express an opinion and participate in later PI meetings. Direct contact may also identify the preliminary positions of such persons on the scope of issues to be addressed in the EIs: such limited contact may suffice for all PI required for actions where the expected environmental effect is of very limited scope.

(2) Small workshops or discussion groups devoted to consideration of one subject.

(3) Larger, public gatherings should normally be held after some formulation of the potential areas of focus and alternative courses of action has taken place through other processes. The public may then be invited to express its views on the candidate courses of action and provide suggestions or alternative courses of action not already identified.

(4) Other processes and procedures to accomplish PI may be developed and applied as appropriate.

(f) The meetings described above should not be public hearings in the early stages of evaluating a proposed action. Public hearings do not substitute for the full range of PI procedures under the proposes and intent of paragraph (a) of this section.

(g) Any public surveys or polls taken to identify a range of opinion of publics which may be affected by a proposed action will be performed in accordance with AR 335–15, Chapter 10.

§ 651.28 Scoping

(a) *Purpose.* The "scoping" process, required when an EIS will be prepared (40 CFR 1501.7), is designed to aid the proponent in determining the significant issues related to the proposed action. The process incorporates appropriate public participation as early as possible in the Army's planning for the action EIS's for proposals for legislation need not go through the scoping process (40 CFR 1506.8(b)(1)) although Army policy is that these EIS's go through scoping unless extermating circumstances makes it impractical.

(b) *Scoping procedures.* The scoping procedures followed by the proponent can be divided into preliminary, public interaction, and final phases.

(1) *Preliminary phase.* The proponent agency or office identifies as early as possible, how it will accomplish scoping and who should be involved. Key points of this preliminary phase will be identified or briefly summarized as appropriate in the Notice(s) of Intent. The proponent will:

(i) Develop a draft scope for the EIS.

(ii) Identify the office or person(s) responsible for matters related to the scoping process. If these office(s) or person(s) are not the same as the proponent of the action, that distinction will be made.

(iii) Identify the lead and cooperating agency(ies), if they have been determined (40 CFR 1501.5–6).

(iv) Identify the method(s) by which the agency will invite participation of affected parties. Also, the proponent may identify a tentative list of the affected parties to be notified.

(v) Identify the proposed method(s) through which the scoping procedure will be accomplished.

(vi) Indicate the relationship between the timing of the preparation of environmental analyses and the proponent's tentative planning and decisionmaking schedule including:

(A) The scoping process itself.

(B) Environmental data collection and/or analyses, including studies required of cooperating agencies:

(C) Preparation of draft and final EISs.

(D) Filing of the Record of Decision.

(E) Commencing the action/alternative action.

(F) Also, if possible, when the EIS being prepared is a programmatic statement, a general expected schedule for future specific implementing actions which will involve separate environmental analysis can be prepared.

(viii) If applicable, identify the extent to which the EIS preparation process for the proposed action is exempt from any of the normal procedural requirements of this regulation, including scoping.

(2) *Public interaction phase.* (i) During this portion of the process, the proponent will notify affected parties and respondents to the NOI (40 CFR 1501.7(a)(1)). These participants will be requested to assist in development of a series of recommended issues to be addressed in detail in the EIS. Assistance in identifying possible participants may be obtained from DAEN–ZCE or from the appropriate environmental office of MACOM headquarters.

(ii) In addition to the affected parties as identied above, the following should be included among participants:

(A) One or more *technical* representatives of the proponent(s). Such persons must be able to describe for other participants the technical aspects of the proposed action and alternatives.

(B) One or more representatives of any Army-contracted consulting firm(s), if it has (they have) been retained by the

time this phase occurs, and which will either actively participate in writing the EIS, or provide report(s) which the Army will directly use to create substantial portions of the EIS.

(C) Experts in various environmental areas or disciplines, if any area in which impacts may be expected is not already representated among the other scoping participants.

(iii) In all cases, the participants will be provided the information developed during the preliminary phase and with as much of the following information as may be available:

(A) A brief description of the environment(s) at the affected location(s). When (*a*) *specific* location(s) cannot be described for the particular EIS, *general* descriptions of the probable types of affected environment(s) may be used. The extent to which these environment(s) have been modified or affected in the past should also be included.

(B) A description of the proposed alternatives courses of action. The description will be in sufficient detail so that participants may reasonably be able to participate in evaluation of the range of impacts which may be caused by the proposed action and alternatives. The amount of detail that is "sufficient" will depend on the stage of the development of the proposal, its magnitude, and its similarity to other actions with which participants may be expected to be familiar.

(C) A tentative identification of " . . . any public environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration" (40 CFR 1501.7(a)(5)).

(D) If desired, any preliminary identification be the proponent of scoping issues or limitations for the EIS if not already described during the preliminary phase. The proponent will make such preliminary identification only for the purpose of reducing delays.

(iv) Starting with the above information, the person/office conducting the scoping process will use input from the technical representative of the proponent, any cooperating agency(ies), the affected parties, and any other scoping participants to aid in developing the conclusions which become the scope of the EIS. These determinations on scope are reserved for the proponent and are detailed more fully in section 651.28b(3) below. However, when significant issues oir factors brought out during this interactive portion of the scoing process are determined by the proponent to *not* require detailed treatment in the EIS, in spite of relevant technical or scientific objections by any participant(s) to the contrary, the proponent will clearly identify (in the Environmental Consequences section of the EIS) the criteria which it used to eliminate such issues/factors from detailed consideration.

(3) *The final phase.* (i) The scope used in the preparation of a draft EIS consists of the determinations made by the proponent during and after the public interaction phase of the process, as follows:

(A) The scope and the significant issues to be analyzed in depth in the EIS (40 CFR 1501.7(a)(2)). To determine the scope of EISs, the proponent will consider three types of actions, three types of alternatives, and three types of impacts, as described in 40 CFR 1508.25 (Appendix C).

(B) Identification and elimination from detailed study of the issues which are not significant or which have been covered by prior environmental review, thereby narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment, and/or providing a reference to their coverage elsewhere (40 CFR 1501.7(a)(3)).

(C) Allocation of assignments for preparation of the EIS among the lead and any cooperating agencies, with the lead agency retaining responsibility for the statement (40 CFR 1501.7(a)(4)).

(D) Indication of any public EAs and other EISs which are being or will be prepared by the Army or by another Federal agency, and which are related to but are not part of, the scope of the impact statement under consideration (40 CFR 1501.7(a)(5)).

(E) Identification of any other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the EIS (40 CFR 1501.7(a)(6)).

(ii) As part of the scoping process the lead agency.

(A) set time limits, as provided in § 651.12, if they were not already indicated in the preliminary phase.

(B) Prescribed overall page limits on the EIS. The proponent may recommend page limits on sections and/or topics within the EIS to emphasize for preparers of the document the decisions made on the scope of such topics.

(iii) The proponent will establish means by which modifications to the scope plan may be made during preparation of the document.

(iv) All determinations reached by the proponent during the scoping process will be clearly conveyed to the actual preparers/writers of the EIS document and will be made available to participants in the scoping process and to other interested parties on request. Any conflicts on issues of a scientific or technical nature which arise between the proponent and scoping participants, cooperating agencies, other federal agencies, or the preparers of the document, will be identified during the scoping process, and will be resolved by the Army in the draft EIS, or the Army's position in regard to such technical areas of conflict stated.

(c) Aids to Information Gathering. The proponent may use and/or develop graphic or other innovative methods to aid information gathering, presentation, and transfer during the three scoping phases, including methods for presenting preliminary information to scoping participants, obtaining and consolidating input from participants, and/or organizing its own determinations on scope for use during preparation of the draft EIS.

(d) *Modifications of the scoping process.* (1) If these is a lengthy period between a decision to prepare an EIS and the time of preparation, the Notice of Intent may be published at a reasonable time in advance of preparation of the draft statement. In such cases, the scoping process may begin in advance of publication of the NOI. However, if any tentative conclusions regarding the scope of the EIS have been made prior to publication of the NOI, such conclusions must be stated in the NOI and a reasonable amount of time must be allowed thereafter before any final decisions or commitments on the scope of the EIS document are made by the proponent.

(2) The proponent of a proposed action may use scoping during preparation of environmental review documents other than an EIS, if desired. The above procedures may be used, or the proponent may develop modified procedures at its discretion.

Subpart H—Environmental Considerations in DA Actions Abroad

§ 651.29 General.

The Inclosures 1 and 2 of DOD Directive 6050.7 (Appendices E and F) pertaining to environmental effects abroad of major military actions is provided for information, guidance, and compliance by all concerned.

§ 651.30 Purpose.

This chapter states Department of the Army policy, assigns responsibilities,

and establishes procedures for review of environmental effects abroad of major Army actions as required by Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," dated 4 January 1979.

§ 651.31 Applicability.

Refer to section 651.3(b).

§ 651.32 Definitions.

(a) *Foreign nation* means any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments; any area under military occupation by the United States alone or jointly with any other foreign government; and any area that is the responsibility of an international organization of governments. "Foreign nation" includes contiguous zones and fisheries zones of foreign nations. "Foreign government" in this context includes government regardless of whether recognized by the United States, political factions, and organizations that exercise governmental power outside the United States.

(b) *Global commons* are geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica. Global commons do not include contiguous zones and fisheries zones of foreign nations.

§ 651.33 Policy.

(a) The DA acts with care in the global commons because the stewardship of these areas is shared by all the nations of the world. The DA will take account of environmental considerations when it acts in the global commons in accordance with procedures set out in Appendix E and its attachment.

(b) The DA also acts with care within the jurisdiction of a foreign nation. Treaty obligations and the sovereignty of other nations must be respected, and restraint must be exercised in applying United States laws within foreign nations unless Congress has expressly provided otherwise. The DA will take account of environmental considerations in accordance with Appendix F and its attachments when action could affect the environment of a foreign nation.

(c) Foreign policy considerations require coordination with the Department of State on communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments. Informal working-level communication and arrangements are not included in this coordination requirement. Consultation with Department of State also is required in connection with the utilization of additional exemptions from this directive as specified in paragraph C.3.b of Appendix F. Coordination and consultation with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

§ 651.34 Responsibilities.

(a) Prepare and consider environmental documents when required by this regulation for proposed actions within their respective DA component (this reporting requirement has been assigned Reports Control Symbol DD–M(AR) 1327).

(b) Insure that regulations and other major policy issuances are reviewed for consistency with Executive Order 12114, DOD Directive 6050.7, and this regulation.

(c) Designate a single point of contact for matters pertaining to this directive.

(d) Consult with the Assistant Secretary of Defense (International Security Affairs) on significant or sensitive actions or decisions affecting relations with other nations.

(e) The ASA (IL&FM):

(1) Serves as the Secretary of the Army's responsible official for environmental matters abroad.

(2) Maintains liaison with ASD (MRA&L) on matters pertaining to EO 12114 and DOD Directive 6050.7.

(f) The Chief of Engineers:

(1) Serves as the responsible official on the Army Staff for policy matters under EO 12114, DOD Directive 6050.7, and this regulation.

(2) Applies the provisions of this regulation in the planning and execution of overseas construction activities.

(g) Deputy Chief of Staff for Operations and Plans:

(1) Serves as the focal point on the Army Staff on integrating environmental considerations required by this chapter into appropriate Army plans and activities which could reasonably be expected to have widespread, long-term, and severe impacts on the global commons or the territories of foreign nations.

(2) Consults with Foreign Military Rights Affairs of ASD (ISA) on significant or sensitive actions affecting relations with another nation.

(h) The Judge Advocate General shall provide advice and assistance concerning the requirements of EO 12114 and DOD Directive 6050.7.

(i) DA Staff Agencies shall consult with DCSOPS on significant or sensitive actions or decisions affecting relations with another nation.

(j) DA agencies shall:

(1) Prepare and consider environmental documents for proposed actions required by this regulation.

(2) Insure that regulations and other policy issuances are reviewed for consistency with this regulation.

(3) Designate a single point of contact for matters pertaining to this regulation.

(4) Consult with DA DCSOPS on significant or sensitive actions affecting relations with another nation.

§ 651.35 Guidance on implementation.

(a) EISs prepared under the provisions of this chapter shall conform to the format for such documents as contained in Subparts E and F of this Part and Appendix A.

(b) Nominations for inclusions in the list of Army Categorical Exclusions—Global Commons are to be submitted to HQDA (through DAMO–TRS to DAEN–ZCE).

(c) Announcements to be published in the FR concerning the availability of Draft and Final EISs are to be submitted to HQDA (DAEN–ZCE) for transmittal to the Federal Register.

Appendix A—List of Categorical Exclusions

1. Normal personnel, fiscal, and administrative activities involving military and civilian personnel (recruiting, processing, paying, and records keeping).

2. Law and order activities performed by military police, excluding formulation and/or enforcement of hunting and fishing policies or regulations which differ substantively from those in effect on surrounding non-Army lands.

3. Recreation and welfare activities not involving off-road recreational vehicle management or fish and wildlife management plans.

4. Commissary and PX operations.

5. Routine repair and maintenance of buildings, roads, airfields, grounds, and of the equipment used for such purposes.

6. Local procurement of goods and services, including routine utility services.

7. Minor construction, conducted in accordance with an approved installation Master Plan, that does not significantly alter land use, provided that the operation of the project when completed would not of itself have a significant environmental impact; includes grants for similar minor construction to private lessees.

8. Simulated war games and other tactical and logistical exercises without troops.

9. On-the-job training, basic training, and other initial entry training entirely of an administrative or classroom nature.

10. Material storage, handling, and distribution operations other than those involving ammunition, explosives, pyrotechnics, nuclear materials, and other hazardous/toxic materials.

11. Research conducted by established laboratories in enclosed facilities where: (a) all airborne emissions, waterborne effluents, external radiation levels, outdoor noise, and

solid or bulk liquid waste disposal practices are in compliance with existing Federal, state, and local laws and regulations; and (b) no animals which must be captured from the wild are used as research subjects (excluding reintroduction projects).

12. Developmental and operational testing on a military installation, where the tests are conducted in conjunction with normal military training or force maintenance activities so that the tests produce only incremental impacts, if any; and provided that the training/force maintenance activities have been adequately assessed, where required, in other Army environmental documents.

13. Routine movement of personnel and non-hazardous cargo.

14. Routine civilian personnel reductions (excluding base closures and realignments) not involving relocation to another installation and involving no more than 50 and no more than 10 percent of the work force.

15. Inactivation or disestablishment of military units or activities of 200 or fewer personnel.

16. CONUS relocation of military units of 200 or fewer personnel when adequate facilities, utility services, and housing for personnel and dependents are available at the new location.

17. Regulations and procedures covering categorically excluded activities.

18. Installation and operation of communications, data processing, and similar electronic equipment using cable systems which use existing rights of way, easements, and distribution systems.

19. Activities which identify the state of the existing environment without altering it (inspections, surveys, investigations), including the granting of any permits necessary for such surveys.

20. Deployment of military units on a TDY basis where existing facilities are used and the activities to be performed have no significant impact on the environment.

21. Preparation of regulations, procedures, manuals, and other guidance documents that implement without substantial change the regulations, procedures, manuals, and other guidance documents of higher headquarters or another Federal agency which have already been environmentally evaluated.

22. Grants of easements for the use of existing rights-of-way for use by motor vehicles; electrical power, telephone and other transmission and communication lines; transmitter and relay facilities; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and for other similar, public utility, and transportation uses.

23. Grants of leases, licenses, and permits to utilize existing Army-owned property for: agriculture; classroom, office and administration space; housing, and other indoor and outdoor facilities for which the nature of the activity is similar to previous or concurrent Army use of the property; and historical or archaeological study or preservation.

24. Grants of consents to use a Government-owned easement in a manner similar to existing Army use of the easement.

25. Grants of licenses for the operation of private or publicly-owned telephone, gas, water, electricity, community antenna television, and other distribution systems normally considered as public utilities.

26. Reporting of the availability of excess real property to the General Services Administration, and the transfer of title to such other Federal services or agencies, including the return of public domain lands to the Department of the Interior.

27. Disposal of existing buildings and other improvements for off-site removal.

Appendix B—Content of the EIS

This appendix is intended to supplement 40 CFR 1502.10 through 1502.18.

1. Cover Sheet. The cover sheet shall not exceed one page (40 CFR 1502.11) and shall include:

a. A list of responsible agencies including the lead agency and any cooperation agency.[1]

b. The title of the proposed action that is the subject of the statement (and, if appropriate, the titles of related cooperating agency actions), together with the state(s) and county(ies) (or other jurisdiction is applicable) where the action is located.

c. The name, address, and telephone number of the person at the agency who can supply further information.

d. A designation of the statement as a draft, final, or draft or final supplement.

e. A one-paragraph abstract of the statement that should describe only the need for the proposed action, alternative actions, and the significant environmental consequences of the proposed action and alternatives.

f. The data by which comments must be received (computed in cooperation with EPA). See example cover sheet, Figure B–1.

Figure B–1

Example Cover Sheet

Lead Agency: Department of the Army—TRADOC
Cooperating Agency(ies): (If Any) Heritage Conservation and Recreation Service Department of the Interior
Title of Proposed Action: Realignment of Ft Swampy Training Mission
Affected Jurisdiction: State of Maryland, Smith, Taylor, and Jones Counties
Point of Contact: John J. Smith, Environmental Ofice, (404) 555–1212
Documentation Designation: Draft EIS
Abstract: Describe proposal and alternatives. Discuss significant environmental consequences.
Review Comment Deadline: (Computed in cooperation with EPA guidance).

2. Summary. The summary shall stress the major conclusions of environmental analysis, areas of controversey, and issues yet to be resolved. It should list all Federal permits, licenses, and other entitlements that must be obtained prior to proposal implementation. Further, a statement of compliance with the requirements of other Federal environmental protection laws will be included (40 CFR 1502.25).

[1] The EIS is an Army document, not a contractor's document. Contractors who assist in the EIS preparation are not listed here but in the list of preparers.

In order to simplify consideration of complex relationships, every effort will be made to present the summary of alternatives and their impacts in a graphic format with narrative. This summary should not exceed 10 pages.

3. Table of Contents. This section will provide for the table of contents, list of figures and tables, and a list of all referenced documents, including a bibliography of references within the body of the EIS. The table of contents should have enough detail so that searching for sections of text is not necessary.

4. The Purpose of and Need for the Action. This section should clearly state the nature of the problem and discuss how the proposed action or range of alternatives would solve that problem. This section is designed specifically to call attention to the benefits of the proposed action. If a cost/benefit analysis has been prepared for the proposed action, it may be included here, or attached as an appendix and references here. This section shall briefly give the relevant background information on the proposed action and summarize its operational, social, economic, and environmental objectives.

5. Courses of Action Considered. This section presents all reasonable alternatives and their environmental impacts. An examination of each specific proposal in clear terms is required. This section should be written in simple, non-technical language for the lay reader. A "no action" alternative wil be included (40 CFR 1502.14(d)). For actions other than construction, the term "no action" implicit. Required in this section is an examination of the status quo. A preferred alternative need not be identified in the DEIS; however, a preferred alternative generally must be included in the FEIS (40 CFR 1502.14(e)).

A simple title or a letter or number symbol may be used for each of the discussed alternatives (e.g., "Alternative A"). Reference to the title or designation will be continued uniformly throughout the document in the appropriate sections.

The environmental impacts of the alternatives will be presented in comparative form, this sharply defining the issues and providing a clear basis for choice among options provided the decisionmaker and the public (40 CFR 1502.14) The information should be summarized in a brief, concise manner. the use of (a) tablular or matrix format(s) is encouraged to provide the reviewer with an at-a-glance review. In some the following points are required:

a. A description of all reasonable alternatives including the preferred action, alternatives beyond DA jurisdiction (40 CFR 1502.14(c)), and the "no action" alternative.

b. A comparative presentation of the environmental consequences of all reasonable alternative actions including the preferred alternative.

c. A description of the mitigation measures nominated for incorporation into the proposed action and alternatives, as well as mitigation measures available but not incorporated.

d. Listing of any alternatives that were eliminated from detailed study. Briefly discuss the reasons for which each alternative was eliminated.

6. Affected Environmental. This section will contain information about existing conditions in the affected area(s) necessary to understand the potential effects of the alternatives under consideration be included as appropriate. Affected elements could include, for example, biophysical characteristics (ecology, water quality); land use and land use plans; architectual, historical, and cultural amenities; utilities and services; and transportation. This section will not be encyolpedic. It will be written clearly and the degree of detail for all points covered will be related to the significance and magnitude of expected impacts. Elements not impacted by any of the alternative courses of action will summarily presented or referred.

7. Environmental Consequences. This section of the EIS forms the scientific and analytic basis for the comparison of effects. The following will be discussed (40 CFR 1502.16):

a. Direct Effects and their Significance. Include in the discussion the direct impacts on human health and welfare and on other forms of life and related ecosystems. Examples of direct effects might include noise from military helicopter operations or the benefits derived from the installation of wet scrubbers to meet air quality control standards.

b. Indirect Effects and Their Significance. Include here those impacts which affect population concentrations and growth. Many Federal actions attract people to previously unpopulated areas and indirectly induce pollution, traffic congestion, and haphazard land development. Conversely, other actions may disperse the existing population. Aircraft noise often affects future development patterns, and air pollution abatement operations can often result in secondary water pollution problems.

c. Possible conflicts between proposed actions and Federal, regional, state, and local (including Indian tribe) land use plans, policies, and controls for the area(s) concerned. Compare the land use aspects of the proposed action, and discuss possible conflicts, such as, siting and extremely noisy activity adjacent to a residential area, leasing land for purposes inconsistent with state wildlife management, or creating conflicts with prime and unique farm land policies.

d. The environmental effects of alternatives, including the proposed action.

(1) Impacts of the alternatives, including a worst case analysis where there are gaps in relevant information or scientific uncertainty.

(2) Adverse environmental effects which cannot be avoided should the proposal be implemented. Include the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity. The section should discuss the extent to which the proposed action and its alternatives involve short-term vs. long-term environmental gains and losses. In this context, short-term and long-term do not refer to any rigid time period and should be viewed in terms of the environmentally significant consequences of the proposed action. Thus, "short-term" can range from a very short period of time during which an action takes place to the expected life of a facility.

e. Energy Requirements and Conservation Potential of Various Alternatives and Mitigation Measures. Consult the Energy Resource Impact Statement (AR 11-27), when applicable, to satisfy this requirement. Be accountable for the energy consumption of each proposed alternative. Discuss, where appropriate, the uses of renewable and nonrenewable energy resources. A discussion of conservation techniques which could attenuate energy consumption should also be discussed within this section—for example, the use of insulation for newly constructed family housing which would reduce the long-term consumption of fuel oil or natural gas.

f. Natural or Depletable Resource Requirements and Conservation Potential of Various Mitigation Measures. Include discussion of any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. The term "resources" should include the following meanings:

(1) Materials. Discuss materials in short supply (metals, wood, etc.), but do not include materials which are plentiful or have competitive alternatives (for example, aggregate or fill material).

(2) Natural. Discuss the irrevocable use of natural resources resulting in effects such as ecosystem imbalance, destruction of wildlife, loss of prime and unique farm lands. Specifically include consumption of natural energy resources in short supply, such as oil or natural gas.

(3) Cultural. Discuss destruction of human interest sites. Archaeological/historical sites, scenic views or vistas, or valued open space. Reiterate lasting social or economic effects the proposed action might have on the surrounding community.

g. Urban Quality, Historic and Cultural Resources, and the Design of the Build Environment (including reuse and conservation potential of various alternatives and mitigation measures). Discuss the effects on adjacent neighborhoods and the city at large. Examine the effects on physical design features (also known as build environment) and resultant impacts on social interaction areas such as privacy, public opinion, personnel perceptions, and other aspects of the social environment. Review the reuse potential of existing building space and its time use allocation (usually referred to as time and spatial management). (Time and spatial management allows for conservation of energy and other resources by discouraging new construction and operation until all existing building and time allocations have been fully scrutinized for alternate reuse).

h. Means to Mitigate Adverse Environmental Effects.

8. List of Preparers. The EIS shall list the names of its preparers, together with their qualifications (expertise, experience, professional disciplines) (40 CFR 1502.17). Include those people who were primarily responsible for preparing (research, data collection, and writing) the EIS or significant background or support papers, including basic components of the statement. Where possible, the persons who are responsible for a particular analysis, including analysis of background papers, shall be identified. If some or all of the preparers are contractors' employees, they may be identified as such. Identification of the firm which prepared the EIS is not, by itself, adequate to meet the requirements of this point. Normally, the list will not exceed two pages.

9. Distribution List. A list will be prepared requesting review and comment by other public agencies (includes Federal, regional, state, and local) and private parties.

10. Index. The index shall be an alphabetical list of topics in the EIS, especially of the types of effects induced by the various alternative actions. This is designed to aid the technical reviewers who are concerned with a particular type of environmental effect. Reference may be made either page number or paragraph number.

11. Appendices. If an agency prepared an appendix to an EIS, the appendix shall:

a. Consist of material prepared in connection with an EIS (as distinct from material which is not so prepared and which is incorporated by reference).

b. Normally consist only of material which substantiates any analysis fundamental to an impact statement.

c. Normally be analytic and relevant to the decision to be made.

d. Be circulated with the EIS or be readily available upon request.

Appendix C—Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

Refer to 43 FR 55978-56007, November 29, 1978.

Appendix D—Implementing a Monitoring Program

The following steps are provided as guidance for setting up a mitigation monitoring and enforcement program where applicable in accordance with 40 CFR 1505.2(c).

1. Identify the key impacts or mitigation methods to be monitored.

2. Determine data needs for each impact or mitigation to be monitored, including:

a. Quantitative indicators suitable for measuring impacts or mitigation.

b. Alternative indicators.

c. Recommended data collection frequency (including minimum data collection frequency necessary to obtain meaningful information).

d. Recommended format (maps, tables, text, etc.).

e. Level of detail or accuracy possible with the specified method.

f. Locations or geographic areas where data should be collected.

g. Potential methods of collection, including installation of data-gathering devices.

3. Determine data availability and feasibility of data gathering.

4. Delegate or assign responsibility to the appropriate agency or office.

5. Collect and analyze data.

6. Provide status and results of the program to the office which is the public Point of Contact for the project being monitored (40 CFR 1505.3(c) and (d)).

Appendix E—Requirements for Environmental Considerations—Global Commons

A. *General.* This enclosure implements the requirements of Executive Order 12114 with respect to major Department of Defense actions that do significant harm to the environment of the global commons. The focus is not the place of the action, but the location of the environment with respect to which there is significant harm. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to Department of Defense activities that affect the global commons.

B. *Actions Included.* The requirements of this enclosure apply only to major federal actions that do significant harm to the environment of the global commons.

C. *Environmental Document Requirements*

1. *General.* When an action is determined to be a major federal action that significantly harms the environment of the global commons, an environmental impact statement, as described below, will be prepared to enable the responsible decision-making official to be informed of pertinent environmental considerations. The statement may be a specific statement for the particular action, a generic statement covering the entire class of similar actions, or a program statement.

2. *Limitations on Actions.* Until the requirements of this enclosure have been met with respect to actions involving the global commons, no action concerning the proposal may be taken that does significant harm to the environment or limits the choice of reasonable alternatives.

3. *Emergencies.* Where emergency circumstances make it necessary to take an action that does significant harm to the environment without meeting the requirements of this enclosure, the DoD component concerned shall consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). This includes actions that must be taken to promote the national defense or security and that cannot be delayed, and actions necessary for the protection of life or property.

4. *Combining Documents.* Environmental documents may be combined with other agency documents to reduce duplication. If an environmental impact statement for a particular action already exists, regardless of what federal agency prepared it, no new statement is required by this directive.

5. *Collective Statements.* Consideration should be given to the use of generic and program statements. Generic statements may include actions with relevant similarities such as common timing, environmental effects, alternatives, methods of implementation, or subject matter.

6. *Tiering.* Consideration should be given to tiering of environmental impact statements to eliminate repetitive discussions of the same issue and to focus the issues. Tiering refers to the coverage of general matters in broader environmental impact statements, with succeeding narrower statements or environmental analyses that incorporate by reference the general discussion and concentrate only on the issues specific to the statement subsequently prepared.

7. *Lead Agency.* When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of the environmental impact statement. In appropriate cases, more than one agency may act as joint lead agencies. The following factors should be considered in making the lead agency designation:

a. The magnitude of agency involvement;

b. Which agency or agencies have project approval and disapproval authority;

c. The expert capabilities concerning the environmental effects of the action;

d. The duration of agency involvement; and

e. The sequence of agency involvement.

8. *Categorical Exclusions.* The Department of Defense may provide categorical exclusions for actions that normally do not, indivdually or cumulatively, do significant harm to the environment. If an action is covered by a categorical exclusion no environmental assessment or environmental impact statement is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and will be identified in Attachment 1 to this enclosure. DoD components identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit recommendations for categorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

9. *Environmental Assessments.* The purpose of an environmental assessment is to assist DoD components in determining whether an environmental impact statement is required for a particular action. The assessment should be brief and concise but should include sufficient information on which a determination can be made whether the proposed action is major and federal, and whether it significantly harms the environment of the global commons. As a minimum, the assessment should include consideration of the need for the proposed action and the environmental effect of the proposed action. The environmental assessment will be made available to the public in the United States upon request, but there is no requirement that it be distributed for public comment.

D. *Environmental Impact Statements* 1. *General.* Environmental impact statements will be concise and no longer than necessary to permit an informed consideration of the environmental effects of the proposed action on the global commons and the reasonable alternatives. If an action requiring an environmental impact statement also has effects on the environment of a foreign nation or on a resource designated as one of global importance, the statement need not consider or be prepared with respect to these effects. The procedures for considering these effects are set out in Appendix F.

2. *Draft Statement.* Environmental impact statements will be prepared in two stages and may be supplemented. The first, or draft statement, should be sufficiently complete to permit meaningful analysis and comment. The draft statement will be made available to the public, in the United States, for comment. The Department of State, the Council on Environmental Quality, and other interested federal agencies will be informed of the availability of the draft statement and will be afforded an opportunity to comment. Contacts with foreign governments are discussed in subsection D.4. of the directive and subsection D.11. of this enclosure.

3. *Final Statement.* Final statements will consider, either individually or collectively, substantive comments received on the draft statement. The final statement will be made available to the public in the United States.

4. *Supplemental Statement.* Supplements to the draft or final statement should be used when substantial changes to the proposed action are made relative to the environment of the global commons or when significant new information or circumstances, relevant to environmental concerns, bears on the proposed action or its environmental effects on the global commons. Supplemental statements will be circulated for comment as in subsection 2. above unless alternative procedures are approved by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

5. *Statement Content.* The statement will include: a section on consideration of the purpose of and need for the proposed action; a section on the environmental consequences of the proposed action and reasonable alternatives; a section that provides a succinct description of the environment of the global commons affected by the proposed action and reasonable alternatives; and a section that analyzes, in comparative form, the environmental effects on the global commons of the proposed action and reasonable alternatives.

6. *Incomplete Information.* The statement should indicate when relevant information is missing due to unavailability or scientific uncertainty.

7. *Hearings.* Public hearings are not required. Consideration should be given in appropriate cases to holding or sponsoring public hearings. Factors in this consideration include: foreign relations sensitivities; whether the hearings would be an infringement or create the appearance of infringement on the sovereign responsibilities of another government; requirements of domestic and foreign governmental confidentiality; requirements of national security; whether meaningful information could be obtained through hearings; time considerations; and requirements for commercial confidentiality. There is no requirement that all factors listed in this section be considered when one or more factors indicate that public hearings would not produce a substantial net benefit to those responsible for authorizing or approving the proposed action.

8. *Decision.* Relevant environmental documents developed in accordance with this enclosure will accompany the proposal for action through the review process to enable officials responsible for authorizing or approving the proposed action to be informed and to take account of environmental considerations. One means of making an appropriate record with respect to this requirement is for the decision-maker to sign

and date a copy of the environmental impact statement indicating that is has been considered in the decision-making process. Other means of making an appropriate record are also acceptable.

9. *Timing.* No decision on the proposed action may be made until the later of 90 days after the draft statement has been made available and notice thereof published in the Federal Register, or 30 days after the final statement has been made available and notice thereof published in the Federal Register. The 90-day period and the 30-day period may run concurrently. Not less than 45 days may be allowed for public comment. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) may, upon showing of probable important adverse effect on national security or foreign policy, reduce the 30-day, 45-day, and 90-day periods.

10. *Classified Information.* Environmental assessments and impact statements that address classified proposals will be safeguarded and classified information will be restricted from public dissemination in accordance with Department of Defense procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive. Only unclassified portions of environmental documents may be disseminated to the public.

11. *Foreign Governments.* Consideration will be given to whether any foreign government should be informed of the availability of environmental documents. Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this directive will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

Attachment 1 to Appendix E

Report Control Symbol DD-M(AR) 1327—Categorical Exclusions—Global Commons

Appendix F—Requirements for Environmental Considerations—Foreign Nations and Protected Global Resources

A. General

This enclosure implements the requirements of Executive Order 12114 to provide for procedural and other actions to be taken to enable officials to be informed of pertinent environmental considerations when authorizing or approving certain major Department of Defense actions that do significant harm to the environment of a foreign nation or to a protected global resource.

B. Actions Included

1. The requirements of this enclosure apply only to the following actions:

a. Major federal actions that significantly harm the environment of a foreign nation that is not involved in the action. The involvement of the foreign nation may be directly by participation with the United States in the action, or it may be in conjunction with another participating nation. The focus of this category is on the geographical location of the environmental harm and not on the location of the action.

b. Major federal actions that are determined to do significant harm to the environment of a foreign nation because they provide to that nation: (1) a product, or involve a physical project that produces a principal product, emission, or effluent, that is prohibited or strictly regulated by federal law in the United States because its toxic effects on the environment create a serious public health risk; or (2) a physical project that is prohibited or strictly regulated in the United States by federal law to protect the environment against radioactive substances. Included in the category of "prohibited or strictly regulated" are the following: asbestos, vinyl chloride, acrylonitrile, isocyanates, polychlorinated biphenyls, mercury, beryllium, arsenic, cadmium, and benzene.

c. Major federal actions outside the United States that significantly harm natural or ecological resources of global importance designated for protection by the President or, in the case of such a resource protected by international agreement binding on the United States, designated for protection by the Secretary of State. Such determinations by the President or the Secretary of State are listed in Attachment 1 to this enclosure.

2. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to federal actions that do significant harm to the environment of foreign nations and protected global resources as described in subsection B.1., above. No action is required under this enclosure with respect to federal actions that affect only the environment of a participating or otherwise involved foreign nation and that do not involve providing products or physical projects producing principal products, emissions, or effluents that are prohibited or strictly regulated by federal law in the United States, or resources of global importance that have been designated for protection.

C. Environmental Document Requirements

1. *General.* a. There are two types of environmental documents officials shall use in taking account of environmental considerations for actions covered by this enclosure:

(1) Environmental studies—bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States and one or more foreign nations or by an international body or organization in which the United States is a member or participant; and

(2) Environmental reviews—concise reviews of the environmental issues involved that are prepared unilaterally by the United States.

b. This section identifies the procedures for the preparation of environmental studies or reviews when required by this enclosure and the exceptions from the requirement to prepare environmental studies or reviews. If an environmental document already exists for a particular action, regardless of what federal agency prepared it, no new document is required by this enclosure.

2. *Lead Agency.* When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of environmental documentation. In appropriate cases, more than one agency may act as joint lead agencies. The following factors should be considered in making the lead agency designation:

a. The magnitude of agency involvement;

b. Which agency or agencies have project approval and disapproval authority;

c. The expert capabilities concerning the environmental effects of the action;

d. The duration of agency involvement; and

e. The sequence of agency involvement.

3. *Exemptions.* There are general exemptions from the requirements of this enclosure provided by Executive Order 12114, and the Secretary of Defense has the authority to approve additional exemptions.

a. *General Exemptions.* The following actions are exempt from the procedural and other requirements of this enclosure under general exemptions established for all agencies by Executive Order 12114:

(1) Actions that the DoD component concerned determines do not do significant harm to the environment outside the United States or to a designated resource of global importance.

(2) Actions taken by the President. These include: signing bills into law; signing treaties and other international agreements; the promulgation of Executive Orders; Presidential proclamations; and the issuance of Presidential decisions, instructions, and memoranda. This includes actions taken within the Department of Defense to prepare or assist in preparing recommendations, advice, or information for the President in connection with one of these actions by the President. It does not include actions taken within the Department of Defense to implement or carry out these instruments and issuances after they are promulgated by the President.

(3) Actions taken by or pursuant to the direction of the President or a cabinet officer in the course of armed conflict. The term "armed conflict" refers to: hostilities for which Congress has declared war or enacted a specific authorization for the use of armed forces; hostilities or situations for which a report is prescribed by section 4(a)(1) of the War Powers Resolution, 50 U.S.C.A. § 1543(a)(1) (Supp. 1978); and other actions by the armed forces that involve defensive use or introduction of weapons in situations where hostilities occur or are expected. This exemption applies as long as the armed conflict continues.

(4) Actions taken by or pursuant to the direction of the President or a cabinet officer when the national security or national interest is involved. The determination that the national security or national interest is involved in actions by the Department of Defense must be made in writing by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(5) The activities of the intelligence components utilized by the Secretary of Defense under Executive Order 12036, 43 Fed. Reg. 3674 (1978). These components include the Defense Intelligence Agency, the National Security Agency, the offices for the collection of specialized intelligence through reconnaissance programs, the Army Office of the Assistant Chief of Staff for Intelligence, the Office of Naval Intelligence, and the Air Force Office of the Assistant Chief of Staff for Intelligence.

(6) The decisions and actions of the Office of the Assistant Secretary of Defense (International Security Affairs), the Defense Security Assistance Agency, and the other responsible offices within DoD components with respect to arms transfers to foreign nations. The term "arms transfers" includes the grant, loan, lease, exchange, or sale of defense articles or defense services to foreign governments or international organizations, and the extension or guarantee of credit in connection with these transactions.

(7) Votes and other actions in international conferences and organizations. This includes all decisions and actions of the United States with respect to representation of its interests at international organizations, and at multilateral conferences, negotiations, and meetings.

(8) Disaster and emergency relief actions.

(9) Actions involving export licenses, export permits, or export approvals, other than those relating to nuclear activities. This includes: advice provided by DoD components to the Department of State with respect to the issuance of munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976); Advice provided by DoD components to the Department of Commerce with respect to the granting of export licenses under the Export Administration Act of 1969, 50 U.S.C. App. §§ 2401–2413 (1970 & Supp. V 1975); and direct exports by the Department of Defense of defense articles and services to foreign governments and international organizations that are exempt from munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976). The term "export approvals" does not mean or include direct loans to finance exports.

(10) Actions relating to nuclear activities and nuclear material, except actions providing to a foreign nation a nuclear production or utilization facility, as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility.

b. *Additional Exemptions.* The Department of Defense is authorized under Executive Order 12114 to establish additional exemptions that apply only to the Department's operations. There are two types of additional exemptions: case-by-case and class.

(1) *Case-by-Case Exemptions.* Exemptions other than those specified above may be required because emergencies, national security considerations, exceptional foreign policy requirements, or other special circumstances preclude or are inconsistent with the preparation of environmental documentation and the taking of other actions prescribed by this enclosure. The following procedures apply for approving these exemptions:

(a) *Emergencies.* This category includes actions that must be taken to promote the national defense or security and that cannot be delayed, and actions necessary for the protection of life or property. The heads of the DoD components are authorized to approve emergency exemptions on a case-by-case basis. The Department of Defense is required to consult as soon as feasible with the Department of State and the Council on Environmental Quality with respect to emergency exemptions. The requirement to consult as soon as feasible is not a requirement of prior consultation. A report of the Emergency action will be made by the DoD component head to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall undertake the necessary consultations.

(b) *Other Circumstances.* National security considerations, exceptional foreign policy requirements, and other special circumstances not identified in paragraph C.3.a. above, may preclude or be inconsistent with the preparation of environmental documentation. In these circumstances, the head of the DoD component concerned is authorized to exempt a particular action from the environmental documentation requirements of this enclosure after obtaining the prior approval of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval.

(2) *Class Exemptions.* Circumstances may exist where a class exemption for a group of related actions is more appropriate than a specific exemption. Class exemptions may be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval. Requests for class exemptions will be submitted by the head of the DoD component concerned to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) after coordination with other interested DoD components. Notice of the establishment of a class exemption will be issued as Attachment 2 to this enclosure.

4. *Categorical Exclusions.* The Department of Defense is authorized by Executive Order 12114 to provide for categorical exclusions. A categorical exclusion is a category of actions that normally do not, individually or cumulatively, do significant harm to the environment. If an action is covered by a categorical exclusion, no environmental document is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), and will be identified in Attachment 3 to this enclosure. DoD components, identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit requests for categorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

D. Environmental Studies

1. *General.* Environmental studies are one of two alternative types of documents to be used for actions described by paragraph B. of this enclosure.

a. An environmental study is an analysis of the likely environmental consequences of the action that is to be considered by DoD components in the decision-making process. It includes a review of the affected environment, significant actions taken to avoid environmental harm or otherwise to better the environment, and significant environmental considerations and actions by the other participating nations, bodies, or organizations.

b. An environmental study is a cooperative action and not a unilateral action undertaken by the United States. It may be bilateral or multilateral, and it is prepared by the United States in conjunction with one or more foreign nations, or by an international body or organization in which the United States is a member or participant. The environmental study, because it is prepared as a cooperative undertaking, may be best suited for use with respect to actions that provide strictly regulated or prohibited products or projects to a foreign nation (B.1.b) and actions that affect a protected global resource (B.1.c.).

2. *Department of State Coordination.* Communications with foreign governments concerning environmental studies and other formal arrangements with foreign governments concerning environmental matters under this directive will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

3. *Whether to Prepare an Environmental Study.* The judgment whether the action is one that would do significant harm to one of the environments covered by this enclosure normally will be made in consultation with concerned foreign governments or organizations. If a negative decision is made, the file will be documented with a record of that decision and the decision-makers who participated. If a decision is made to prepare a study then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant harm to the environment until the study has been completed and the results considered.

4. *Content of the Study.* The document is a study of the environmental aspects of the proposed action to be considered in the decision-making process. The precise content of each study must be flexible because of such considerations as the sensitivity of obtaining information from foreign governments, the availability of useful and understandable information, and other factors identified under "Limitations," (subsection D.6., below). The study should,

however, include consideration of the following:

a. A general review of the affected environment;

b. The predicted effect of the action on the environment;

c. Significant known actions taken by governmental entities with respect to the proposed action to protect or improve the environment; and

d. If no actions are being taken to protect or enhance the environment, whether the decision not to do so was made by the affected foreign government or international organization.

5. *Distribution of the Study.* Except as provided under "Limitations," (subsection D.6., below), and except where classified informatin is invovled, environmental studies will be made available to the Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, to the public in the United States. Interested foreign governments also may be informed of the studies, subject to the "Limitations" (subsection D.6., below) and controls on classified information, and furnished copies of the documents. NO distribution is required prior to the preparation of the final version of the study or prior to taking the action that caused the study to be prepared.

6. *Limitations.* The requirements with respect to the preparation, content, and distribution of environmental studies in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

a. Enable the component to act promptly. Considerations such as national security and foreign government involverhent may require prompt action that must take precedence in the environmental review process;

b. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

c. Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved, or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its responsibility to evaluate requirements with respect to the environment;

d. Ensure consideration of:

(1) Requirements of governmental confidentiality. This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

(2) National security requirements. This refers to the protection of classified information and other national security interests;

(3) Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptible to meaningful evaluation, particularly whee the affected foreign nation is not a participant in the analysis. This may reduce or change substantially the normal content of the environmental study;

(4) The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as DoD's role and control over the decision lessens; and

(5) International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirement to protect domestic and foreign trade secrets and confidential business information from disclosure. Export promotion factors includes the concept of not unnecessarily hindering United States exports.

7. *Classified Information.* Classified information will be safeguarded from disclosure in accordance with the Department of Defense procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive.

E. Environmental Reviews

1. *General.* Environmental reviews are the second of the two alternative types of documents to be used for actions covered by paragraph B of this enclosure.

a. An environmental review is a survey of the important environmental issues involved. It includes identification of these issues, and a review of what if any consideration has been or can be given to the environmental aspects by the United States and by any foreign government involved in taking the action.

b. An environmental review is prepared by the DoD component concerned either unilaterially or in conjunction with another federal agency. While an environmental review may be used for any of the actions identified by section B., it may be uniquely suitable, because it is prepared unilaterally by the United States, to actions that affect the environment of a nation not involved in the undertaking (B.l.a.).

2. *Department of State Coordination.* Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this enclosure will be coordinated with the Department of State. Informal working-level communications and arrangements are not included in this coordination requirement. Coordintion with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

3. *Whether to Prepare an Environmental Review.* Sufficient information will be gathered, to the extent it is reasonably available, to permit an informed judgment as to whether the proposed action would do significant harm to the environments covered by this enclosure. If a negative decision is made, a record will be made of that decision and its basis. If a decision is made to prepare a review, then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant environmental harm until the review has been completed.

4. *Content of the Review.* An environmental review is a survey of the important environmental issues associated with the proposed action that is to be considered by the DoD component concerned in the decision-making process. It does not include all possible environmental issues and it does not include the detailed evaluation required in an environmental impact statement under enclosure 1 of this directive. There is no foreign government or international organization participation in its preparation, and the content therefore may be circumscribed because of the availability of information and because of foreign relations sensitivities. Other factors affecting the content are identified under "Limitations," (subsection E.6., below). To the extent reasonably practical the review should include consideration of the following:

a. A statement of the action to be taken including its timetable, physical features, general operating plan, and other similar broad-gauge descriptive factors.

b. Identification of the important environmental issues involved;

c. The aspects of the actions taken or to be taken by the DoD component that ameliorate or minimize the impact on the environment; and

d. The actions known to have been taken or to be planned by the government of any participating and affected foreign nations that will affect environmental considerations.

5. *Distribution.* Except as provided under "Limitations," (subsection E.6., below), and except where classified information is involved, environmental reviews will be made available to the Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, to the public in the United States. Interested foreign governments also may be informed of the reviews and, subject to the "Limitations" (subsection E.6., below) and controls on classified information, will be furnished copies of the documents on request. This provision for document distribution is not a requirement that distribution be made prior to taking the action that is the subject of the review.

6. *Limitations.* The requirements with respect to the preparation, content, and distribution of environmental reviews in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

a. Enable the component to act promptly. Considerations such as national security and foreign government involvement may require prompt action that must take precedence in the environmental review process;

b. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

c. Avoid infringement or the appearance of

infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its prerogative to evaluate requirements with respect to the environment; and

d. Ensure consideration of:

(1) Requirements of governmental confidentiality. This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

(2) National security requirements. This refer to the protection of classified information;

(3) Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptible to meaningful evaluation, and this may reduce or change substantially the normal content of the environmental review;

(4) The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as the role of the Department of Defense and control over the decision lessens; and

(5) International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirement to protect domestic and foreign trade secrets and confidential business information from disclosure. Export promotion factors includes the concept of not unnecessarily hindering United States exports.

7. *Classified Information.* Classified information will be safeguarded from disclosure in accordance with the DoD procedures (DoD Directive 5200.1) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive.

Attachment 1 to Appendix F—Report Control Symbol DD-M(AR) 1327

Protected Global Resources

Attachment 2 to Appendix F—Report Control Symbol DD-M(AR) 1327

Class Exemptions—Foreign Nations and Protected Global Resources

Attachment 3 to Appendix F—Report Control Symbol DD-M(AR) 1327

Categorical Exclusions—Foreign Nations and Protected Global Resources

[FR Doc. 80-210 Filed 1-2-80; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 222

Grazing Fee System, Eastern Region; Document Classification Correction

For a document correcting the classification of a document from a Proposed Rule to a Notice (44 FR 61618, October 26, 1979) see FR Doc. 80-328 appearing in the Notices section of this issue.

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FR 1384-1]

Approval and Promulgation of Implementation Plans; Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces receipt of a request from the State of New York to revise its State Implementation Plan. The State is seeking approval from the Environmental Protection Agency (EPA) of a temporary relaxation of the fuel oil sulfur content limitation applicable to the Long Island Lighting Company's Glenwood Generating Station, Units 4 and 5, in Glenwood Landing, New York, and its E. F. Barrett Generating Stations, Units 1 and 2, in Oceanside, New York. If approved by EPA, this "special limitation" will permit the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight, for the Glenwood units, and 1.54 percent, by weight, for the Barrett units. These facilities are currently limited by State regulation to the use of fuel oil with a maximum sulfur content of 0.37 percent, by weight. The "special limitation" will be in effect for a period of three years from the date of EPA's approval.

DATES: Comments must be received on or before February 4, 1980.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007.

Copies of the proposal and related documentation are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 908, Region II Office, 26 Federal Plaza, New York, New York 10007.

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

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

New York State Department of Environmental Conservation, Region I Office, State University of New York, Building 40, Stony Brook, New York 11790.

FOR FUTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTAL INFORMATION: On October 24, 1979, New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). If approved by EPA, this SIP revision will allow the Long Island Lighting Company's (LILCO's) Glenwood Generating Station, Units 4 and 5, in Glenwood Landing, New York, and its E. F. Barrett Generating Station, Units 1 and 2, in Oceanside, New York, to temporarily use fuel oil with higher sulfur contents than are currently permitted by State regulation. These facilities are currently required to burn fuel oil with a maximum sulfur content of 0.37 percent, by weight. The State's "special limitation" (authorized by Part 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York) will allow the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight, for the Glenwood units, and 1.54 percent, by weight, for the Barrett units. The "special limitation" will be in effect for a period of three years from the date of EPA's approval.

The State's submittal consists of an order signed by the Commissioner of the Department of Environmental Conservation (NYSDEC) promulgating the "special limitation," a public hearing officer's report, proof of publication of the State's hearing notice, and the following technical documents:

1. "An Analysis of SO_2 Concentrations in the Vicinity of LILCO Base Load Generating Facilities in Nassau County, New York," Document P-2370-NF, March 1977, prepared for LILCO by Environmental Research & Technology, Inc.,

2. "Additional Analysis of SO_2 Concentrations in the Vicinity of LILCO Base Load Generating Facilities in Nassau County, New York," submitted by LILCO,

3. "Supplementary Analyses in Support of the Nassau County Special Limitations," submitted by LILCO, and

4. A technical review of the above documents prepared by NYSDEC.

The State has submitted the SIP revision request in accordance with all EPA requirements under 40 CFR Part 51. These include the need for a public hearing, which was held by the State on June 16 and July 6, 1977 as part of an earlier SIP revision request for the same facilities. (Because it was withdrawn by the State, no official EPA action was taken on that previous submittal.) Since its October 24, 1979 submittal represents a more stringent limitation on fuel oil sulfur content than its earlier proposal, the State has determined that no additional hearings are necessary on this proposed SIP revision.

In order for EPA to approve the State's SIP revision request, it must be demonstrated that the use of fuel oil with higher sulfur contents will not result in a contravention of any health and welfare related national ambient air quality standards or a violation of any applicable Prevention of Significant Deterioration (PSD) increments.

It should be noted that the objective of the PSD program, as discussed in Part C, Sections 160–169 of the Clean Air Act, as amended in 1977, is to protect areas with air quality cleaner than the national ambient air quality standards. The program is designed to insure that growth can occur in a manner consistent with the preservation of existing clean air resources. Under the provisions of the Clean Air Act, clean areas fall into one of three classifications. An area's classification determines the degree of air quality degradation which can be permitted. This degree is expressed quantitatively in terms of PSD increments. With a few exceptions, the majority of the clean areas in the United States have been designated as Class II, thereby providing for moderate deterioration of existing air quality.

EPA has reviewed the technical support documents submitted by LILCO and NYSDEC. Based on this preliminary evaluation, EPA concurs with the State's determination that no violation of national ambient air quality standards or PSD increments will occur.

However, as a result of using fuel oil with higher sulfur contents, the increases in emissions will consume a part of the Class II PSD increment for the 24-hour sulfur dioxide standard in the vicinity of the LILCO facilities. Specifically, as much as 77 percent of the increment could be consumed near the Barrett Generating Station, while 68 percent of the increment could be consumed near the Glenwood Generating Station. Since this action has the potential to limit growth in these areas, EPA specifically requests comments on this issue.

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

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revision to the New York State Implementation Plan should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Section 110(a)(2)(A)–(K) of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Dated: December 20, 1979.

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

Richard Dewling,

Acting Regional Administrator.

[FR Doc. 80-245 Filed 1-3-80; 8:45 am]

BILLING CODE 6560-01-M

---

40 CFR Part 201

[FRL 1361-3]

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

AGENCY: U.S. Environmental Protection Agency.

ACTION: Cross Reference.

This cross references the Environmental Protection Agency's final rule on Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers as it appears in the final rule section of this issue of the Federal Register (FR Doc. 80–5), and announces the reopening of the formal comment period for a portion of the proposed rule (44 FR 22960).

On April 17, 1979, the Agency published proposed noise emission limits (44 FR 22960) for facilities and equipment of interstate rail carriers. The purpose of this proposal was to revise and expand the existing rule on Railroad Noise Emission Standards (41 FR 2184) by proposing a property line noise standard and three railroad noise source specific standards.

The Agency has chosen to regulate only the specific railroad noise sources in this final rulemaking. Additional study and assessment necessary to address the complex issues associated with the proposed property line noise standard will be completed by the Agency prior to final promulgation of that standard. Therefore, the Agency is reopening the formal comment period for the property line noise standard (Sections 201.17 and 201.30–201.33) in order to facilitate this analysis. Comments will be accepted until 4:30 PM, April 4, 1980, and addressed to: Rail Carrier Docket ONAC 80–01, Standards and Regulations Division (ANR–490), U.S., Environmental Protection Agency, Washington, D.C. 20460.

BILLING CODE 6560-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

41 CFR Part 24–1

[Docket No. R-79-753]

Procurement Responsibility and Authority; Proposed Rulemaking

AGENCY: Department of Housing and Urban Development, Office of Administration.

ACTION: Proposed Rule.

SUMMARY: HUD proposes to revise the existing policy and guidelines for appointment of Contracting Officers by providing detailed criteria for the appointment. This action is proposed to clarify the selection requirements and will result in appointees being more qualified by virtue of experience, training, business acumen and other related qualifications to serve as Contracting Officers.

COMMENTS DUE: March 4, 1980.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Joseph Hottinger, (202) 724–0038.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development proposes to revise 41 CFR 24–1.404 to provide a more detailed description of the basic qualifications for a potential Contracting Officer. Provisions have been made to allow incumbents to attend training courses to acquire the desired level of competency when minimum standards have not been attained prior to their appointment.

Interested persons may participate in this rulemaking by submitting written data, views, or comments to the Rules Docket Clerk at the address listed above. Each person submitting a

comment should include his or her name and address, refer to this proposal by the docket number indicated in the heading and give reason for any recommendations. Copies of comments received by the date indicated above will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The proposal may be changed in the light of the comments received. The Department has determined that an Environmental impact Statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection at the above address.

Accordingly, it is proposed to amend 41 CFR Subpart 24–1.4 as follows:

PART 24–1—GENERAL

Subpart 24–1.404 Selection, Designation and Termination of Designation of Contracting Officers

Sec.

24–1.404–1 Selection.
24–1.404–2 Designation.
24–1.404–3 Termination of designation.
24–1.404–4 Assignment of duties to contracting officers.

Authority: Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Subpart 24–1.404—Selection, Designation and Termination of Designation of Contracting Officers

§ 24–1.404–1 Selection.

In selecting Contracting Officers, the appointing authorities shall consider experience, education, training, business acumen, judgment, character, reputation and ethics. In the area of experience, education and training, the following shall be required unless contracting authority is limited to the simplified small purchase procedures.

(a) Experience, for appointment of an individual to a position having Contracting Officer authority, shall consist of a minimum of two years experience performing contracting procurement or purchasing operations in a government or commercial procurement office. Alternatively, where appointment of a contracting Officer involves a specialized procurement field, experience in the field may be considered as a criterion for the appointment.

(b) Educational requirements for an individual in a position having Contracting Officer authority shall be, as a minimum, the equivalent of a Bachelor's Degree from an accredited college or institution with major studies in Business Administration, Law, Accounting or related fields. Experience related to the field of procurement involved (e.g., supply, construction, etc.), gained in a government or nongovernment procurement office, may be substituted for educational requirements when it is determined in writing and made a part of the appointment file (as stipulated in subpart 24–1.404–2) that a potential appointee is otherwise qualified by virtue of extensive contract-related experience or training.

(c) Training requirements of an individual Contracting Officer or an individual appointed to a position having contracting authority shall include successful completion of training courses in Government Basic Procurement, of not less than 80 class hours, and Government Contract Administration of not less than 80 hours. These requirements may be waived by the Area Manager or Service Office Supervisor for Contracting Officers serving the Acquired Property Program. Appointees or incumbents not meeting the special training requirements shall be given 24 months to acquire the minimum qualification standards.

(d) The selection requirements specified in (a) through (c) above are applicable to all permanent full time (PFT) personnel whose primary duties are performed as a Contracting Officer as opposed to the individuals who supervise Contracting Officers, or to individuals in the delegation chain who spend less than 10% of their time in the capacity of a Contracting Officer.

§ 24–1.404–2 Designation.

(a) Appointment of Contracting Officers within the Department is normally accomplished by position in lieu of individual appointment. Whether appointment is by position or by individual, appointments below the level of Assistant Secretary shall be made in writing. Limitations on the scope of the authority to be exercised by the Contrating Officer other than those contained in applicable laws and regulations (e.g., Code of Federal Regulations), shall be entered on the face of the appointment notification.

(b) Area Managers or Service Office Supervisors will execute a written affirmative statement that the individual, placed in the position to commit the Government, as Contracting Officer, meets the selection criteria of the Federal Procurement Regulations and HUD Procurement Regulations. This statement shall be made part of the official personnel file of the Contracting Officer or the individual so selected or designated. The designation and statement shall be based on the size and complexity of contracts the individual will be required to execute and administer, and shall also consider any limitations on the scope of the authority to be exercised.

§ 24–1.404–3 Termination of designation.

(a) Automatic Termination—Unless the appointment notification contains other provisions for automatic termination, the appointment shall remain in effect, unless revoked or until the Contracting Officer is reassigned or employment is terminated, when appointment is by individual; or when the position is abolished, if appointment is by position.

(b) Revocation—The appointment may be revoked at any time by the appointing authority, or higher appointing authority, or any successor to either, but no such revocation shall operate retroactively. Revocation of the appointment shall be made in writing.

(c) The present appointment shall be revoked and a new appointment notification issued when modifying existing contracting authority.

§ 24–1.404–4 Assignment of duties to contracting officers.

(a) In the assignment of duties, including execution and administration of contracts, consideration shall be given to the ability, training, and experience of the Contracting Officer.

(b) Persons who succeed to a position designated as a Contracting Officer shall assume responsibility for the administration of all contracts entered into by their predecessors.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., December 5, 1979.

Moon Landrieu,

Secretary.

[FR Doc. 80–248 Filed 1–3–80; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Potential Addition of Three Primates and Seven Cacti to Appendix I of the Endangered Species Convention

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of potential rulemaking.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a 54-nation treaty controlling import and

export of species listed in three appendices. At a Special Working Session of Party nations in 1977, the United States presented proposals to add four species of primates and seven species of cacti to Appendix I. The delegates to that meeting recommended that the United States submit such proposals for formal adoption by the Parties. Subsequent information showed that one species was ineligible, but the U.S. Endangered Species Scientific Authority developed formal proposals for the remaining species. The purpose of this notice is to invite public comment and additional information. The Service will then determine if any of the proposals need revision and if it should to make these proposals to the Parties.

DATES: All comments received by March 4, 1980 will be considered.

ADDRESS: Please send comments to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Documents concerning this notice are available for public inspection from 7:45 A.M. to 4:15 P.M., Monday through Friday, in the Federal Wildlife Permit Office, room 616, 1000 N. Glebe Road, Arlington, Virginia, or in the office of the Endangered Species Scientific Authority, room 536, 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, (703) 235–2418.

SUPPLEMENTARY INFORMATION: The Convention (T.I.A.S. 8249) regulates the import, export, re-export and introduction from the sea of certain animal and plant species. The species for which such trade is controlled are included in three appendices. Appendix I includes species threatened with extinction which are or may be affected by trade. Appendix II includes species which although not necessarily threatened with extinction may become so unless trade in them is strictly controlled, and species which must be subject to regulation in order that trade in currently or potentially threatened species may be brought under effective control. Appendix III includes species which Party nations identify as being subject to regulation within their jurisdiction for the prupose of preventing or restricting exploitation, and as needing the cooperation of other Parties in the control of trade.

The nations that are Parties to the Convention held a technical meeting in October 1977 at Geneva, Switzerland, to discuss certain aspects of implementing this treaty. Various nations, including the United States, presented potential additions to the appendices. These proposals could not be formally adopted because the meeting was not an official meeting of the Conference of the Parties. However, the delegates to the technical meeting endorsed the proposed amendments listed below, and encouraged the United States to submit them to the Parties for adoption.

Each of the species listed below is being considered to transfer from Appendix II to Appendix I. Persons having any information about these species, including their distribution, population status, national utilization, international trade, potential threats to the species from trade, protection afforded them, or information on similar species, are invited to send such information to the Director.

1. *Ariocarpus agavoides* (Castañeda) E. F. Anderson. This cactus, known by the common names of living rock cactus, Magueyitos or Chaute, is known from one area in Tamaulipas, Mexico. It is reported to be endangered because of collecting for horticultural purposes. The plant is not known to be grown from seed by any U.S. nursery; plants grown from seed may take at least five years before flowering. Therefore, almost all of the specimens in trade are obtained from the wild. This species is included in the IUCN Plant Red Data Book as a species possibly in danger of extinction, for which survival is unlikely if collecting and trade continue.

2. *Ariocarpus scapharostrus* Bödeker. This cactus also is known by the common names of living rock cactus or Chaute. It is known from one area in Nuevo Léon, Mexico. Like *A. agavoides*, this species is reported to be endangered because of collecting. No source of seed-grown plants is known. Presently, the Service has no information on the extent of national utilization or international trade. A 1974 reference noted that the species is vulnerable to commercial harvest because it is difficult to cultivate and is known from one general location.

3. *Aztekium ritteri* Bödeker. The Aztec cactus is known from one area in Nuevo Léon, Mexico. Its population has been estimated to consist of about two or three thousand plants. The ESSA commented that although the extent of national utilization and international trade are unknown, this species should be considered in danger of extirpation due to collecting. Specimens in trade are reported to be usually obtained from the wild because this species is considered difficult to cultivate. Inclusion in Appendix I is urged by the ESSA because of this plant's rarity, restricted distribution and high value in trade.

4. *Echinocereus lindsayi* Meyran. This cactus, which has no common name, is known from one location in Baja California, Mexico. The ESSA reports that this species has been virtually extirpated from its native habitat by American collectors. In addition, some plants probably were destroyed by construction of the Baja California highway. The extent of national utilization and international trade are unknown, but *Echinocereus* species are considered popular with cactus collectors.

5. *Obregonia denegrii* Frič. This cactus is known from two valleys in Tamaulipas, Mexico. The ESSA proposal indicates that is has been virtually extirpated from its type locality and is absent from other localities where it once was known to occur. The extent of national utilization and international trade are unknown. However, specimens in trade are usually obtained from the wild, and have been collected on a large scale. Dr. Hernando Sanchez-Mejorada, an authority at the Ciudad Universitaria in Mexico, has reported that this species is threatened by illegal harvest for American entreprenuers. This species is included in the IUCN Plant Red Data Book as a species possibly in danger of extinction, for which survival is unlikely if collecting and trade continue.

6. *Pelecyphora aselliformis* Ehrenberg. This species has the common name of hatchet cactus. It is known only from one general area in San Luis Potosi, Mexico, but it is possibly extinct in the wild because of harvest for horticultural purposes. The ESSA recommended that it be included in Appendix I because of its rarity, restricted distribution, and vulnerability to commercial trade.

7. *Pelecyphora strobiliformis* (Werdermann) Frič. This cactus has no common name. It is known from a few areas in Tamaulipas and Nuevo León, Mexico. Dr. Hernando Sánchez-Mejorada at the Ciudad Universitaria in Mexico has reported that this species is endangered by illegal harvest for American entrepreneurs. The ESSA cites this and another similar report of extensive over-collecting as evidence of the vulnerability of the cactus to commercial harvest. In view of its rarity, restricted distribution and high trade value, this species is recommended by the ESSA for inclusion in Appendix I.

8. *Cercopithecus diana* (Linnaeus, 1758). This monkey is known by the common names of Diana monkey or Diana guenon; one of its subspecies is frequently identified as the Roloway monkey. It occurs only in the coastal forests of West Africa from Gambia to

Ghana. There are isolated, unconfirmed reports of its occurrence in Cameroon and Zaire. It occupies the middle and upper levels of mature primary forest, only rarely descending to the ground from tall trees. Cutting of such trees for timber and agricultural land represents a severe threat to the species. It is considered rare over much of its range, and has been reported as abundant only in the Tai reserve in the Ivory Coast. The Diana monkey is hunted for food in Liberia and perhaps elsewhere. It is strikingly colored and is therefore in demand for zoological exhibition, but there is no indication that it is used in medical research. The ESSA urges inclusion of this species in Appendix I because trade for purposes of display represents a potentially severe threat to the declining populations. This species is listed as endangered under the Engangered Species Act of 1973.

9. *Lagothrix flavicauda* (Humboldt, 1812). This species, known as the yellow-tailed woolly monkey or Hendee's woolly monkey, is endemic to a restricted area in the Departments of Amazonas and San Martin, on the eastern slope of the Andes Mountains in Peru. It is limited to montane rain forest that is becoming increasingly accessible due to road construction. Forests are being cleared for agriculture. The monkey is hunted extensively for food, and its behavior makes it especially vulnerable to this pressure. It is also exploited for taxidermy and for use as a pet. Mothers are shot to obtain young for the latter purpose. The ESSA notes that international trade in this species is not known, but that there has been an extensive trade in the closely related and more widespread Humboldt's woolly monkey, *Lagothrix lagothricha*, for use as a pet. The United States imported 12,808 individuals of *L. lagothricha* between 1968 and 1972, mostly from Colombia and Peru. The yellow tailed woolly monkey is listed as an endangered species by Peru. As evidence of its rarity and past isolation, only five specimens were known to scientists by 1926, and the species was not seen again until 1974, when an expedition found an additional five specimens and obtained a live individual.

10. *Papio (-Mandrillus) sphinx* (Linnaeus, 1758). This species, the mandrill, occurs in a limited area of West Africa, from the Sanaga River in Cameroon to the Congo River between Congo and Zaire. It occurs eastward to the southwestern border of the Central African Republic, but the extent of its eastern distribution is not well known. Although there are no estimates of actual population size, the ESSA cites recent reports that indicate the species is declining in Cameroon and Equatorial Guinea. There is no current information available on populations of the mandrill in Congo or Gabon. The species lives primarily in forest areas, including coastal rain forest and regenerating secondary forests. It may occur in relatively open areas, but is not found where cultivation is extensive. In Cameroon and Equatorial Guinea, the mandrill is hunted by man for food and also killed for raiding crops. Extensive cutting of forests in these countries has reduced the habitat suitable for the mandrill. There is trade in this species for zoological exhibition. Its striking red and blue facial pattern make it popular for this use. There is no information on the degree of protection the species receives in the countries of origin. It is listed as an endangered species under the Endangered Species Act of 1973.

The Service is requesting information about these species from the governments of countries in which they occur, as well as from the public. Following a review of all available information, the Service will publish a notice in the **Federal Register** of its determinations on the species, indicating which, if any, will be the subject of a formal proposal to the Convention Parties. If such formal proposals are made, the Service will publish a further notice announcing decisions on them by the Parties.

This notice was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

Dated: December 21, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 80-232 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish; Permit Sanctions

AGENCY: National Oceanic and Atmospheric Administration; Department of Commerce.

ACTION: Extension of comment period.

SUMMARY: On December 3, 1979, NOAA published (44 FR 69312) proposed rules to establish a point system which could lead to an automatic 30 or 60 day suspension of a fishing vessel's federal permit in the event of violations of the Atlantic Groundfish regulations in 50 C.F.R. Part 651. Comments were due by January 2, 1980. NOAA is extending the comment period in response to a showing that the affected public has had difficulty meeting the deadline because of the holiday period.

DATES: Comments on the proposal must be received on or before February 1, 1980.

ADDRESS: Send comments to: NOAA Office of General Counsel (GCEL), Room 280–L, Page 1 Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell (address above). Telephone (202) 254–8350.

Signed at Washington, D.C., this 27th day of December, 1979.

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

Winfred H. Meibohm,

National Marine Fisheries Service.

[FR Doc. 80-224 Filed 1-3-80; 8:45 am]

BILLING CODE 3510-12-M

Notices

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Cancellation of Public Information Meeting

Notice is hereby given that the public information meeting scheduled by the Advisory Council on Historic Preservation for January 10, 1980, in Lexington, Kentucky to discuss the proposed Lexington-Paris Road widening project and its affects to the Paris Pike Historic District, Fayette and Bourbon Counties, Kentucky has been cancelled at the request of the Federal Highway Administration. Original notice of the meeting appeared in the **Federal Register** on Wednesday, December 19, 1979 (Vol. 44, No. 254, p. 75196). Notice will be given when this meeting is rescheduled.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 80-422 Filed 1-3-80; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Availability of Draft Environmental Impact Statement on the Rangeland Grasshopper Control Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability of the draft revised environmental impact statement on the Rangeland Grasshopper Cooperative Control Program.

SUMMARY: A notice of the Department's intent to prepare the draft revised environmental impact statement on the Rangeland Grasshopper Cooperative Control Program was published in the **Federal Register** (44 FR 66008) on November 16, 1979. The draft revised environmental impact statement has been prepared and was sent to the Environmental Protection Agency (EPA) on December 28, 1979, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

DATE: Comments must be received on or before February 19, 1980.

ADDRESS: Requests for a copy of the draft revised environmental impact statement and comments should be addressed to the Pest Program Development Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782 by February 19, 1980.

FOR FURTHER INFORMATION CONTACT
Shannon W. Wilson, 301-436-8745.

SUPPLEMENTARY INFORMATION: All written submissions made pursuant to this notice will be made available for public inspection in Room 630, Federal Building, Hyattsville, MD 20782, during regular hours of business, unless the person makes the submission to the Pest Program Development Staff, Plant Protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and priviliged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the draft revised environmental impact statement are invited from all interested members of the public, from State and local agencies which administer plant pest control regulatory programs or are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any national program, issue, or environmental impact involved.

Grasshoppers are destructive native pests on rangeland, forage, and crops mainly in the States west of the Mississippi River. Infestations are often of such an extent as to be beyond the capability of individuals to handle. Additionally, the migratory and widespread nature of the pests makes coordination of cooperative control efforts across State boundaries essential. Therefore, the Department has, in conjunction with cooperating State Departments of Agriculture, provided direct supervision and leadership of grasshopper control programs. In 1979 widespread grasshopper infestations and subsequent Federal-State-rancher cooperative control programs were the basis for extensive public and cooperator involvement.

On December 4, 1979, the Department held a public meeting concerning the draft revised environmental impact statement as well as the future direction of the rangeland grasshopper cooperative control program. There were 11 statements presented at the public meeting. In addition, 16 written comments have been received by the Department regarding the intent to prepare the draft. All comments and statements were given full consideration in preparing the draft revised environmental impact statement.

Copies of the draft are available for public inspection at the following locations.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administration Building, 14th and Independence Avenue, Washington, DC 20250.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 7100 West 44th Avenue, Suite 102, Wheat Ridge, CO 80033.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 620 Central Avenue, Building 2B, Alameda, CA 94501.

Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 2100 Boca Chica Boulevard, Suite 400, Brownsville, TX 78521.

Interested persons may obtain a copy of the draft statement by writing the Deputy Administrator, Plant Protection

and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, D.C., this 27th day of December 1979.

Thomas G. Darling,

Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 80-69 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-34-M

Food and Nutrition Service

School Breakfast Program; National Average Payment for the Period January 1–June 30, 1980

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 220.4 and § 220.9 of the regulations governing the School Breakfast Program (7 CFR Part 220), notice is hereby given that the national average payment factors for breakfasts served during the six-month period January 1–June 30, 1980 to children participating in the School Breakfast Program shall be: (a) 14.00 cents for all breakfasts; (b) an additional 26.50 cents for each reduced price breakfast, and (c) an additional 35.25 cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors: *Provided, however,* That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned for schools with severe need under § 220.9.

The above factors represent a 4.23 percent increase in the factors prescribed for the period July 1–December 31, 1979. This represents the percent of increase during the six-month period May 1979–November 1979 (from 241.1 in May 1979 to 251.3 in November 1979) in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

For schools without severe need, the maximum rates of reimbursement for paid breakfasts, for reduced price breakfasts, and for free breakfasts shall be equal to the respective factors set out above.

For schools with severe need, the maximum rates of reimbursement are established pursuant to Section 4(b) of the Child Nutrition Act of 1966 as amended. This law requires that these rates be computed using two methods and that the method yielding the higher rates be used. Accordingly, for schools with severe need, the maximum rate of reimbursement for paid breakfasts shall be equal to the national average factor for all breakfasts, and the maximum rate of reimbursement for reduced price and free breakfasts shall be 54.50 and 59.50 cents, respectively.

Pursuant to Section 10 of Pub. L. 95–627, adjustments are made in the national average payment factors to Alaska. For breakfasts served during the aforementioned period to children participating in the School Breakfast Program in the State of Alaska payment rates are as follows: (a) 22.75 cents for all breakfasts, (b) an additional 43.00 cents for each reduced price breakfast, and (c) an additional 57.25 cents for each free breadkfast. For schools with severe need, the maximum rate of payment for paid, reduced price, and free breakfasts shall be 22.75, 91.50, and 96.50 cents, respectively. The total amount of breakfast assistance payments to be made to the State of Alaska from sums appropriated therefor, shall be based upon the aforementioned adjustments to national average payment factors: *Provided, however,* That additional payments shall be made in such amounts as are needed to finance payment rates assigned for schools with severe need under § 220.9 of regulations governing the School Breakfast Program (7 CFR Part 220).

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553)

Effective date: This notice shall be effective as of January 1, 1980.

(Sec. 4, (U.S.C. 1773(b)) Pub. L. 92–433, 80 Stat. 886; *Post,* p. 726; sec. 4, Pub. L. 93–150, 80 Stat. 866; 85 Stat. 85; 86 Stat. 725, 42 U.S.C. 1773; 86 Stat. 724)

Statement: This notice has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Final Impact Statement is available from Margaret O'K. Glavin, Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202) 447–8130.

Dated: December 28, 1979.

Carol Tucker Foreman,

Assistant Secretary of Food and Consumer Services.

[FR Doc. 80-118 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-30-M

National School Lunch Program; National Average Payment for the Period January 1–June 30, 1980

Pursuant to Section 11 of the National School Lunch Act (42 U.S.C. 1759a) and § 210.4 and § 210.11 of the regulations governing the National School Lunch Program (7 CFR Part 210), notice is hereby given of adjustments in the national average factors for payment for lunches and the maximum rates of reimbursements. The national average factors for payment for lunches served during the six-month period January 1–June 30, 1980, to children participating in the National School Lunch Program are as follows: (a) 17.75 cents from general cash-for-food assistance funds for each lunch; (b) an additional 59.50 cents from special cash assistance funds for each reduced price lunch and (c) an additional 79.50 cents from special cash assistance funds for each free lunch. If in any State a maximum charge to students of less than 20 cents is established for reduced price lunches, the special assistance factor prescribed for reduced price lunches in such State shall be the lesser of (a) the special assistance factor for free lunches minus the maximum reduced price charge established by the State, or (b) the special assistance factor for free lunches minus 10 cents.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The above factors represent a 4.23 percent increase in the factors prescribed for the period July 1–December 31, 1979. This represents the percent of increase during the six-month period May 1979–November 1979 (from 241.1 in May 1979 to 251.3 in November 1979) in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

For the six-month period January 1–June 30, 1980 (a) the maximum rate of reimbursement from general cash-for-food assistance funds shall be 23.75 cents per lunch served; (b) the maximum per lunch reimbursement (from a combination of general cash-for-food assistance and special cash assistance

(funds) shall be 112.25 cents for a free lunch and 92.25 cents for a reduced price lunch. If in any State a maximum charge to students of less than 20 cents is established for reduced price lunches, the maximum per lunch reimbursement prescribed for reduced price lunches in such State shall be the lesser of (a) the maximum per lunch reimbursement for free lunches minus the maximum reduced price charge established by the State, or (b) the maximum per lunch reimbursement for free lunches minus 10 cents.

Pursuant to Section 10 of Pub. L. 95–627, adjustments are made in the national average payment factors to Alaska. For lunches served in the aforementioned period to children participating in the National School Lunch Program in the State of Alaska payment rates are as follows:

(a) 28.50 cents from general cash-for-food assistance funds for each lunch and (b) an additional 118.75 cents from special cash assistance funds for each reduced price lunch, and (c) an additional 128.75 cents from special cash assistance funds for each free lunch. The reduced price special assistance payment factor reflects the currently effective 10 cent charge for each reduced price lunch served under the National School Lunch Program in Alaska. If, in the State of Alaska, the maximum statewide reduced price charge for a lunch changes from the current 10 cent charge, the special assistance factor prescribed for reduced price lunches shall be the lesser of (a) the special assistance factor for free lunches minus the maximum reduced price charge established by the State of Alaska, or (b) the special assistance factor for free lunches minus 10 cents.

For the six-month period January 1–June 30, 1980, the maximum per lunch rates of payment to the State of Alaska for lunches served in the National School Lunch Program shall be as follows: (a) 38.50 cents from general cash-for-food assistance funds and (b) from a combination of general cash-for-food assistance and special cash assistance 181.75 cents for a free lunch and 171.75 cents for a reduced price lunch.

The total amount of general cash-for-food assistance payments and special cash assistance payments, to be made to the State of Alaska from the sums appropriated therefore, shall be based upon such factors.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.555)

Effective date: This notice shall be effective as of January 1, 1980.

(Sec. 4, Pub. L. 92–433, 76 Stat. 944, 42 U.S.C. 1753, 84 Stat. 208, 42 U.S.C. 1752, 60 Stat. 231, 42 U.S.C. 1754; Sec. 2, Pub. L. 93–150, 86 Stat. 726, 42 U.S.C. 1753, 60 Stat. 232, 86 Stat. 729, 42 U.S.C. 1757)

Statement: This notice has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations," and has been classified "significant." An Approved Final Impact Statement is available from Margaret O'K. Glavin, Director, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202 447–8130.

Dated: December 28, 1979.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80–122 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–30–M

Forest Service

Grazing Fee System, Eastern Region; Document Classification Correction

AGENCY: Forest Service, USDA.

ACTION: Document classification; correction.

SUMMARY: On October 26, 1979, the Forest Service published a document relating to the proposed procedure for determining annual grazing fees and implementing grazing fees for the fee years 1980 through 1989 on certain national forests in the eastern United States. That document merely set out a proposed grazing fee structure and was incorrectly identified as a proposed rule. This document provides notice that FR Doc. 79–33095 published at 44 FR 61618, October 26, 1979 was a general notice document and therefore should have been published in the Notices section of the Federal Register rather than the Proposed Rules section.

FOR FURTHER INFORMATION CONTACT: Robert Storch, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, WI 53203, phone (414) 291–1371.

SUPPLEMENTARY INFORMATION:

1. FR Doc. 79–33095 published at 44 FR 61618, October 26, 1979 is corrected by changing the reference to "Proposed rule" in the Action line and Summary to "Proposed Grazing Fee".

2. The heading of "36 CFR Part 222" is deleted.

Dated: December 28, 1979.

Mark M. Johannesen,

Acting Regional Forester.

[FR Doc. 80–328 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Public Scoping Meeting; Loan Guarantee Commitment to Allied Power Cooperative of Iowa

Notice is hereby given that the Rural Electrification Administration (REA) will hold a public scoping meeting on February 5, 1980, at 7:00 p.m., in the Rialto Theater, 405 E. Erie, Missouri Valley, Iowa 51555, in connection with a possible loan guarantee commitment to Allied Power Cooperative of Iowa (Allied), 1390 Financial Center, Des Moines, Iowa 50309, for its planned 200 MW undivided ownership share of an approximate 400 MW (gross) coal-fired electric generation power plant and related transmission facilities. Current plans anticipate that the North Iowa Municipal Electric Cooperative Association of Humboldt, Iowa, Heartland Consumer Power District of Madison, South Dakota, and the Missouri Basin Municipal Power Agency of Sioux Falls, South Dakota, will also own undivided ownership shares of the project. Allied is the construction manager for the joint project.

Allied has identified a location in the vicinity of Mondamin, Harrison County, Iowa, as its preferred site for the project. Other potentially suitable sites include locations near Pacific Junction, Mills County, Iowa, and Benton, Fremont County, Iowa.

Alternatives to be considered by REA and Allied are described in REA Bulletin 20–21:320–21 and may include: (a) no project, (b) conservation measures, (c) purchase power from other utilities, (d) alternative sites for the generating plant and transmission lines, (e) alternative fuels, and (f) alternative methods of generation.

This public scoping meeting will be conducted by representatives of REA. The meeting will be held in order to solicit public input and comments relating to the proposed project, its possible location, potential transmission requirements, and any significant issues that should be addressed in the REA Environmental Impact Statement (EIS). A record will be made of the meeting and comments made will be addressed in the Draft EIS.

All agencies, groups and individuals having an interest are invited to attend and participate in this meeting. Additionally, interested parties are

invited to submit written comments to REA prior to, at the scoping meeting, or within 30 days of the scoping meeting. Time will be made available at the scoping meeting of interested parties to make brief presentations.

Comments may be sent to Mr. Joe S. Zoller, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Requests for additional information or questions concerning the meeting may also be directed to Allied at its address given above. REA financing assistance to Allied will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 21st day of December, 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80-177 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-15-M

United Power Association; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a joint Final Environmental Impact Statement (EIS) in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration from United Power Association of Elk River, Minnesota. This loan guarantee commitment is planned to assist in obtaining financing for the construction of a 230 kV transmission line from the Benton County Substation near St. Cloud, Minnesota, to the Milaca Substation, east of Milaca, Minnesota.

Additional information may be secured on request, submitted to Mr. Joe S. Zoller, Assistant Administrator-Electric, Rural Electrification Administration, Washington, D.C. 20250.

This Final EIS has been jointly developed by REA and the Minnesota Environmental Quality Board (MEQB), Room 100, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, as joint lead agencies pursuant to Section 1501.5(b) of the Council of Environmental Quality regulations. MEQB has approval authority for the routing of high voltage transmission in Minnesota.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of December 1979.

Joseph Vellone,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 80-236 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

City of Bangor Parks Critical Area Treatment and Land Drainage R.C. & D. Measure, Michigan

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, Room 101, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-372-1910, Ext. 242.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelins (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of Bangor Parks Critical Area Treatment and Land Drainage R.C. & D. Measure, Van Buren County, Michigan.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment and land drainage. The planned works of improvement include the installation of critical area treatment and land drainage measures on two parks within the City of Bangor. Criticcal area treatment will include critical area planting, riprap, fencing, sodding, recreation walkways, and grade stabilization structures. Land drainage will include approximately 6,800 feet of subsurface drains. Total construction costs are approximately $31,400; $21,800 R.C. & D. funds and $9,600 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, Room 101, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-372-1910, Ext. 242. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q).

Dated: December 20, 1979.

Verne M. Bathurst,

Deputy Administrator for Administration.

[FR Doc. 80-262 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Barnegat Elementary School Critical Area Treatment R.C. & D. Measure, New Jersey

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FUTHER INFORMATION CONTACT: Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201-246-1205.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Barnegat Elementary School Critical Area Treatment R.C. & D. Measure, Ocean County, New Jersey.

The environment assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Plater T. Campbell, State Conservationist, has determined that the

preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilization of severely eroding school grounds with vegetation. The planned works of improvement include construction of waterways and diversions to control surface runoff. In addition, the school grounds will be graded, shaped, fertilized, limed, and planted with vegetation adapted to the site conditions and used widely for erosion control. Areas subject to extreme foot traffic will be surfaced with a resilient material.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the envoironmental assessment are on file and may be reviewed by contacting Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201–246–1205. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: December 19, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80–261 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–16–M

Buffalo Creek Watershed, Ohio

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Buffalo Creek Watershed project, Guernsey and Noble Counties, Ohio, effective on December 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: December 27, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80–257 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–16–M

First Capitol Watershed, Wisconsin

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservaion Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the First Capitol Watershed project, Lafayette and Iowa Counties, Wisconsin, effective on December 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: December 27, 1979.

Victor H. Barry, Jr.

Deputy Administrator for Programs.

[FR Doc. 80–258 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–16–M

Harry Oppold Marina Public Water-Based Recreation R.C. & D. Measure, Illinois

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone 217–356–3785.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Harry Oppold Marina Public Water-Based Recreation RC&D Measure, Whiteside County, Illinois.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include day use recreational facilities and the enlargement of an existing fish pond to be installed in the Blackhawk Hills RC&D Area. The environmental assessment revealed that:

1. Measure installation will result in no significant adverse effects on agricultural production, wildlife habitat, or social or economic advantages.
2. Approximately 1.5 acres of type 4 wetland and 1.0 acres of herbaceous vegatation will be converted to open water type 5 wetland (fish pond) less than 10 feet deep.
3. The only irreversible resource commitments are the conversion of the type 4 wetland and the herbaceous vegetation to open water type 5 wetland. Approximately 9.8 acres of herbaceous vegetation will be converted to a heavy use area. Construction labor, fuel, and materials will also be irreversibly committed.
4. No historical or archaeological resources are located on the property and no Federal or State listed threatened or endangered plants or animals are present.
5. The development of a 31 acre complex will provide an estimated 36,238 annual recreation visits. Benefits are estimated to be $88,807 annually.

Public participation has been an integral part of the planning activity for the measure.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone 217–356–3785. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a-f, q.)

Dated: December 20, 1979.

Verne M. Bathurst,

Deputy Administrator for Administration.

[FR Doc. 80-263 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Highland County Roadside Critical Area Treatment R.C. & D. Measure, Ohio

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Highland County Roadside Critical Area Treatment R.C. & D. Measure, Highland County, Ohio.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement includes seeding approximately 15 acres of critically eroding roadbanks to grasses and legumes. No earthmoving will be done and very limited seedbed preparation will be used. There will be no change in land use.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 19, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80-264 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Lewellen Drainage System Flood Prevention and Land Drainage R.C. & D. Measure, Nebraska

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Benny Martin, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall North, Lincoln, Nebraska 68508, telephone 402-471-5301.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lewellen Drainage System Flood Prevention and Land Drainage RC&D Measure, Garden County, Nebraska.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention and land drainage. The planned works of improvement include the installation of a surface and subsurface water disposal system to reduce floodwater damages to residences, streets, and sewer system in the Village of Lewellen, Nebraska. The system is designed with the dual purpose of intercepting surface water by conducting street flows to curb inlets and by intercepting and lowering the existing water table.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Benny Martin, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall North, Lincoln, Nebraska 68508, telephone 402-471-5301. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: December 20, 1979.

Verne M. Bathurst,

Deputy Administrator for Administration.

[FR Doc. 80-265 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Mayesville Flood Prevention and Land Drainage R.C. & D. Measure, South Carolina

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Huey, State Conservationist, Soil Conservation Service, 240 Stoneridge Drive, Columbia, South Carolina 29210, telephone 803-765-5681.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mayesville Flood Prevention and Land Drainage RC&D Measure, Sumter County, South Carolina.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood prevention and land drainage. The planned works of improvement include

action to reduce flooding and improve the drainage outlets for cropland and built-up areas.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George E. Huey, State Conservationist, Soil Conservation Service, 240 Stoneridge Drive, Columbia, South Carolina 29210, telephone 803–765–5681. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: December 21, 1979.

Verne M. Bathurst,

Deputy Administrator for Administration.

[FR Doc. 80–266 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–16–M

Noah Tyson Park Water-Based Recreation R.C. & D. Measure, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–448–3421.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Noah Tyson Park Water-Based Recreation RC&D Measure, Caddo Parish, Louisiana.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include establishing a park on the north end of Black Bayou Lake.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–448–3421. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: December 19, 1979.

Victory H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80–267 Filed 1–3–80; 8:45 am]

BILLING CODE 3410–16–M

Progress Park Public Water-Based Recreation R.C. & D. Measure, Illinois

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone 217–356–3785.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Progress Park Public Water-Based Recreation RC&D Measure, Adams County, Illinois.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation are review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water-based recreation. The planned works of improvement include day use recreational facilities and the construction of a 5-acre lake to be installed in the Two Rivers RC&D Area. The environmental assessment reveals that:

1. Measure installation will result in so significant adverse effects on agricultural production, wildlife habitat, or social or economic advantages.
2. Herbaceous habitat will increase with the conversion of 24.3 acres of idle cropland to grassed recreational area.
3. Approximately 5.4 acres of woody cover area will be converted to 1.4 acres of grass and 4.0 acres to water.
4. Approximately 0.1 acres of water (intermittent stream) will increase with the addition of 4.0 acres of permanent lake.
5. Roads and parking areas will increase on 3.7 acres of grassland.
6. The lake would provide permanent water for recreation and fish and wildlife use.
7. Irreversible commitment of resources include the conversion of riparian woodland to a fish pond and grassland, idle cropland to grassed recreational areas, and grassland to roads and parking facilities. Construction labor, fuel, and materials will also be irreversibly committed.
8. No historical or archaeological resources are located on the property, and no Federal- or State-listed threatened or endangered plants or animals are present.
9. The development of an 80-acre complex will provide an estimated 47,849 annual recreational visits. Benefits from measure installation are estimated to be $184,156 annually.

Public participation has been an integral part of the planning activity for the measure.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone 217–356–3785. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a-f, q.)

Dated: December 20, 1979.

Verne M. Bathurst,

Deputy Administrator for Administration.

[FR Doc. 80-268 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Richardson, J. L. Jones, and Harper Schools Critical Area Treatment R.C. & D. Measure, Louisiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–448–3421.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Richardson, J. L. Jones, and Harper Schools Critical Area Treatment RC&D Measure, Webster Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include establishing vegetation on 16 acres at the Richardson, J. L. Jones, and Harper Elementary School sites to control erosion.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318–448–3421. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: December 19, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80-269 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Spring Brook Watershed, Wisconsin

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Spring Brook Watershed project, Langlade and Marathon Counties, Wisconsin, effective on December 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566. 16 U.S.C. 1001–1008.)

Dated: December 27, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80-259 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Snow Survey and Water Supply Forecasting Program

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Supplementary Material to Prenotice of Intent to Study Program (FR Vol. 44, No. 232, Friday, November 30, 1979, page 68943–44).

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rallison, Engineering Division, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, Telephone 202–447–5889.

SUPPLEMENTARY MATERIAL TO PRENOTICE: The prenotice describes a study of the Snow Survey and Water Supply Forecasting Program that will be made by the Soil Conservation Service (SCS), U.S. Department of Agriculture, during the period November 1, 1979, through August 30, 1980. Part of this study will include a series of public meetings to be held in the 10 Western States and Alaska during the period November 30, 1979, to February 15, 1980.

Planned public meetings are as follows:

Alaska

January 21–25, 1980, Anchorage, Fairbanks, times and locations to be determined.

Arizona

January 24, 1980, Phoenix, time and location to be determined.

Colorado

December 18, 1979, 1:00–4:00 p.m., Steamboat Springs, Yampa Valley electric Association, 10th and Yampa (1 block south of Lincoln on 10th).

December 19, 1979, 1:00–4:00 p.m., Grand Junction, Holiday Inn, 755 Horizon Drive (immediately off I–70 at airport exit).

December 20, 1979, 1:00–4:00 p.m., Alamosa, Alamosa Inn Restaurant, Highway 160 (west end of Alamosa).

January 7, 1980, Denver, Denver Public Library, 14th and Broadway.

Idaho

January 7, 1980, 1:30 p.m., Coeur d'Alene, Extension Service Conference Room, 106 Dolton.

January 7, 1980, 1:30 p.m., Idaho Falls, City Library, 457 Broadway.

January 16, 1980, 1:30 p.m., Twin Falls, Little Tree, 457 Broadway.

January 17, 1980, 1:30 p.m., Caldwell, City Library, 1010 Dearborn.

Montana

December 19, 1979, 1:00 p.m., Missoula, Montana Power Company, Meeting Room, 1903 Russell Street.

December 20, 1979, 1:00 p.m., Helena, Third Floor Meeting Room, City-County Administration Building, (Old Post Office/ Federal Bldg.), 16 North Park.

Nevada

January 8 or 14, 1980, Reno, Later dates preferred—Locations to be determined.

January 9 or 15, 1980, Carson City.

January 10 or 16, 1980, Elko.

New Mexico

January 10, 1980, Santa Fe, National Guard Armory, 2600 Cerrillos Road.

Oregon

December 14, 1979, 1:30–4:30 p.m., Portland, Sheraton Hotel, Oregon Room, Lloyd Center.

December 17, 1979, 1:30–4:30 p.m., Pendleton, Red Lion Motor Inn, Cayuse Room, Interstate 80.

December 18, 1979, 1:30–4:30 p.m., Ontario, VIP's Restaurant, Banquet Room, 725 Tapadera Avenue.

December 19, 1979, 1:30–4:30 p.m., Redmond, Juniper Golf Club, 139 S.E. Sisters Avenue.

December 20, 1979, 1:30–4:30 p.m., Medford, Extension Hall, 1301 Maple Grove Drive.

Utah

January 8, 1980, Salt Lake City, Probably at the Ramada Inn.
January 9, 1980, Roosevelt, Times/locations to be determined.
January 10, 1980, Richfield.

Washington

January 9, 1980, 1:00–4:00 p.m., Seattle, SEA–TAC Holiday Inn, 17338 Pacific Highway South.
January 10, 1980, 1:00–4:00 p.m., Wenatchee, Thunderbird Motor Inn, 1225 North Wenatchee Avenue.

Wyoming

January 7, 1980, 7:00 p.m., Buffalo, Buffalo Federal Savings & Loan, Hospitality Room, 106 Forte Street.
January 8, 1980, 1:00 p.m., Powell, Nelson Associates Building, 1st and Park.
January 8, 1980, 7:00 p.m., Thermopolis, Museum Cultural Center, 700 Broadway.
January 9, 1980, 7:00 p.m., Kemmerer, Kemmerer High School Cafeteria, Antelope and 3rd West.
January 10, 1980, 7:00 p.m., Wheatland, Platte County Library, Meeting Room, 904 Ninth.
January 11, 1980, 1:00 p.m., Casper, Natrona County Library, Crawford Room, 307 East 2nd Street.

Further information regarding these meetings can be obtained by contacting the SCS State Conservationist for the concerned State. Information regarding this study can be obtained by contacting Robert E. Rallison, Engineering Division, SCS, Phone 202–447–5889.

Dated: December 19, 1979.

Neil F. Bogner,

Director, Engineering Division.

[FR Doc. 80-256 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Wesmin R.C. & D. Area, Critical Area Treatment Measures, Minnesota

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 162–725–7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council On Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the WesMin RC&D Area, Critical Area Treatment Measures in Becker, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Kandiyohi, Lac qui Parle, McLeod, Meeker, Morrison, Otter Tail, Pope, Renville, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minnesota.

The environmental assessments of these Federally assisted actions indicate that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for reducing erosion of county and township roads, rights of way, streambanks, lakeshores, gullies, and the resulting sediment (sediment pollution). The planned works of improvement include erosion control practices such as: critical area plantings, streambank protection, grade stabilization structures, diversions, grassed waterways, debris basins, and fencing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessments are on file and may be reviewed by contacting Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612–725–7675. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until February 4, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: December 19, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80-270 Filed 1-3-80; 8:45 am]

BILLING CODE 3410-16-M

Willow Creek Watershed, Wisconsin

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Deauthorization of Federal Funding.

FOR FURTHER INFORMATION CONTACT: James W. Mitchell, Director Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202–447–3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Willow Creek Watershed project, Richland and Sauk Counties, Wisconsin, effective on December 10, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008.)

Dated: December 27, 1979.

Victor H. Barry, Jr.,

Deputy Administrator for Programs.

[FR Doc. 80-260 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-16-M

CIVIL AERONAUTICS BOARD

[Docket 37019]

Cascade Airways, Inc., Fitness Investigation; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 18, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., December 28, 1979.

Richard M. Hartsock,

Administrative Law Judge.

[FR Doc. 80-304 Filed 1-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 33941 and 33942]

Former Large Irregular Air Service Investigation; Applications of J.F.C. Enterprises, Inc., d.b.a. Concord International Airlines; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of J.F.C. Enterprises, Inc., d.b.a. Concord International Airlines, Dockets 33941 and 33942, has been reassigned to Chief Judge Joseph J. Saunders.

Dated at Washington, D.C., December 27, 1979.

Joseph J. Saunders,

Chief, Administrative Law Judge.

[FR Doc. 80-305 Filed 1-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 35634; Order 79-12-132; Agreement CAB 27928- R1 through R3]

International Air Transport Association; Cargo Agency Matters; Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of December, 1979.

The International Air Transport Association (IATA) has filed with the Board, for approval under section 412 and exemption from the antitrust laws under section 414 of the Federal Aviation Act, certain agreements among various air carriers, foreign air carriers, and other carriers. The agreements are contained in resolutions of the IATA Traffic Conferences adopted by the Composite Cargo Traffic Conference meeting in Manila during May 1979. The individual resolutions identified by agreement number, area of application, and subject matter are listed below.

Agreement CAB 27928-	IATA resolution designator No.	Title of IATA resolution affected
R1	190/0011t 287/0011 372/0011	Special effectiveness resolution
R2	287/002	Standard revalidation resolution.
R3	190/811d 287/811d 372/811d	Special application of IATA cargo agency administration rules.

The currently effective, Board-approved IATA cargo agency rules prohibit the appointment of an IATA cargo agent in whom an air carrier has a substantial ownership or management interest or such interest sufficient to enable the carrier to influence the agent's commercial policy and management decisions.[1] Agreement CAB 27928–R3 establishes a new IATA Resolution 811d, granting an exception to that prohibition for IATA member air carriers. Thus, it permits an agent-applicant owned or managed by an IATA carrier to be appointed as an IATA cargo agent, while it retains the prohibition against appointing an agent in whom a non-IATA carrier has a comparable interest. The agreement further provides that any IATA member, concluding that the application of this exception in any specific case has adversely affected its competitive position, may notify the IATA membership of its intention to rescind the resolution, which will then become ineffective 180 days thereafter. Upon receiving the notice, any member may convene a special traffic conference solely to review the new resolution and the cargo agency rules. Absent unanimous agreement by members at the conference, Resolution 811d and the IATA cargo agency rules will cease to be effective. Agreement CAB 27928–R1 and R2 link the effectiveness of the IATA cargo agency rules to that of the new resolution. In addition, Agreement CAB 27928–R2 revalidates the cargo agency rules applicable in Traffic Conference 2 for an indefinite period.

We have received no comments regarding the agreements.

We have decided to approve Agreements CAB 27928–R1 through R3. With the passage of the cargo deregulation amendments of Pub. L. 95–163, November 9, 1978, and the Airline Deregulation Act of 1978, October 24, 1978, Congress mandated a flexible, freely competitive environment for air cargo service. Implementing that mandate, the Board substantially liberalized its regulations for direct and indirect air cargo carriers, *inter alia*, exempting them from the antitrust review provisions of the Act.[2] Under the Board's liberalized rules, all segments of the air cargo industry can acquire and control other segments of that industry on an equal basis.[3] Consequently, direct cargo air carriers, whether involved in domestic or international air transportation, may vertically integrate their operations with air freight forwarders or cargo agents without Board approval. To the extent that it eliminates the existing restriction on the ownership and management of an IATA cargo agent by an IATA carrier, the new resolution established by Agreement CAB 27928–R3 conforms more closely to the Board's policy on vertical integration within the air cargo industry than do the currently effective, Board-approved IATA cargo agency rules. Nevertheless, we recognize that this liberalization of the IATA rules does not extend to the ownership and management of an IATA cargo agent by a non-IATA carrier. In relaxing its cargo agency accreditation standards, IATA offers no justification for distinguishing between IATA and non-IATA carriers' ownership of IATA cargo agents, and we find no reason for doing so. Thus, in the interests of treating air carrier competitors equitably and of bringing the IATA cargo agency rules into line with the Board's air cargo rules, we will approve Agreement CAB 27928–R3, subject to the condition that any carrier, IATA member and non-member alike, be permitted to own, manage, or share in the profits of an IATA cargo agent. We are currently examining the entire IATA agency program in a separate proceeding and have stated our intention to focus on the IATA agency accreditation standards.[4] Since the new resolution established by Agreement CAB 27928–R3 relaxes IATA agency accreditation standards which we are currently reappraising, we will put the new IATA Resolution 811d in issue in the *Investigation* in Docket 36595. Agreements CAB 27928–R1 and R2 are of substantive interest and regulatory concern only insofar as they raise the same issues as Agreement CAB 27928–R3. We will likewise approve them.

We have also decided that antitrust relief necessary to permit implementation of the agreements is required in the public interest. These agreements raise only antitrust issues which either have been previously considered in approving and immunizing the underlying IATA cargo agency rules[5] or are being currently considered in Docket 36595.[6]

Accordingly:

1. We approve Agreements CAB 27928–R1 and R2, under section 412 of the Act;

2. We approve Agreement CAB 27928–R3, under section 412 of the Act, subject to the condition that IATA members and non-members alike be permitted to own, manage, or share in the profits of an IATA cargo agent; and

3. With respect to these agreements, we exempt any person affected by this order from the operation of the antitrust laws, as provided in section 414 of the Act; and

4. We put IATA Resolution 811d in issue in the *Investigation into the Competitive Marketing of Air Transportation* in Docket 36595.

We will publish this order in the **Federal Register.**

[1] By Order 79–2–136, February 23, 1979, the Board approved the IATA Cargo Agency Administration Rules, including the prohibition against air carrier ownership of IATA cargo agents.

[2] By ER–1080, November 9, 1978, as amended by ER–1103, March 15, 1979, the Board established Part 291 of its Regulations, "General Rules for All-Cargo Carriers". By ER–1094, January 24, 1979, we simplified and reissued Part 296 of the Regulations, substantially deregulating indirect air cargo transportation.

[3] The exemption from section 408 of the Act conferred on direct air cargo carriers by the Board in Part 291 of its Regulations, as clarified by ER–1103, *supra.*, does not include the acquisition of a U.S. citizen substantially engaged in the business of aeronautics by a foreign air carrier or a person controlling a foreign air carrier.

[4] See Order 79–9–64, September 13, 1979, instituting the *Investigation into the Competitive Marketing of Air Transportation* in Docket 36595, especially page 11 and ordering paragraph 1.

[5] See Order 79–2–136, *supra.*

[6] To the extent that these agreements raise issues being considered in Docket 36595 or other proceedings, their approval and the antitrust relief conferred here do not preclude our taking adverse action on them at a later date.

By the Civil Aeronautics Board.[7]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-303 Filed 1-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37327; Order 79-12-195]

Orlando-Los Angeles Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79-12-195), Docket 37327, Orlando-Los Angeles Subpart Q Proceeding.

SUMMARY: The Board is proposing to award nonstop air route authority between Orlando and Los Angeles to American Airlines and Western Air Lines under the expedited procedures of Subpart Q of its Procedural Regulations. The applications involve the removal of certificate restrictions in the market. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by February 4, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 37327, which we have entitled the *Orlando-Los Angeles Subpart Q Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on American Airlines; Western Air Lines; The Mayors of Los Angeles and Orlando; Airport Managers of Los Angeles International Airport and McCoy Air Force Base; California Public Utilities Commission; California Department of Transportation, Division of Aeronautics; Florida Public Service Commission; and Florida Department of Transportation, Aviation Bureau.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-12-195 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-12-195 to that address.

By the Bureau of Domestic Aviation, December 28, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-301 Filed 1-3-80; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-12-129; Docket 37294]

Priority and Nonpriority Domestic Service Mail Rates Investigation; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of December, 1979.

By Order 78-11-80, the Board adopted a review procedure and updating formula for establishing final domestic service mail rates for future periods on a semi-annual basis. The procedure was further modified by Orders 79-7-16, 79-7-95 and 79-12-128. The present order to show cause reflects all revisions adopted by the Board and proposes tentative final rates for the first three months of 1980.

The tentative final service mail rates set forth in Appendix A (filed as part of the original document) reflect the application of the following cost escalation factors:

1. Fuel cost: the change in average price per gallon over the last four months (June to October) is added to the October 1979 average price per gallon to arrive at the projected average price per gallon at February 15, 1980, the midpoint of the quarter for which the rates are to be effective; and

2. Other costs: cost escalation from March 31, 1979, to March 31, 1980, is based on a comparison of unit costs for the year ended September 30, 1978, with unit costs for the year ended September 30, 1979.

These rates represent an increase of approximately 10.3 percent over the final service mail rates established for the last three months of 1979. The major cause for the increases is continued increases in fuel prices.

The Board tentatively finds and concludes that:

(1) The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation of that mail described in Order 79-7-16, ordering paragraph 3, subparagraphs (c), (d) and (e), between the points listed in subparagraph (c), *supra*, the facilities used and useful therefor, and the services connected therewith, for the period January 1 through March 31, 1980, are those rates set forth in the attached Appendix A; and

(2) Order 79-7-16, ordering paragraph 3(g), shall be amended to read as follows: All weight in excess of the minimum chargeable weight per container established herein shall be charged at the sum of the full linehaul charge for the applicable service established in subparagraph (e) above, and the capacity-related portion of the terminal charge per pound originated as follows:

January 1, 1980 through March 31, 1980:
Standard container, 3.474 cents.
Daylight container, 3.446 cents.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above to be effective January 1 through March 31, 1980.

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order.

3. If no notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in Appendix A.

4. We shall serve this order upon all parties to the proceeding in Docket 23080-2.

We shall publish this order in the Federal Register.[1]

By the Civil Aeronautics Board.[2]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-302 Filed 1-3-80; 8:45 am]

BILLING CODE 6320-01-M

---

[7] All members concurred.

[1] Appendices A through D filed as part of the original document.

[2] All Members concurred.

CIVIL RIGHTS COMMISSION

Colorado Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 12:00 p.m., on January 26, 1980, at the Executive Tower Inn, Suite 1706, 1405 Curtis Street, Denver, Colorado 80202.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Rocky Mountain Regional Office of the Commission, 1405 Curtis Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss the National Affirmative Action Project and the Colorado Advisory Committee's participation in the project.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C, December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-288 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

Florida Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 3:30 p.m. on February 1, 1980, at the Penthouse B, International Airport Hotel, International Airport, Miami, Florida 33159.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to review Draft Report of Criminal Justice System in Eccambia County; programs in the Southern Regional Office for FY 1980; and discussion of plans for release and distribution of report.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-289 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 5:00 p.m., on January 26, 1980, at the Ala Moana Hotel, Board Room, 410 Atkinson Drive, Honolulu, Hawaii 96806.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is to discuss the education project for the State of Hawaii and review Native Hawaiian homeland project.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-290 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 1:30 p.m. and will end at 9:00 p.m., on February 5, 1980, at the Ramada Inn, Route 18—School House Lane, New Brunswick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning for 1980.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-291 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on January 26, 1980, at the Netherland Hilton, 5th and Race, Julip Room, Cincinnati, Ohio 45201.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review the Cincinnati Project and discussion of report released.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-292 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

West Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on January 24, 1980, at the Kanawha County Public Library, 3rd Floor Meeting Hall, 123 Capitol Street, Charleston, West Virginia 25301.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to review continuing SAC business, including Alderson Federal prison for women; public education in Berkeley, Jefferson, Ohio and Raleigh Counties; high school site selection plans in Kanawha County; U.S. Constitutional Amendment for D.C. voting representation; complaint against Marshall University, etc; and a film on West Virginia SAC.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 31, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 80-293 Filed 1-3-80; 8:45 am]

BILLING CODE 6335-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Transition Period for Use of New and Former Visa Stamps for Textile Products from India

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing ten-day transition periods during which both the new and former visa stamps will be accepted for certain cotton, wool and man-made fiber textile products, produced or manufactured in India. These include the export visa, exempt certification and the elephant stamp.

SUMMARY: The new export visa mechanism established pursuant to the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, calls for the use of the new visa stamps for specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in India and exported after January 6, 1980. To avoid problems that might arise in implementing the new visa mechanism the U.S. Government has agreed to accept the new visa stamps for goods exported on and after December 27, 1979. The former visa stamps will continue to be accepted for goods exported during the period, January 7–17, 1980.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, U.S. Department of Commerce, Office of Textiles, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On November 29, 1979, there was published in the **Federal Register** (44 FR 68504) a letter dated November 26, 1979, which established a new visa and exempt certification system for certain cotton, wool and man-made fiber textile products, produced or manufactured in India. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of the previously designated textile products, produced or manufactured in India, which are exported on and after December 27, 1979 and for which the new visa stamps have been used. Entry for consumption and withdrawal from warehouse for consumption will also be permitted for goods exported during the period, January 7–17, 1980, for which the former visa stamps have been used.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 28, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 26, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products for which the Government of India had not issued an appropriate export visa, elephant-shaped certification, or exempt certification.

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 December 30, 1977, as amended, between the Governments of the United States and India; 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 permit entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in India and exported on and after December 27, 1979, for which the new visa and certifications have been used. Entry for consumption and withdrawal from warehouse for consumption shall also be permitted for such goods exported during the period, January 7–17, 1980, for which the previously authorized visa and certifications have been used.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India 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. The letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel.

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-306 Filed 1-3-80; 8:45 am]

BILLING CODE 3510-25-M

Establishing Transition Period for Use of New Export Visa and Exempt Certification for Textile Products From the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a ten-day transition period during which the new export visa stamp and exempt certification will be accepted for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

SUMMARY: The new export visa mechanism established 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, calls for the use of the new stamps for specific categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported after December 31, 1980. To avoid problems that might arise in implementing the new visa mechanism the U.S. Government has agreed to accept the new stamps for goods exported on and after December 20, 1979.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Judith L. McConahy, International Trade Specialist, U.S. Department of Commerce, Office of Textiles, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On November 28, 1979, there was published in the **Federal Register** (44 FR 68005) a letter dated November 21, 1979, which established a new visa and exempt certification system for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of the previously designated textile products, produced or manufactured in the Philippines, which are exported on and after December 20, 1979 and for which

the new export visa or exempt certification have been used.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 28, 1979.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of November 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

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 permit entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 300–369, 400–469 and 600–669, produced or manufactured in the Philippines and exported on and after December 20, 1979, for which the new export visa or exempt certification have been used.

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,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-307 filed 1-3-80; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1980 commodities to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 4, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: On October 26, 1979, November 2, 1979, and October 12, 1979, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (44 FR 61626, 44 FR 63134, and 44 FR 58942) of proposed additions to Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1980:

Class 4240—Harness, Head (SH) 4240–00–690–8765.
Class 7530—Pad, Writing Paper (IB) 7530–00–239–8479 (GSA National Capital Region).
SIC 7349—Janitorial Service, U.S. Courthouse Annex, 1 St. Andrews Plaza, New York, New York (SH).

C. W. Fletcher,

Executive Director.

[FR Doc. 80-294 Filed 1-3-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Change

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Change in designation of GSA region.

SUMMARY: This action changes the designation of the GSA National Capital Region in Procurement List 1980 from Region "C" to Region "W."

EFFECTIVE DATE: January 4, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: Following the establishment of Procurement List 1980 (44 FR 67925) on Tuesday, November 27, 1979, the General Services Administration issued GSA Bulletin FPMR A–73 relating to the establishment of the National Capital Region, identified as Region W.

In the interest of maintaining the designation of GSA Regions consistent with GSA designation, reference in Procurement List 1980 to GSA Region "C" must be changed to Region "W."

Accordingly the following changes are made in Procurement List 1980:

1. On page 67926, second column, in the "Note" regarding designation of GSA Regions, change "C" to read "W."
2. Elsewhere in Procurement List 1980 change Region "C" to read Region "W."

C. W. Fletcher,

Executive Director.

[FR Doc. 80-295 Filed 1-3-80; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1980; Deletions

AGENCY: Committee for Purchase from the Blind and other Severely Handicapped.

ACTION: Deletions from procurement list.

SUMMARY: This action deletes from Procurement List 1980 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: January 4, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 9, 1979, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (44 FR 65123 and 65124) of proposed deletions from Procurement List 1980, November 27, 1979 (44 FR 67925).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1980:

CLASS 7110—Bookcase, Wood, Executive (SH) 7110–00–290–0368.

CLASS 8460—Suitcase, Cloth, Coated Nylon (SH) 8460-01-014-1972.

C. W. Fletcher,

Executive Director.

[FR Doc. 80-296 Filed 1-3-80; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 50099-0161-51-41]

Arizona Electric Power Cooperative, Inc.; Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Arizona Electric Power Cooperative, Inc., petition for a 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 Arizona Electric Power Cooperative, Inc. (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 August 28, 1979, **Federal Register** (44 FR 50395) 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 indentification	Middle distillate fuel oil (barrels)	Percent sulfur content
Apache (Cochise, Arizona).	CC 1	622.2	0.41

This powerplant will burn an estimated 1,234,065 MCF of natural gas annually which will result in an estimated displacement of 622.2 barrels of middle distillate fuel oil per day (227,103 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 60th calendar day following its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-201 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 50441-9063-01-41, and 50441-9063-21-41]

Carolina Power & Light Co.; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Carolina Power and Light Company petitions 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 Carolina Power and Light 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 14, 1979.

Notice of the petitions and a proposed order granting these temporary exemptions was published in the August 28, 1979 **Federal Register** (44 FR 50395) with a request for public comments relating to the petitions 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 (barrels)	Percent sulfur content
H.B. Robinson (Hartsville, South Carolina).	#1	58.9	0.2
	GT 1	58.5	0.2

These powerplants wil burn an estimated 237,000 MCF of natural gas annually which will result in an estimated displacement of 117.4 barrels of middle distillate fuel oil per day (42,850 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, especialy middle distillate petroleum. The use of natural gas in these powerplants wil 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-194 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 51150-2241-21-41]

City of Grand Island; Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of City of Grand Island petition for a 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 City of Grand Island (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 July 12, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the August 28, 1979, **Federal Register** (44 FR 50395) 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
Burdick (Grand Island, Nebraska).	CT1	2.8	1.0

This powerplant will burn an estimated 6,923 MCF of natural gas annually which will result in an estimated displacement of 2.8 barrels of middle distillate fuel oil per day (1,033 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 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 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** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-186 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 51575-0676-01-41]

Lakeland, Fla.; Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of City of Lakeland, Florida petition for a 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 City of Lakeland, Florida (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 17, 1979. Notice of the petition and a proposed order granting this temporary exemption 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 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
Larsen (Lakeland, Florida).	GT 1	7.5	0.1

This powerplant will burn an estimated 15,365 Mcf of natural gas annually which will result in an estimated displacement of 7.5 barrels of middle distillate fuel oil per day (2,730 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conservation, Economic Regulatory Administration.

[FR Doc. 80-182 Filed 1-3-80; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 52204-1316-55-41]

City of Ottawa; Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of City of Ottawa petition for a 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 City of Ottawa (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 30, 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
Ottawa (Ottawa Kansas).	CC 5	7.7	0.25

This powerplant will burn an estimated 527,128 MCF of natural gas annually which will result in an estimated displacement of 7.7 barrels of middle distillate fuel oil per day (2,805.2 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-185 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket Nos. 52875-0688-21-41, 52875-0688-22-41, 52875-0689-21-41, 52875-0689-22-41]

City of Tallahassee; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of City of Tallahassee petitions 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 City of Tallahassee (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 April 26, 1979. Notice of the petitions and a proposed order granting these temporary exemptions was published in

the August 28, 1979, **Federal Register** (44 FR 50395) with a request for public comments relating to the petitions 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 (barrels)	Percent sulfur content
Purdom	GT 1	11.6	0.4
(St. Marks, Florida)	GT 2	2.8	0.4
Hopkins	GT 1	11.6	0.4
(Tallahassee, Florida)	GT 2	20.5	0.4

These powerplants will burn an estimated 98,862 MCF of natural gas annually which will result in an estimated displacement of 46.6 barrels of middle distillate fuel oil per day (17,000 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 its publication in the **Federal Register** in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this 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 issed, 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 20, 1979.

Robert L. Davies,

Asssistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-195 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

Flajole Brothers; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Flajole Brothers, 2201 4th Avenue South, Seattle, WA 98134. This Proposed Remedial Order charges Flajole Brothers with pricing violations in the amount of $4,570.28, connected with the retail sale of motor gasoline during the time period August 1, 1979, through September 14, 1979, in the State of Washington.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Jack L. Wood, District Manager, Western District of Enforcement, Economic Regulatory Administration, 111 Pine Street, San Francisco, CA 94111. On or before January 21, 1980 any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 27th day of December 1979.

Wayne W. Porter,

Deputy Director, Enforcement Program Operations Division, Economic Regulatory Administration.

[FR Doc. 80-179 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket Number ERA-TA-79-6]

Gary Energy Corporation; Issuance of Proposed Decision and Order

Notice is hereby given that the Economic Regulatory Administration has issued to the Gary Energy Corporation a Proposed Decision and Order with respect to an application for incentive prices pursuant to 10 CFR 212.78, the Tertiary Enhanced Recovery Program. Under the provisions of 10 CFR 205.98, such a Decision and Order must be published in the **Federal Register.** Interested parties have thirty calendar days from the date of publication to submit objections or comments. Upon review of any matters submitted, we may issue a final Decision and Order in the form proposed, issue a modified proposed or final Decision and Order, or take other appropriate action. All parties offering objections or comments will be notified of the action taken and will be furnished a copy of that action. Objections or comments should cite the Docket Number and be addressed to: Administrator, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461. Attention: Chief, Branch of Crude Oil Production.

A copy of the text of the Proposed Decision and Order, together with a copy of Gary's application, is available in the Public Docket Room, Room B-120, 2000 M Street, NW., Washington, D.C., between 1:00 p.m. and 5:00 p.m., Monday through Friday, and in the Department of Energy Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, NW., Washington, D.C., between the hours of 8:00 and 4:30 p.m. Monday through Friday.

Issued in Washington, D.C. on December 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Proposed Decision and Order of the Department of Energy—Application for Price Incentives—Tertiary Enhanced Recovery Project (Bell Creek Field, Unit "A" Project)

(Docket Number ERA-TA-79-6)

Name of Petitioner: Gary Energy Corporation.

Background:

On June 26, 1979, Gary Energy Corporation (GEC) submitted an application for incentive pricing under the Tertiary Enhanced Recovery Program (TERP) of 10 CFR 212.78 with respect to crude oil production from Unit "A" of the Bell Creek Field in Powder River and Carter Counties, Montana. GEC completed this application on September 5, 1979, with the submission of additional material requested by the Economic Regulatory Administration (ERA).

GEC is the operator and producer of the Bell Creek Field in which it holds a 0.12 percent ownership interest. Samuel Gary is the major interest owner with 21.2 percent. Fifty three other working interest owners control the balance. Bell Creek Field is on the Northeastern flank of the Powder River Basin. Unit "A" is in the northeastern area of the Bell Creek Field. The field was discovered in 1967 and production was obtained from the Muddy Sandstone at an initial depth of 2,780 feet. There are five other producing units in the Bell Creek Field and there are several reservoirs within the Bell Creek area. The reservoir is a stratigraphic trap.

The Ranch Creek Field in the Powder River Basin was also producing from the Muddy Sands. The Ranch Creek Field and the Bell Creek Fields were subsequently connected by a series of producing wells. These two fields have been redesignated by the Montana Oil and Gas Conservation Commission as the Bell Creek Field. The Field is approximately 15 miles long, 3½ miles wide and encompasses some 15,000 acres. The Bell Creek Field originally contained 240 million barrels of oil.

In the fall of 1967, after forty acre spacing was designated, development of the field proceeded rapidly, 530 wells having been drilled. Of these wells, 400 were reported as producing in early 1979 of which 170 are now active. Peak production occurred during the month of August 1968, when nearly 1.7 million barrels were produced. Current production is approximately 16,000 barrels per day.

Unit "A" of the Bell Creek Field originally contained about 122 million barrels of 32.4 degrees API gravity oil. Approximately 21,957,000 barrels were recovered from Unit "A" during primary recovery utilizing a solution gas drive. Unit "A" was unitized on April 1, 1970, and water injection began on July 3, 1970. As of April 1, 1979, the secondary production due to water injection from the property had reached 31,881,000 barrels. The oil remaining and amenable to tertiary recovery is estimated to be 142,000 barrels.

On June 30, 1976, GEC entered into a cost-sharing contract with the Energy Research and Development Administration, now the Office of Fossil Energy, in the operation of a 40 acre Tertiary Enhanced Recovery Micellar Polymer pilot demonstration project in Unit "A" of the Bell Creek Field. The object of this contract was to determine whether micellar-polymer flooding is an economically feasible technique for enhanced oil recovery in a reservoir depleted by waterflooding. The contract for the 40 acre pilot, costing $6,120,000 was to be shared equally by ERDA and GEC. The contract completion date is June 30, 1981. In addition to the pilot project, DOE had funded a contract of 1.2 million dollars with GEC to determine the Residual Oil Saturation (ROS) at the pilot project.

The subject of this application is a 160 acre project including the 40 acre, five spot pilot, described in the GEC/ERDA contract. In addition to the five wells in the Pilot Project, there are nine more wells within the confines of the 160 acre TERP project.

With respect to the tertiary project itself, process research and simulation have been conducted and are continuing. A one week injectivity test was completed with successful results. Some former producing wells have been converted to injectors. Four new injectors and one observation well have been drilled. A micellar-polymer injection plant and various storage facilities have been constructed at the project site. The preflush solution injection commenced in 1978 and surfactant injection began in August, 1979.

Findings and Analysis

A. Section 212.78 provides that incremental crude oil from a Qualified Tertiary Enhanced Recovery Project may be sold at prices not subject to the ceiling price limitations of Subpart D of Part 212. In order for Crude Oil Production from an existing project to be priced in accordance with the price rule of Section 212.78, ERA must certify the project as a Qualified Tertiary Enhanced Recovery Project. Prior to granting this certification, ERA must determine that (1) the project is a Qualified Tertiary Enhanced Recovery Project and (2) the project would be uneconomic at the otherwise applicable ceiling prices. With respect to a project that is initiated prior to receipt of the required certification Section 212.78(b) provides additional requirements that certification will be granted only if (1) the producer affirms that he intends to discontinue the project because continuation would be uneconomic at the otherwise applicable ceiling prices and (2) there has been a material change of circumstances since the initiation of the project.

B. GEC has submitted information indicating that it has undertaken a thorough investigation of alternative menthods of Enhanced Oil Recovery on its properties in the Bell Creek Field. As a result of an extensive sequence of laboratory, mini-test and field work, a micellar-polymer technique was designed. GEC has initiated a preflush process to condition the reservoir during the six month period preceding the injection of the micellar slug which occurred on August 20, 1979. The polymer slug was injected on October 2, 1979. All three of the above operations accord with the ERDA contract. The Division of Fossil Fuel Extraction of the Office of Energy Technology of the Department of Energy (currently administering the ERDA contract) has stated, in response to inquiry, that GEC has been performing satisfactorily and is conforming to the specifications for employment of the Micellar/Polymer technique.

In its evaluation of the project, the state of Montana, Department of Natural Resources and Conservation, found that all project operations have been conducted in accordance with the requirements of the Board of Oil and Gas with respect to environmental considerations, and indicates that it meets the state regulatory criteria. Inasmuch as microemulsion water flooding is one of the techniques listed in Section 212.78(c), we have determined, on the basis of the statements by GEC, the Office of Energy Technology, and the State of Montana, that the Bell Creek Field, Unit 'A' project meets the first requirement for certification as a

Qualified Tertiary Enchanced Recovery Project.

C. GEC has submitted information indicating that the Bell Creek Project is, and will be, an uneconomic venture unless the market price, not permitted under existing ceiling price controls, is authorized for the incremental crude oil produced from the project. In its application, GEC has provided a series of exhibits projecting future costs and revenues, by quarter, with and without the incentive price for incremental crude, under optimistic, pessimistic and most-likely assumptions. Each of the sets of circumstances are clearly described. These exhibits are persuasive of a finding that, under existing price controls, only the optimistic case will produce a positive discounted rate of return, and that rate is too low to deem the project a prudent economic venture, and becomes a negative rate when depreciation is taken into account. Computed rates of return for the most likely case are uniformly negative under various assumptions.

Based on the information submitted by GEC, we have determined that the Bell Creek Field Unit "A" project meets the second requirement for certification, namely that the project is uneconomic under current price controls because the expected rate of return under the most salutary production expectations yields a financial loss.

D. Because the Bell Creek Field Unit "A" Project is an existing enhanced oil recovery project on which activities were initiated in 1976, the requirements of Section 212.78(b) must be met prior to ERA's granting certification. In this connection, GEC has provided ERA with a statement that it would discontinue the project absent its legal obligation to continue the contract with the Department of Energy. GEC further affirms that it intends to discontinue the project upon termination of the contract unless the relief provided by 10 CFR 212.78 is granted.

The materials submitted by GEC show that, at the time of undertaking the project in 1976, costs totalling $5,027,200 would result in 322,500 barrels of incremental crude being produced. In 1979 it was found that total project costs of $6,317,720 would result in only 142,400 barrels of projected incremental production. This increase in the forecast per barrel cost of producing incremental crude occurring between initiation of the project in 1976 and the filing of the application for relief in 1979 from $15.59 to $44.37 arose from "errors" in the forecast of cost inflation, discovery of a fault sealing off a portion of the reservoir, and other unexpected problems of a chemical-technical nature. An initially promising project was found to have become a loss operation.

Inasmuch as GEC has affirmed that the project would be discontinued were it not for its legal obligations under a contract with the Federal Government and that it will discontinue the project upon termination of that contract, and inasmuch as GEC has presented information showing that a material change in circumstances pertaining to the project has occurred, we have determined that the Bell Creek Field Unit "A" Project satisfies the requirements of 212.78(b).

E. In evaluating GEC's application, we have taken full cognizance of the applicant's contract with the Energy Research Development Administration (ERDA), (now the Office of Fossil Energy in the Department of Energy), by which ERDA committed 3.060 million dollars to the Bell Creek Field pilot project. We have also recognized the 1.207 million dollar contract with the Department of Energy for the precise measurement of residual oil saturation in the Bell Creek Field. The findings in this case concern the costs and revenues attributable to the working interests in the project, and the analysis yielding those findings was performed accordingly.

F. GEC has furnished information concerning the environmental effects of the Bell Creek Field project in the form of a draft Environmental Assessment. Upon an evaluation of the application and the Environmental Assessment, we have determined that, if two additional requirements are satisfied, the Bell Creek Field, Unit "A" project will not have significant impact on the environment. The two special requirements are:

1. Although the chemicals to be used in the project are deemed relatively non-toxic, the toxicity of some of them has not been studied. Therefore, the Environmental Assessment recommends establishment of a ground water monitoring system and procedures for rapid response if contamination is discovered.

2. Because air quality at the site occasionally fails to meet the 24-hour standard for suspended particles, the fugitive dust problem should be ameliorated by watering the roads during dry periods.

G. Section 212.78(e)(1) requires ERA to determine, at the time that it certifies a project as a Qualified Tertiary Enhanced Recovery Project, the amount of incremental crude oil (as defined in Section 212.78(c)) and non-incremental crude oil that will result from that project. In general, the incremental crude oil resulting from a project initiated after certification by ERA is the amount of crude oil above that which would have occurred had the Qualified Tertiary Enhanced Recovery Project not been undertaken or had been discontinued.

We have determined the amounts of non-incremental production from October 1979, through December 1982 and have set forth these amounts in the proposed order. These amounts were calculated from the forecasts of production of non-incremental crude oil proposed by GEC and after examination, accepted by DOE.

H. Inasmuch as GEC completed its application on September 5, 1979, has shown the Bell Creek Field Project to be losing economic venture, has affirmed that the project would be abandoned save for its legal contractual obligations with the Federal Government, and has commenced the injection of surfactant into the reservoir, we are proposing incremental crude oil production be deemed to commence at any time after September 30, 1979.

I. Section 205.98 requires this Proposed Decision and Order to be published in the **Federal Register** and sets forth the procedures for entering objection or comment on this Proposed Decision and Order. Objections or comments must be received by the designated Office in ERA within thirty calendar days from the date of publication in the **Federal Register** of the Proposed Decision and Order. All submissions with respect to this application will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., 20585 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, and in the Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C., 20461 between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday.

It Is, Therefore, Ordered That:

1. The Bell Creek Field Unit 'A' project operated by the Gary Energy Corporation, Englewood, Colorado, for itself and other working interest owners, producing crude oil from Unit 'A' in the Bell Creek Field in Powder River and Carter Counties, Montana, is declared to be a Qualified Tertiary Enhanced Recovery Project within the meaning of 10 CFR 212.78.

2. Crude oil produced each month from the Bell Creek Field Unit 'A' Project in excess of the following schedule of "Non-Incremental Crude" is not subject to the ceiling price limitations of 10 CFR, Part 212, Subpart D:

Monthly Non-Incremental Crude Oil Volumes

Year, Month, and Barrels

1979:
- October—2300
- November—2170
- December—2030

1980:
- January—1920
- February—1810
- March—1720
- April—1630
- May—1560
- June—1500
- July—1420
- August—1340
- September—1280
- October—1200
- November—1140
- December—1080

1981:
- January—1019
- February—962
- March—707
- April—858
- May—808
- June—762
- July—719
- August—679
- September—640
- October—604
- November—570
- December—538

1982:
- January—508
- February—479
- March—452
- April—426
- May—402
- June—380
- July—358
- August—338
- September—319
- October—301
- November—284
- December—268

3. Incremental crude oil production will be deemed to occur in any month subsequent to September, 1979 in which total production exceeds the schedule of "Non-Incremental Crude" in this Order.

4. The Base Production Control Level (BPCL) for the Bell Creek Field Unit 'A' Project shall be, in accordance with 10 CFR 212.78(g)(1), for any month in which the production of incremental crude oil first occurs (as determined in this certification) and thereafter in the same proportion to the total amount of non-incremental crude oil (as such non-incremental crude oil is determined in the preceding paragraph) as the amount of old crude oil produced from the project area in the twelve-month period immediately preceding the month in which incremental crude oil production commences bears to total crude oil produced from that property during the same twelve-month period, provided that, the BPCL so calculated may be adjusted in accordance with paragraph (c) of the definition of BPCL in 10 CFR 212.72.

5. This certificate is issued to the Gary Energy Corporation provided the Corporation establishes at the project site, (a) a ground water monitoring system and procedures for rapid response if contamination is discovered, and (b) a program for controlling fugitive dust so as to continuously satisfy air quality standards in the area affected by project operations. GEC is further required to file with the Manager, Tertiary Enhanced Recovery Program within 180 days to the date of this order a report describing the systems and procedures it has established pursuant to this paragraph.

6. This certificate is based on the presumed validity of statements, assertions, and documentary materials submitted by GEC. It is based on the GEC's implicit assurance that all actual and projected costs reported by the firm have been determined on an arm's length basis and represent fair and reasonable market price valuations for the expenditures involved, that all actual and projected production figures have been derived from reliable records or made on the basis of generally acceptable engineering practice, and that every effort has been made to insure that all cost revenue and production estimates are reasonably accurate.

7. This order will continue in effect from the date of this order so long as the Gary Energy Corporation pursues the Micellar/Polymer program in Unit 'A' of the Bell Creek Field, provided that it may be revoked or modified at any time upon a determination that the factual basis underlying the application is materially incorrect.

Issued in Washington, D.C., December 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-200 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-114]

International Minerals & Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on November 30, 1979, International Minerals and Chemical Corporation (International), 666 Garland Place, Des Plaines, Illinois 60016, filed an application for certification of an eligible use of natural gas to displace fuel oil at its facility in Blue Mountain, Mississippi, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126A, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal holidays.

In its application, International states that the volume of natural gas for which it requests certification is 9,000 Mcf per month which is estimated to displace the use of approximately 70,000 gallons of No. 2 oil (0.1 percent sulfur) per month at the Blue Mountain facility.

The eligible seller is IMC Exploration Company, 8552 Katy Freeway, Suite 303, Houston, Texas 77027. The gas will be transported by the Tennessee Pipeline Company, P.O. Box 2511, Houston, Texas 77001, and the Ripley Gas Company, 202 Spring Street, Ripley, Mississippi 38663.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126, 2000 M Street, NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments whether against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a notice will be given to International and any persons filing comments, and published in the **Federal Register.**

Issued in Washington, D.C., on December 20, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-198 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-099]

Kaiser Aluminum & Chemical Corp.; Notice of Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Kaiser Aluminum and Chemical Corporation (Kaiser) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Mexico, Missouri plant with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on October 1, 1979. Notice of that application was published in the **Federal Register** (44 FR 68950, November 30, 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 Kaiser'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 Kaiser'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 20, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

December 21, 1979.

Re: ERA Certification of Eligible Use; ERA Docket No. 79-CERT-099; Kasier Aluminum and Chemical Corporation.

Mr. Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426

Dear Mr. Plumb: Pursuant to the provisions 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–099.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Enclosure.

Certification to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Kaiser Aluminum & Chemical Corp.

ERA Docket No. 79–CERT–099

Application for Certification

Pursuant to 10 CFR Part 595, Kaiser Aluminum and Chemical Corporation (Kaiser) filed an application for certification of an eligible use of up to 1,570,000 Mcf of natural gas per year at its Mexico, Missouri plant, with the Administrator of the Economic Regulatory Administration (ERA) on October 1, 1979. The application states that the eligible seller of the gas is Consumers Power Company (Consumers) and that the gas will be transported by the Panhandle Eastern Pipe Line Company, and the Trunkline Gas Company. The application and supplemental information indicate that this use of natural gas is estimated to displace approximately 11,171,153 gallons of No. 2 fuel oil (0.5 percent maximum sulfur) at the Mexico, Missouri, plant for the period November 1, 1979, to October 31, 1980. 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 up to 1,570,000 Mcf of natural gas per year at Kaiser's Mexico, Missouri plant purchased from Consumers 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 20, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–199 Filed 1–3–80; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 51694–1404–57–41]

Louisiana Power & Light Co.; Decision and Order Granting an Exemption Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Louisiana Power and Light Company petition of a 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 Louisiana 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 4, 1979. Notice of the petition and a proposed order granting this temporary exemption was published in the August 28, 1979, Federal Register (44 FR 50395) 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)	Sulfur content (percent)
Sterlington (Sterlington, Louisiana).	CC7	10.3	2.0

This powerplant will burn an estimated 7,626,095 MCF of natural gas annually which will result in an estimated displacement of 10.3 barrels of middle distillate fuel oil per day (3,748 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 of 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** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-193 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

ERA Docket No. 51998-2322-01-41, 51998-2322-02-41, 51998-2322-03-41, 51998-2322-04-41]

Nevada Power Co.; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Nevada Power Company petitions 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 Nevada 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 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. 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 low sulfur residual 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 (No.)	Low sulfur residual fuel oil (barrels)	Sulfur content (percent)
Clark (East Las Vegas, Nevada)	1	598.6	0.5
	2	2,029.4	0.5
	3	1,072.4	0.5
Sunrise (Las Vegas, Nevada)	1	2,172.1	0.5

These powerplants will burn an estimated 12,504,690 MCF of natural gas annually which will result in an estimated displacement of 5,873 barrels of low sulfur residual fuel oil per day (2,143,663 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 the 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 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 low sulfur residual 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 an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon the written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. 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** 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 the 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 FR 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 initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-181 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 51998-2322-24-41 and 51998-2326-22-41]

Nevada Power Co.; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Nevada Power Company petitions 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 Nevada 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 8, 1979.

Notice of the petitions 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 petitions 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
Clark (East Las Vegas, Nevada)	CT 4	67.4	0.4
Sunrise (Las Vegas, Nevada)	CT 2	343.9	0.4

These powerplants will burn an estimated 820,170 MCF of natural gas annually which will result in an estimated displacement of 411.3 barrels of middle distillate fuel oil per day (150,132 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion Economic Regulatory Administration.

[FR Doc. 80-188 Filed 1-3-80;8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 52172-2290-11-41; 52172-2290-12-41; 52172-2292-21-41; and 52172-2292-22-41]

Omaha Public Power District; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of Omaha Public Power District petitions 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 Omaha Public Power District (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 7, 1979.

Notice of the petitions and a proposed order granting these temporary exemptions was published in the August 28, 1979, **Federal Register** (44 FR 50395) with a request for public comments relating to the petitions 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 esimated amount and sulfur content of fuel oil to be displaced on a daily basis are as follows:

Generating station	Powerplant identification	Middle distillate (barrels)	Percent sulfur content
Jones Street.....	#11	52.1	0.1
(Omaha, Nebraska).....	#12	52.1	0.1
Sarpy County	GT 1	65.5	0.1
(Omaha, Nebraska).....	GT 2	65.5	0.1

These powerplants will burn an estimated 499,000 MCF of natural gas annually which will result in an estimated displacement of 235.1 barrels of middle distillate fuel oil per day (85,820 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-187 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 52570-0310-01-41, 52570-0310-02-41, 52570-0310-03-41, 52570-0310-04-41, 52570-0302-01-41, 52570-0302-02-41, 52570-0302-03-41, and 52570-0302-04-41]

San Diego Gas & Electric Co.; Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In the matter of San Diego Gas and Electric 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 San Diego Gas and 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 July 2, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the August 28, 1979, **Federal Register** (44 FR 50395) 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 low sulfur residual 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 No.	Low sulfur residual fuel oil (barrels)	Percent sulfur content
South Bay (Chula Vista, California).	1	4,005.5	0.5
	2	4,317.8	0.5
	3	4,863.0	0.5
	4	1,728.8	0.5
Encina (Carlsbad, California).	1	2,317.8	0.5
	2	2,797.3	0.5
	3	2,597.3	0.5
	4	4,186.3	0.5

These powerplants will burn an estimated 58,920,020 Mcf of natural gas annually which will result in an estimated displacement of 26,813.7 barrels of low sulfur residual fuel oil per day (9,787,000 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 the 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 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 low sulfur residual 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 an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon the written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. 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** 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 the 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 therefore 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 initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-197 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 52721-0341-08-41, 52721-0341-09-41, and 52721-0345-03-41]

Southern California Edison Co.; Decision and Order Granting an Exemption Pursuant to section 311 of the Powerplant and Industrial Fuel Use Act of 1978

In The matter Of Southern California Edison Company petition for a 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 Southern California 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 April 25, 1979.

Notice of the petitions and a proposed order granting these temporary exemptions was publised in the May 11 and July 20, 1979, **Federal Register** (44 FR 27668 and 44 FR 42756) with a request for public comments relating to the petitions 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 No.	Middle distillate (barrels)	Percent sulfur content
Long Beach (Long Beach, California).	CC 8	799.9	0.08
	CC 9	1,173.6	0.08
Mandalay (Oxnard, California).	3	15.7	0.1

These powerplants will burn an estimated 3,724,778 Mcf of natural gas annually which will result in an estimated displacement of 1,989.2 barrels of middle distillate fuel oil per day (726,092 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 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 its publication in the **Federal Register** 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 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-180 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Dockets Nos. 52721-0315-01-41, 52721-0315-02-41, 52721-0315-03-41, 52721-0315-04-41, 52721-0315-05-41, 52721-0315-06-41, 52721-0329-01-41, 52721-0329-02-41, 52721-0330-01-41, 52721-0330-02-41, 52721-0330-03-41, 52721-0330-04-41, 52721-0331-01-41, 52721-0331-02-41, 52721-0331-03-41, 52721-0331-04-41, 52721-0334-01-41, 52721-0334-02-41, 52721-0334-03-41, 52721-0334-04-41, 52721-0335-01-41, 52721-0335-02-41, 52721-0335-03-41, 52721-0335-04-41, 52721-0341-10-41, 52721-0341-11-41, 52721-0345-01-41, 52721-0345-02-41, 52721-0350-01-41, 52721-0350-02-41, 52721-0356-01-41, 52721-0356-02-41, 52721-0356-03-41, 52721-0356-04-41, 52721-0356-05-41, 52721-0356-06-41, 52721-0356-07-41, 52721-0356-08-41, 52721-0358-01-41, and 52721-0358-02-41]

Southern California Edison Co.; Petition for Temporary Public Interest Exemptions

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

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 Southern California 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 April 25, 1979. Notice of the petition and a proposed order granting these temporary exemptions was published in the May 11 and July 20, 1979, **Federal Register** (44 FR 27668 and 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 low sulfur residual 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	Low sulfur residual fuel oil (barrels)	Percent sulfur content
Alamitos (Long Beach, California).	1	2,203.8	0.25
	1	2,169.9	0.25
	2	5,511.4	0.25
	3	5,571.3	0.25
	4	7,218.1	0.25
	5	8,810.4	0.25
	6		
Coolwater (Daggett, California).	1	390.8	0.25
	2	573.3	0.25
El Segundo (El Segundo, California).	1	2,763.9	0.25
	2	2,873.4	0.25
	3	5,292.2	0.25
	4	5,416.2	0.25
Etiwanda (Etiwanda, California).	1	2,521.2	0.25
	2	2,797.2	0.25
	3	5,292.2	0.25
	4	5,416.3	0.25
Highgrove (Colton, California).	1	26.1	0.25
	2	28.7	0.25
	3	56.3	0.25
	4	162.5	0.25
Huntington Beach (Huntington Beach, California).	1	271.7	0.25
	2	2,880.2	0.25
	3	3,516.4	0.25
	4	3,601.4	0.25
Long Beach (Long Beach, California).	10	137.0	0.25
	11	137.0	0.25
Mandalay (Oxnard, California).	1	2,277.7	0.25
	2	2,816.1	0.25
Ormond Beach (Oxnard, California).	1	12,528.4	0.25
	2	12,904.8	0.25
Redondo (Redondo Beach, California).	1	460.8	0.25
	2	460.8	0.25
	3	460.8	0.25
	4	460.8	0.25
	5	2,398.9	0.25
	6	3,060.2	0.25
	7	7,102.7	0.25
	8	6,179.6	0.25
San Bernadino (San Bernadino, California).	1	1,135.2	0.25
	2	952.5	0.25

These powerplants will burn an estimated 282,765,385 MCF of natural

gas annually which will result in an estimated displacement of 128,838.1 barrels of low sulfur residual fuel oil per day (47,025,892 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 the 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 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 low sulfur residual 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 an initial period from the effective date of this Decision and Order until December 31, 1981. These exemptions will be automatically extended for an additional three year period upon the written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. 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** 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 the 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 initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan, or

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

Issued in Washington, D.C. on December 20, 1979.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-184 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket, No. 79-CERT-107]

Cement Asbestos Products Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Cement Asbestos Products Company (CAPCO) filed an application for certification of an eligible use of natural gas to displace fuel oil at its production facility in Ragland, Alabama with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 on October 18, 1979. Notice of that application was published in the **Federal Register** (44 FR 68949, November 30, 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 CAPCO'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 Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that CAPCO'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 28, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

Department of Energy,
Washington, D.C. 20461.

December 28, 1979.

Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Re: ERA Certification of Eligible Use, ERA Docket No. 79-CERT-107, Cement Asbestos Products Company.

Dear Mr. Plumb: Pursuant to the provisions 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 be 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–107.

Sincerely,

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administation.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Cement Asbestos Products Company

ERA Docket No. 79–CERT–107

Application for Certification.—Pursuant to 10 CFR Part 595, Cement Asbestos Products Company (CAPCO) filed an application for certification of an eligible use of up to 575 Mcf of natural gas per day at its production facilities in Ragland, Alabama with the Administrator of the Economic Regulatory Administration (ERA) on October 18, 1979. The application states that the eligible seller of the gas is the Alabama Gas Corporation (Alabama Gas) and that the gas will be transported by the Southern Natural Gas Company. The application and supplemental information indicates that the use of this natural gas is estimated to displace up to 2,950 gallons of No. 2 fuel oil (0.12 percent sulfur) per day. 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 up to 575 Mcf of natural gas per day at the CAPCO's production facility in Ragland, Alabama purchased from Alabama Gas 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. or December 28, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80–238 Filed 1–3–80; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

Compliance With the National Environmental Policy Act; Intent To Prepare Environmental Impact Statement (EIS); Meeting

AGENCY: Department of Energy.

ACTION: Notice of Intent to Prepare Environmental Impact Statement and to Conduct Scoping Meeting.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS evaluating the impact of prohibiting the burning of petroleum or natural gas at the following facilities owned and operated by Baltimore Gas and Electric Company (BG&E): Units 1 and 2 of the Brandon Shores Generating Station (Anne Arundel County); Units 1 and 2 of the Crane Generating Station (Baltimore County); Units 1 and 2 of the Wagner Generating Station (Anne Arundel County); and Units 4 and 5 of the Riverside Generating Station (Baltimore County).

The public is invited to a meeting in Baltimore to express its views as to the scope of the EIS and the significant environmental issues which it should address.

DATE OF SCOPING MEETING: February 5, 1980.

LOCATION: George A. Fallon Federal Building, Room G–30 (first floor), 31 Hopkins Plaza, Baltimore, Maryland.

TIME: 10:00 a.m.

NOTIFICATION TO ATTEND AND SUBMISSION OF COMMENTS: Those individuals planning to attend the scoping meeting should contact Mr. Steven E. Ferguson at the address presented below. Written comments or suggestions for consideration in connection with the preparation of this EIS should be transmitted to Mr. Ferguson by February 29, 1980.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Chief, Environmental Analysis Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3322–D, Washington, D.C. 20461, (202) 634–6523.

Robert J. Stern, Acting Director, Division of NEPA Affairs, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–4600.

SUPPLEMENTARY INFORMATION:

I. Proposed Prohibition Order for Brandon Shores Units 1 and 2.

II. Prohibition Orders for Crane Units 1 and 2, Wagner Units 1 and 2, and Riverside Units 4 and 5.

III. Environmental Impact Statement.

IV. Scoping Meeting.

I. Proposed Prohibition Order for Brandon Shores Units 1 and 2

On October 15, 1979, ERA published a proposed prohibition Order for Units 1 (610 MW) and 2 (610 MW) of the Brandon Shores Generating Station in the **Federal Register** (44 FR 59264). The order, if finalized, would prohibit the two units from burning natural gas or petroleum as their primary energy source. The proposed Prohibition Order was based on ERA's finding that these powerplants have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding was based on the information that the powerplants will have, as of the date when each commences commercial operation, the technical capability to burn coal as their primary energy source.

II. Prohibition Orders for Crane Units 1 and 2, Wagner Units 1 and 2, and Riverside Units 4 and 5

On May 16, 1975, the Federal Energy Administration (FEA) published in the **Federal Register** (40 FR 21516) a Notice of Intent to issue Prohibition Orders for these six powerplants. On October 1, 1977, DOE took over the functions of FEA, including its authorities and responsibilities under ESECA. These orders, if made effective, would prohibit the burning of petroleum products or natural gas as the primary energy source at Units 1 (193 MW) and 2 (136 MW) of the Crane Generating Station, Units 1 (132 MW) and 2 (136 MW) of the Wagner Generating Station, and Units 4 (72 MW) and 5 (81 MW) of the Riverside Generating Station.

III. Environmental Impact Statement

An EIS will be prepared in order to conduct a comprehensive analysis of the environmental impacts of ERA's proposed actions which, if implemented, would prohibit the burning of natural gas or petroleum as primary fuels at Units 1 and 2 of the Brandon Shores Generating Station, Units 1 and 2 of the Crane Generating Station, Units 1 and 2 of the Wagner Generating Station, and Units 4 and 5 of the Riverside Generating Station. This analysis will discuss the environmental consequences of the proposals and alternatives including the environmental impact of burning coal or other alternate fuels as primary fuels. Among the impacts to be

discussed are air quality, water quality, solid waste generation and disposal, and transportation and storage of fuel, as well as other impacts determined to be potentially significant during the public comment process. In addition, the EIS will evaluate methods of meeting the requirements of the Clean Air Act, Federal Water Pollution Control Act, Resource Conservation and Recovery Act, and other relevant environmental statutes. The EIS will be prepared in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA). Upon completion of the Draft EIS, its availability will be announced in the **Federal Register**, at which time comments will be solicited.

IV. Scoping Meeting

DOE desires to know what the public considers to be the major environmental issues associated with the orders prohibiting BG&E from burning natural gas or petroleum as primary energy sources at Units 1 and 2 of the Brandon Shores Generating Station, Units 1 and 2 of the Wagner Generating Station, Units 4 and 5 of the Riverside Generating Station, and Units 1 and 2 of the Crane Generating Station. The meeting on February 5, 1980, will be held to receive comments on the structure of the EIS, anticipated energy/environmental problems, actions that might be taken to address them, and reasonable alternatives which should be considered.

The meeting is scheduled to begin at 10:00 a.m. and may continue until 5:00 p.m. If public interest warrants, the meeting will extend into the evening hours or may resume on February 6th at 10:00 a.m.

If possible, those planning to present information at the meeting should notify Mr. Ferguson. Participants are encouraged to submit to Mr. Ferguson, in advance, their intent to participate and copies of any written material. However, public participation is encouraged even without the advance submission of written material. Attendees at the meeting will be asked to register. All comments or suggestions made at the meeting, as well as written material submitted unitl February 29, 1980, will be carefully considered during the preparation of the DEIS.

Questions regarding the meeting should be addressed to Mr. Ferguson.

Issued in Washington, D.C., December 28, 1979.

John C. Whitnah,

Acting Assistant Secretary for Environment.

[FR Doc. 80-239 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER79-526]

El Paso Electric Co.; Order Granting Application To Withdraw Rate Increase Filing

Issued: December 21, 1979.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, Matthew Holden, Jr., and George R. Hall.

The rates filed in this docket by El Paso Electric Company (El Paso) on July 27, 1979, were modified, suspended, and set for hearing by Commission order issued September 24, 1979. That order summarily disposed of several issues and required El Paso to refile its cost of service and rates to reflect the Commission's conclusions.

On October 24, 1979, El Paso filed an application for rehearing raising, as its sole objection, the Commission's refusal to permit the company to include the unamortized balance of its accumulated deferred investment tax credits (ADITC) as a separate component of its proposed capital structure.[1] Subsequently, on October 29, 1979, El Paso submitted a revised filing containing alternative cost of service studies and purporting to comply with our September 24th order.

On November 23, 1979, El Paso filed an application, pursuant to Section 35.17(a) of the Commission's regulations, requesting permission to withdraw both its original rate increase proposal and its October 29th submittal.[2] In support of this request, El Paso asserts that its Period I cost of service, as required to be modified, would not constitute a satisfactory basis for designing future rates absent other *pro forma* test period revisions. According to El Paso, its original filing did not incorporate comprehensive adjustments for all known and measurable changes to test year data. Instead, the company contends, only limited adjustments were made to the test period cost of service. Citing a recent Commission pronouncement that reiterated earlier holdings condoning the submission of both unadjusted Period I costs and substantiated test year adjustments where Period I is to serve as the test period,[3] El Paso now expresses its desire to begin anew by submitting a rate increase proposal containing a complete representation of known and measurable changes to Period I data. El Paso indicates that it is uncertain whether the new rates will be tendered for filing before or after February 29, 1980, the expiration of the presently effective suspension peiod.

We believe that the public interest will best be served by permitting El Paso to withdraw a rate increase proposal which the company no longer desires to support. Accordingly, we shall grant El Paso's request.

Inasmuch as we are hereby terminating all proceedings in Docket No. ER79-526, El Paso's request for rehearing of the September 24th suspension order is effectively rendered moot. Consequently, no further order will be issued with respect to that application. We simply note that El Paso will be expected to comply with applicable Commission precedent in its future submittal. *See* 18 CFR 35.13(d).

The Commission Orders

(A) El Paso's application for permission to withdraw its proposed rate increase as filed on July 27, 1979, and modified on October 29, 1979, is hereby granted.

(B) The proceedings in Docket No. ER79-526 are hereby terminated.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-242 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ES79-45]

Union Electric Co.; Supplemental Application

December 28, 1979.

Take notice that on December 3, 1979, Union Electric Company (Applicant) filed a supplemental application pursuant to Section 204 of the Federal Power Act seeking an order supplementing the order entered in this proceeding on August 8, 1979, to authorize the issuance of short-term,

[1] In response to the application for rehearing, the Commission issued an order granting rehearing for the limited purpose of further consideration on November 23, 1979.

[2] Intervenor Rio Grande Electric Cooperative filed a response on November 26, 1979, supporting the request for withdrawal.

[3] El Paso submits that the Commission's August 30, 1979 order in *Kansas City Power & Light Co.*, Docket No. ER79-166, mimeo at 2, note 2, "appeared to clarify [the Commission's] intimations in previous holdings that the present Section 35.13 regulations permitted the application of all known and measurable cost changes to Period I data which would occur within 8 months after the end of the Period I test period." Contrary to El Paso's impressions, we do not believe that prior explanations of the filing regulations, which were published as early as 1976, suffered from any lack of clarity. *See, e.g., Boston Edison Company* Docket No. E-8855, order issued June 18, 1976, mimeo at 7-8.

unsecured promissory notes in the amount of $300,000,000, of which up to $150,000,000 may be in the form of commercial paper, that will reach maturity not later than December 31, 1981. The initial order authorized the issuance of $200,000,000 of short-term, unsecured promissory notes, of which amount $100,000,000 could be in the form of commercial paper. The Applicant is a Missouri corporation, with its principal business office at St. Louis, Missouri, and is engaged in the electric utility business in Missouri, Iowa and Illinois.

The Applicant states that the proceeds will be used to finance in part the Applicant's construction program for 1980 and 1981 (which will approximately total $850,000,000).

Any person desiring to be heard or to make any protest with reference to the supplemental application should on or before January 7, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The supplemental application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-243 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2905]

Vermont Public Power Supply System, Inc.; Application for Preliminary Permit

December 28, 1979.

Take notice that on January 18, 1979, Vermont Public Power Supply System, Inc. filed an application for preliminary permit [pursuant to the Federal Power Act 16 U.S.C. 791(a)–825(r)] for a proposed water power project to be known as the Missisquoi Project, FERC No. 2905, located on the Missisquoi River, in Franklin and Orleans Counties, Vermont. The proposed project would affect the interests of interstate commerce.

Correspondence with the Applicant should be directed to: Harland G. Titemore, Vermont Public Power Supply System, Inc., 585 Pine Street, Burlington, Vermont 05101; John D. Paterson, Esquire; Paterson, Gibson, Noble, and Brownell, P.O. Box 159, Montpelier, Vermont 05602.

Purpose of Project.—Project energy would be used for public utility purposes.

Proposed Scope and Cost of Studies Under Permit.—Applicant proposes to develop feasibility analyses, preliminary designs, and the studies of environmental and social effects that would result from construction of the proposed project. Based upon the results of those studies and investigations, a decision would be made whether to file an application for FERC license. Applicant estimates the cost of studies under the permit would be between $50,000 and $500,000.

Project Description.—The proposed Missisquoi Project would consist of six hydroelectric developments. Four developments would be located at the site of existing dams and two would be located at new dams. Applicant proposes to construct powerhouses with a total installed capacity of 36,700 kW. The six developments, as described in the application, would be as follows:

(1) *Jay Branch Dam and Reservoir Development* would be located near Jay Branch, approximately 3.8 miles south of the community of North Troy in the Town of Troy. It would include a new concrete dam to be constructed approximately 120 feet in height and 1,200 feet in length, with an overflow spillway 500 feet in length. A gross head of 166 feet would be available between the headwater at elevation 710.0 feet msl and the tailwater at elevation 544.0 msl.

The reservoir would provide a usable storage capacity of 44,000 acre-feet at maximum drawdown of 60 feet. Approximately 1,200 acres of land used primarily for farming would be inundated, as well as approximately ten miles of gravel roads and an unlicensed hydroelectric plant at Phelps Falls. The Phelps Falls facility is owned and operated by Citizens Utilities Company and has an installed capacity of approximately 300 kW. The plant is located at the upper end of the proposed reservoir.

The proposed Jay Branch powerhouse would have a proposed installed capacity of 7,300 kW and an estimated average annual output of 19,300,000 kWh.

(2) *North Troy Development* would utilize an existing concrete overflow dam located just downstream from the State Route 105 bridge in the Village of North Troy. There is a gross head of approximately 22 feet available between the dam crest at elevation 536.7 feet msl and the tailwater at approximately elevation 515.0 feet msl. A new penstock and powerhouse would be constructed. The development would have an installed capacity of approximately 800 kW and an estimated annual output of 2,000,000 kWh.

(3) *Enosburg Falls Development* would utilize an existing concrete overflow dam and two existing powerhouses, and would be located in the Village of Enosburg Falls immediately downstream of the State Route 108 Bridge. One powerhouse contains 600 kW of installed capacity. The normal reservoir elevation is 384.5 feet msl.

The powerhouse containing the 600 kW unit would not be modified. The unit is a vertical Kaplan turbine and generator and operates under a net head of 21 feet. Water is conveyed from the dam to this powerhouse by a 200-foot-long open flume. The normal tailwater elevation is 363.5 feet msl.

The 150 kW powerhouse would be dismantled and replaced, in its entirety, with a new powerhouse containing a 750-kW turbine-generator unit. A tailrace and new water conveyance facilities would be constructed.

The total installed generating capacity of the Enosburg Falls development would be 1,200 kW, with an estimated average annual output of 5,600,000 kWh.

(4) *North Sheldon Development* would be located about 1.2 miles downstream from the community of North Sheldon in the Town of Sheldon, Vermont. The development would include a new earth dam 500 feet long and 30 feet high, creating a reservoir covering 400 acres and providing 700 acre-feet of usable storage capacity. The development would utilize a gross head of 23 feet between the headwater at elevation 356.0 feet msl and the tailwater at elevation 333.0 feet msl. The proposed installed capacity would be approximately 3,000 kW and the estimated average annual output is 14,000,000 kWh.

(5) *Sheldon Springs Development* would utilize an existing hydroelectric facility located at Sheldon Springs in the Town of Highgate. Flow regulation would be provided by the upstream Jay Branch and North Sheldon developments. A penstock 5,000 feet in length would connect the existing dam to a new powerhouse, to develop a gross head of 126 feet between the headwater at elevation 326.0 feet msl and the tailwater at elevation 250.0 feet msl. The new powerhouse would contain generating units having an installed capacity of approximately 15,000 kW and an estimated annual output of 63,000,000 kWh.

(6) *Highgate Falls Development* would utilize an existing hydroelectric facility located in the Village of Highgate, Vermont. This facility is the subject of the application for major license for FERC Project No. 2547, filed by the Village of Swanton on September 3, 1965, and revised on June 20, 1978.

The development presently consists of a concrete overflow dam, penstock,

surge tank, and powerhouse. The existing powerhouse contains three vertical Francis turbines and generators with a total installed capacity of 4,600 kW. The normal reservoir elevation is 170.8 feet msl with two feet of flashboards, and the normal tailwater elevation is 108.6 feet msl.

As described in the preliminary permit application, the Highgate Falls Development would be modified by raising the dam 16 feet to elevation 184.8 feet msl, and by installing a fourth turbine-generator unit. The unit would have a nameplate rating of approximately 5000 kW.

The total generating capacity of the project would be 9,600 kW, with an estimated annual output of 32,000,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before [March 3, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 2, 1980 beyond the last date for the filing of protests or petitions to intervene.] A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 FR 61328, Oct. 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended,* 44 FR 61328, Oct. 25, 1979).

Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before March 3, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application on file with the Commission is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-244 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1383-8]

Administrator's Toxic Substances; Advisory Committee; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee from 9:30 a.m. to 4:30 p.m. on Monday, January 21, 1980, and 9:00 a.m. to 1:00 p.m. on Tuesday, January 22, 1980. The meeting will be held in Room 3906–3908, Waterside Mall, EPA, 401 M Street, SW, Washington, D.C. and will be open to the public.

FOR FURTHER INFORMATION: Ms. Marsha Ramsay, Executive Secretary, Administrator's Toxic Substances Advisory Committee, Office of Pesticides and Toxic Substances (TS/793), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 426–1800 or 426–1129.

SUPPLEMENTAL INFORMATION: The purpose of this meeting is to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94–569). The agenda includes a discussion of the process by which chemicals are identified and ranked for the development of information, testing and regulations; upcoming rulemaking activities; International issues; citizen participation; and ATSAC administrative business.

The meeting will be open to the public and time will be set aside for public comments. Any member of the public wishing to present an oral or written statement should contact Ms. Marsha Ramsay at the address or phone number listed above.

Dated: December 27, 1979.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-275 Filed 1-3-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1384-5]

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to SO_2 Equivalent Method Designation Number EQSA–1275–005 (**Federal Register,** VOL. 41, page 3893, January 27, 1976) to include an additional option that allows the use of an outdoor enclosure. While the designation number of the method remains the same, the method identification is amended to read as follows:

EQSA–1275–005, "Lear Siegler Model SM1000 SO_2 Ambient Monitor," operated on the 0–0.5 ppm range, at a wavelength of 299.5 nm, with the "slow" (300 second) response time, with or without any of the following opitions: SM–1, Internal Zero/Span; SM–2, Span Timer Card; SM–3, 0–0.1 Volt Output; SM–4, 0–5.0 Volt Output; SM–5, Alternate Sample Pump; and SM–6, Outdoor Enclosure.

This method is available from Lear Siegler, Inc., Environmental Technology Division, 74 Inverness Drive East, Englewood, Colorado 80112.

The inclusion of this additional option is the result of an application submitted by Lear Siegler, Inc. (42 FR 20652, April 21, 1977) for approval for use of their Model SM–1000 SO_2 Ambient Monitoring System with an outdoor enclosure. When the SM–1000 SO_2 Ambient Monitor is used in the outdoor enclosure (option SM–6), the method can be operated over an ambient temperature range of −30°F to 100°F.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (41 FR 3893, January 27, 1976). As a designated equivalent method, this

method is acceptable for use by States and other control agencies for purposes which require use of reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the originial Notice of Designation (41 FR 3893) or by writing to: Director, Environmental Monitoring Systems Laboratory, Department E (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Stephen J. Gage,

Assistant Administrator for Research and Development.

December 31, 1979.

[FR Doc. 80–274 Filed 1–3–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1384–7]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A–104) U.S. Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of December 17 to December 21, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from December 28, 1979 and will end on February 11, 1980. The 30-day review period for final EIS's as calculated from December 28, 1979 will end on January 28, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

For hard copy reproduction: Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street, NW, Suite 316, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to Section 1506.10(a), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of December 17, 1979 to December 21, 1979 the 30-day review period will be calculated from December 28, 1979. The review period will end on January 28, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of December 17, 1979 to December 21, 1979. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this Notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: December 31, 1979.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS's Filed With EPA During the Week of December 17 to 24, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412–A Admin. Building, Washington, D.C. 20250, (202) 447–3965.

Forest Service

Draft

1980 Maine Cooperative Spruce Budworm Suppression, several counties, Maine, December 21: Proposed is the 1980 Cooperative Spruce Budworm Suppression Program for the State of Maine. The counties involved are Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford and Hancock. The alternatives consider: (1) biological insecticide treatment on 1.8 million acres, (2) small landowner management assistance, (3) chemical and biological insecticide treatment on 3.5 million acres, (4) chemical and biological insecticide treatment 1.8 million acres with protection management, (5) biological insecticide treatment on 250,000 acres with protection management, and (6) no Federal assistance. (USDA–FS–80–01). (EIS Order No. 91272.)

1980 Cooperative Gypsy Moth Suppression, regulatory, December 21: Proposed is the 1980 Cooperative Gypsy Moth Suppression and Regulatory Program and activities. The suppression program will affect 143,165 acres in New Jersey, New York, and Pennsylvania. The regulatory program will affect 16,156 acres in New Jersey, Illinois, New York, New England States, Pennsylvania, Michigan, North and South Carolina, Ohio, Wisconsin, Washington, Virginia. The alternatives consider financial assistance for: (1) chemical insecticide treatment, (2) biological insecticide treatment, and (3) integrated pest management. (DEIS–80–01). (EIS Order No. 91270.)

Final

Hoodoo-Fisher Mountain Planning Unit, Kootenai NF, Lincoln County, Mont, December 17: Proposed is a land management plan for Hoodoo-Fisher Mountain Planning Unit, Kootenai National Forest, Lincoln County, Montana. Four plans have been developed. Alternative A involves management of the Unit for primitive, dispersed, and developed recreation. Alternative B provides optimum production of goods and services. Alternative C concerns wildlife management of grizzly habitat, areas of high scenic value, and provides a balance of forage and cover for big game. Alternative D emphasizes commodity production with provisions for dispersed recreation, big game, fragile soils, and scenic qualities. (USDA–FS–FES–(Adm)–01–14–79–8). Comments made by: EPA, DOI, COE, State and local agencies, groups, individuals and businesses. (EIS Order No. 91256.)

Wolf Planning Unit Land Mgmt. Plan, Kootenai NF, Flathead, Lincoln County,

Mont., December 17: Proposed is a land management plan for the Wolf Planning Unit of the Kootenai National Forest in Lincoln and Flathead Counties, Montana. The Unit contains 40,699 acres of National Forest lands. Three alternatives and one sub-alternative are considered and compared against a reference base alternative (no action). The preferred alternative stresses both the production of commodities and wildlife considerations while also recognizing the visual resources. The other alternatives stress: 1) amenity/recreation, 2) commodity production, and 3) modified commodity production. (USDA–FS–FES–(ADM)–01–14–79–09). Comments made by: EPA, DOI, groups, individuals and businesses. (EIS Order No. 91257.)

Cool-Burnt Planning Unit Land Mgmt., Kootenai NF, Lincoln County, Mont., December 21: Proposed is a land management plan for the Cool-Burnt Planning Unit of the Kootenai National Forest in Lincoln County, Montana. The preferred alternative for the 35,280 acre unit emphasizes dispersed recreation, grizzly bear and moose habitats, and visual resources. Approximately 12,300 acres are allotted for timber production with 6,300 acres of that allotment constrained by visual requirements. The Grizzly Peak Roadless Area is largely allocated for dispersed recreation and grizzly bear habitat. Four other alternatives are considered. (USDA–FS–FES–(ADM)–01–14–79–09). Comments made by: DOI, EPA, COE, State agencies, groups and businesses. (EIS Order No. 91275.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272–0121.

Draft

Telegraph Canyon Creek Flood Control, Chula City, San Diego County, Calif., December 17: Proposed is a flood control plan for Telegraph Canyon Creek located in the City of Chula, San Diego County, California. The plan will include: 1) a 1.0 mile concrete-lined channel, 2) two 12 × 10 boxes, totaling 700 feet in length, 3) a 0.4 mile earth bottom trapezoidal channel, and 4) the incorporation of the existing 1,240 foot long culvert under I–5. Eight alternatives are considered. (Los Angeles district) (EIS Order No. 91255).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Meg Kelly, Chemist, Environmental Protection Agency, Office of Enforcement, Fuels Section, 499 South Capitol Street, S.W., Washington, D.C. 20460 (202) 472–9367.

Final

Revision of lead phase-down regulation, December 30: Proposed is the revision of the Lead Phase-Down Regulation concerning the use of lead as a fuel additive. The revision would delay the lead phase-down schedule, allowing the refineries to continue producing gasoline with a lead pooled average of 0.8 grams per gallon until October 1, 1980. (EIS Order No. 91267).

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–6306.

Draft

Oak Ridge Estates and North Shore Development, San Patricio County, Tex., December 20: Proposed is the issuance of mortgage insurance for the Oak Ridge Estates and North Shore Development located in the City of Portland, San Patricio County, Texas. The subdivisions would provide 3,623 single-family units. There would be 315.5 acres of combined parkland, a 10 acre clubhouse, two 6 acre plots for churches and 66 acres of commercial development. Alternative development plans consider: 1) total residential, 2) total commercial, and 3) total open space and recreational (HUD–RO6–79–12D) (EIS Order No. 91263).

Final

Quail Green Subdivision, Missouri City, Fort Bend County, Tex., December 20: Proposed is the issuance of HUD home mortgage insurance for the Quail Green subdivision located in Missouri City, Fort Bend County, Texas. When completed the subdivision will contain approximately 1,260 single-family homes and 620 townhouse units plus some shopping and recreational facilities. The Quail Green tract involves approximately 407 acres of land. (HUD–RO6–79–20F). Comments made by: EPA, COE, DOT, DOI, HEW, DOE, State agencies (EIS Order No. 91266).

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202) 343–3891.

Fish and Wildlife Service

Draft

Currituck Outer Banks National Wildlife Refuge, Currituck County, N.C., December 18: Proposed is the designation of 15,880 acres of Barrier Beach located on the Currituck Outer Banks, Currituck County, North Carolina as a national wildlife refuge. Approximately 11,317 acres of wetland, 3,097 acres of beach/dunes and 1,466 acres of shrub/woodland areas would be involved. The preferred alternative would provide the optimum degree of protection to the fish and wildlife resources of the Outer Banks. Land would be acquired for the refuge from the Virginia-North Carolina state line to the Dare County line. In addition to no action, nature conservancy and a wetlands alternatives are considered. (EIS Order No. 91258).

Bureau of Land Management

Draft

Shivwits Resource Area Livestock Grazing Mgmt, Mohave County, Ariz., December 20: Proposed is a livestock grazing management plan for the Shivwits Resource Area located in Mohave County, Arizona. The area encompasses 1,848,894 acres. Forty allotments would be managed intensively under rest-rotation and deferred rotation systems. Ten additional allotments would be less intensively managed. The project will include 86 water developments, 137 miles of fence, 32.5 miles of two-track road, and 128,510 acres of land treatment. (DES–79–62) (EIS Order No. 91265).

Rural Electrification Administration

Final Supplement

San Miguel Lignite Unit 1, Transmission (FS–1), Atascosa and Whitney Counties, Tex., December 18: This statement supplements a final EIS, #61226, filed 8–20–79 concerning the San Miguel Lignite Unit 1, associated mine and related transmission lines in Atascosa and Whitney Counties, Texas. The project includes a 447 megawatt steam electric generating unit, an adjacent lignite surface mine, approximately 254 miles of 345 kV transmission lines, 195 miles of 138 kV transmission lines, and 25 miles of 69 kV transmission lines. This statement considers an alternate route which would reduce the length of the 345 kV line by 176 miles. (USDA–REA–EIS–(ADM)–76–7–F–FS). Comments made by: COE, USDA, DOT, AHP, DOI, State and local agencies (EIS Order No. 91261).

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Carl Bausch, Chief, Section of Energy and Environment, Interstate Commerce Commission, Room 3371, 12th & Constitution Ave., N.W., Washington, D.C. 20423 (202) 275–7658.

Draft

CSX Corp and Chessie System/Seaboard Coast Merger, December 21: Proposed is the merger of the CSX Corporation with the Chessie System and Seaboard Coast Line Industries. The action would create a single system rail network of approximately 27,000 miles. Combined, the two systems would serve all states east of the Mississippi River except for Wisconsin and those in New England. Six alternatives are considered. (EIS Order No. 91274).

Final

Purchase of Rock Island Railroad Line, Missouri County, N. Mex., December 21: Proposed is the purchase of a portion of the Rock Island Railroad Company's line between Santa Rosa, New Mexico and St. Louis, Missouri by the St. Louis Southwestern Railroad Company. In addition the Missouri Pacific Railroad Company has filed application for purchase of the same line. The purchase would also involve the rehabilitation and upgrading of the line along with alteration of certain freight movement patterns. Five alternatives are considered. (Finance Docket Nos. 28799 and 29028.) Comments made by: EPA, businesses (EIS Order No. 91276).

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4357.

Federal Aviation Administration

Draft Supplement

Logan International Airport, Runway 22, Several Counties in Massachusetts, December 19: Proposed is the selection of a procedure for use by turbojet aircraft using Runway 22 Right to depart Logan International Airport. The alternatives consider various compass headings ranging from 100 degrees to 210 degrees combined with various turns. The Counties within Massachusetts which would be affected include: Suffolk, Norfolk, Middlesex, and Plymouth. This statement supplements a draft EIS, #90911, filed 8-27-79. (ANE-500-79-2) (EIS Order No. 91262).

Federal Highway Administration

Draft

CO-83 (Parker Road), CO-88 to CO-86, Arapahoe and Douglas Counties, Colo., December 21: Proposed is the design and construction along 14 miles of CO-83 also known as Parker Road, in Arapahoe and Douglas Counties, Colorado. The project begins at CO-88 (Arapahoe Road) and terminates at CO-86 at Franktown. In addition to no action the alternatives consider: 1) four-lane facility with painted median, 2) four-lane facility with access control, 3) a bypass around the City of Parker, and 5) mass transit and ridesharing. Other design considerations include: 1) access control, 2) service roads, and 3) recreational trails. (FHWA-COLO-EIS-79-01-D) (EIS Order No. 91269).

Draft

TN-109 Improvement Near Anderson, Madison County, Ind., December 20: Proposed is the improvement of IN-109 from the intersection of IN-9/109 (Scatterfield Road), IN-236 and 53rd Street to its intersection with IN-38 near Anderson, Madison County, Indiana. The improvement would include the relocation of IN-109 from its intersection with 53rd Street, south approximately 4.9 miles to existing IN-109. The alternatives consider: 1) no action, 2) upgrade existing IN-109 on its existing alignment, 3) two alignment alternatives, and 4) one design alternative. (FHWA-IND-EIS-78-04-D) (EIS Order No. 91264).

U.S. 50, Choptank River Crossing, Cambridge, Talbot and Dorchester Counties, Md., December 18: Proposed is the improvement of US 50 from the dual section of US 50 to the intersection of US 50 and MD-16 in the City of Cambridge, Talbot and Dorchester Counties, Maryland. The improvements will also include a crossing of the Choptank River. The alternatives consider: 1) Choptank River crossings that would supplement or replace the existing bridge, 2) improvements such as widening of the existing roadway alignment through the City of Cambridge, 3) a bypass with a four-lane separated roadway including an interchange in the vicinity of the Eastern Shore Hospital Center, and 4) methods of controlling access to US 50. (FHWA-MD-EIS-79-06-D) (EIS Order No. 91259).

U.S. 10, Prescott Bridge and Approaches, Wisconsin, Washington, and Pierce Counties, Minn., December 21: Proposed is the improvement of US 10 and the replacement of the St. Croix River Bridge between Washington County, Minnesota and the City of Prescott in Pierce County, Wisconsin. The project would include a four-lane bridge with a four-lane rural expressway approach highway and a four-lane curb and gutter approach highway in Prescott. The length of the facility is approximately 4.8 miles extending from US 61 to the vicinity of the junction of Highways 10 and 29. (FHWA-WIS-EIS-79-02-D) (EIS Order No. 91273).

Draft

WA-290, Hamilton Street to I-90, Spokane, Spokane County, Wash., December 18: Proposed is the construction of WA-290 connecting Hamilton Street at Trent Avenue to I-90 at the Liberty Park Interchange located in the City and County of Spokane, Washington. The project involves providing a four lane roadway and necessary structures to cross the Burlington Northern Inc. railroad tracks and the Spokane River. Channelization and widening improvements are also provided at the Hamilton-Trent intersection. In addition to no action, three alignment alternatives are considered. (FHWA-WA-EIS-79-04-D) (EIS Order No. 91260).

EIS's Filed During the Week of December 17 to 21, 1979

[Statement Title Index—By State and County]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
Arizona	Mohave	Draft	Shivwits Resource Area Livestock Grazing Mgmt.	91265	12-20-79	DOI
California	San Diego	Draft	Telegraph Canyon Creek Flood Control, Chula City	91255	12-17-79	COE
Colorado	Arapahoe	Draft	CO-83 (Parker Road), CO-88 to CO-86	91269	12-21-79	DOT
	Douglas	Draft	CO-83 (Parker Road), CO-88 to CO-86	91269	12-21-79	DOT
Indiana	Madison	Draft	TN-109 Improvement Near Anderson	91264	12-20-79	DOT
Maine	several	Draft	1980 Maine Cooperative Spruce Budworm Suppression.	91272	12-21-79	USDA
Maryland	Dochester	Draft	US 50, Choptank River Crossing, Cambridge	91259	12-18-79	DOT
	Talbot	Draft	US 50, Choptank River Crossing, Cambridge	91259	12-18-79	DOT
Massachusetts	several	Supple	Logan International Airport, Runway 22	91262	12-19-79	DOT
Minnesota	Washington	Draft	US 10, Prescott Bridge and Approaches	91273	12-21-79	DOT
Missouri		Final	Purchase of Rock Island Railroad Line	91276	12-21-79	ICC
Montana	Flathead	Final	Wolf Planning Unit Land Mgmt. Plan, Kootenai NF	91257	12-17-79	USDA
	Lincoln	Final	Hoodo-Fisher Mountain Planning Unit, Kootenai NF	91256	12-17-79	USDA
		Final	Wolf Planning Unit Land Mgmt. Plan, Kootenai NF	91257	12-17-79	USDA
		Final	Cool-Burnt Planning Unit Land Mgmt., Kootenai NF	91275	12-21-79	USDA
New Mexico		Final	Purchase of Rock Island Railroad Line	91276	12-21-79	ICC
North Carolina	Currituck	Draft	Currituck Outer Banks National Wildlife Refuge	91258	12-18-79	DOI
Regulatory		Draft	1980 Cooperative Gypsy Moth Suppression	91270	12-21-79	USDA
		Final	Revision of Lead Phase-Down Regulation	91267	12-20-79	EPA
Several		Draft	CSX Corp and Chessis System/Seaboard Coast Merger.	91274	12-21-79	ICC
Texas	Fort Bend	Final	Quail Green Subdivision, Missouri City	91266	12-20-79	HUD
	San Patricio	Draft	Oak Ridge Estates and North Shore Development	91263	12-20-79	HUD
	Atascosa	Supple	San Miguel Lignite Unit 1, Transmission (FS-1)	91261	12-18-79	USDA
Washington	Spokane	Draft	WA-290, Hamilton Street to I-90, Spokane	91260	12-18-79	DOT
Wisconsin	Pierce	Draft	US 10, Prescott Bridge and Approaches	91273	12-21-79	DOT

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Waiver/ extension	Date review terminates
DEPARTMENT OF INTERIOR					
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240 (202) 343-3891	Currituck Outer Banks National Wildlife Refuge, Currituck County, N.C..	Draft 91258	December 28, 1979 (see appendix I).	Extension	April 1, 1980.
ENVIRONMENTAL PROTECTION AGENCY					
Ms. Meg Kelley, Chemist, Environmental Protection Agency, Office of Enforcement, Fuels Section, 499 South Capitol Street, S.W., Washington, D.C. 20460 (202) 472-9367	Revision of the Lead Phase-Down Standard.	Final 91267	December 28, 1979 (see appendix I).	Waiver	The 30 day review has been waived.
DEPARTMENT OF COMMERCE					
Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 377-4335	North Pacific, Bering-Chukchi Sea, Herring Fishery FMP.	Draft 91128	November 9, 1979.	Extension	February 15, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/No.	Date notice published in "Federal Register"	Reason for retraction
DEPARTMENT OF THE NAVY				
Mr. Ed Johnson, Head, Environmental Impact Statement/RDT & E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350 (202) 697-3639	Kahoolawe Island Target Complex, (FS-1), Hawaii.	Final 91203	December 7, 1979.	Incomplete Distribution.

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed With EPA*

Federal Agency Contact	Title of Report	Date Made Available to EPA	Accession No.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755-6306	Procedures for Approval of Single Family Proposed Construction Application in New Subdivisions.	December 20, 1979	91268
U.S. ARMY CORPS OF ENGINEERS			
Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314 (202) 272-0121	Charleston Harbor Deepening and Extension of Channels for Navigation, S.C..	December 21, 1979	91271

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in "Federal Register"	Correction
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755-6306	Chattanooga South CBD Improvement and Redevelopment, Tennessee.	Final 91235	December 21, 1979.	This EIS should have been published with the report which appeared in the FEDERAL REGISTER on December 14, 1979. The review began on December 14, 1979 and will terminate on January 14, 1980.

[FR Doc. 80-254 Filed 1-3-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATIONS COUNCIL

Joint Notice of Proposed Policy Statement On Disposition of Credit Life Insurance Income

AGENCIES: The Federal Deposit Insurance Corporation the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Home Loan Bank Board and the National Credit Union Administration.

ACTION: Proposed policy statement; request for comments.

SUMMARY: The Federal financial institution supervisory agencies are proposing to issue a policy statement which would prohibit financial institution insiders from benefiting personally from income derived from the sale of credit life, health or accident insurance sold in connection with loans made by their institutions. The proposed policy statement would require that such income be credited to an institution's own income account or, in the case of a savings and loan association, to its service corporartion. In States where insurance laws appear to preclude a financial institution from receiving insurance commissions, the proposed policy statement would require a financial institution that wishes to sell credit life, health or accident insurance to use any other procedure for making insurance available so long as insiders do not personally profit.

EFFECTIVE DATE: Comments must be received by March 31, 1980.

ADDRESS: Comments should be addressed to Interagency Credit Life Income Policy, c/o John J. McCarthy, Deputy Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Room 5050–A, 550 Seventeenth Street, NW, Washington, DC 20429 (202/389–4283).

FOR FURTHER INFORMATION: John McCarthy, Federal Deposit Insurance Corporation, (202) 389–4283; Sandy Greene, Federal Reserve Board, (202) 452–2742; Ford Barrett, Comptroller of the Currency, (202) 447–1896; Larry Berkow, Federal Home Loan Bank Board, (202) 377–6430; and Barry Jolette, National Credit Union Administration, (202) 254–8760.

SUPPLEMENTARY INFORMATION: The Federal financial institution supervisory agencies ("agencies") are aware that it has been a long-standing financial practice in certain parts of the country for officers, directors, principal shareholders (whether individual or corporate), their interests or other affiliates ("insiders") of financial institution to receive, either directly or indirectly, income derived from the sale of credit life, health or accident insurance ("credit life insurance") in connection with loans made by the institutions. Insiders usually receive the income in one of two ways—either by the payment of the insurance commissions directly to the insider or by payment to the insider of additional salary or other form of compensation based upon the amount of insurance business generated. The agencies believe that the diversion of income from credit life insurance sales to insiders rather than to their financial institutions may constitute an unsafe or unsound financial practice. The reasons for the agencies' concern include the following:

(1) Financial institution officers and directors owe a fiduciary duty to the institution and all its shareholders not to profit personally from an activity involving use of the institution's facilities, personnel, goodwill, or other resources.

(2) As an accounting and operations matter, it appears that income derived from insurance sales would be properly accounted for by crediting it to the financial institution's income accounts, or in the case of a savings and loan association, to its service corporation, and not to insiders, their interests or affiliates. Allowing such income to be diverted without entering the income stream seems contrary to the orderly and systematic accounting of funds that is expected of financial institutions.

(3) Loan officers may be induced to make loans they might not otherwise have considered sound in order to receive the commission on the accompanying insurance sale. This could result in a conflict of interest situation in which a loan officer's credit judgment might be influenced by his or her own desire for personal financial gain.

(4) A loan officer who stands to receive an insurance commission might be induced to persuade a borrower to purchase unneeded or unwanted insurance.

(5) Financial institutions operate largely on public trust and confidence. Arrangements that permit bank insiders to profit at the expense of the institution, its shareholders, or its depositors could undermine that trust and confidence and compromise the integrity of the institutions.

Accordingly, in the interest of preserving the safety and soundness of financial institutions, the agencies are proposing to adopt a policy statement which would prohibit insiders of financial institutions from personally profiting on the sale of credit life insurance and which would require such income to be credited to the financial institutions' income accounts or, in the case of savings and loan associations, to their service corporations.

In the two known States where State insurance laws may preclude a financial institution from receiving credit life insurance commissions (Texas and Oklahoma), a financial institution that wishes to provide credit life insurance would be permitted to use any other procedure for making credit life insurance available (*e.g.*, the group policy-experience refund method or the credit union method), so long as insiders do not personally profit and any income is credited to the financial institution.

The agencies recognize that the practice whereby income derived from the sale of credit life insurance is diverted to insiders is one of long standing in some areas of the country. Therefore, it is the agencies' intention to give financial institutions sufficient time to adjust their activities and arrangements to conform to the provisions of the proposed policy statement. If adopted, the policy statement would provide that financial institutions not now subject to a rule, regulation, or policy statement on credit life insurance income should be in compliance with its provisions within one year following final publication. The proposed policy statement also provides that financial institutions may be excepted from the general rule on a case-by-case basis if a clear hardship exists and satisfactory assurance is provided that compliance will be forthcoming within an appropriate period of time. Given the provision enabling a phase-in of the proposed policy statement's applicability on a case-by-case basis, each agency will have flexibility to handle hardship cases in an appropriate manner.

While comments on all aspects of the proposed policy statement are invited, those addressing the effect of the proposed policy statement on small

banks and their shareholders (including bank holding companies) are particularly desired.

The text of the following Proposed Policy Statement is as follows:

Proposed Policy Statement

Disposition of Credit Life Insurance Income

For the purpose of helping to preserve the safety and soundness of financial institutions, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Reserve Board, the National Credit Union Administration [1] and the Office of the Comptroller of the Currency are adopting the policies set forth below regarding the disposition of income from the sale of credit life, health, and accident insurance ("credit life insurance") related to loans made by federally insured financial institutions.

(1) Individual officers, directors and principal shareholders of a financial institution should not personally profit from the sale of credit life insurance to the institution's loan customers.

(2) As an accounting and operations matter, income derived from credit life insurance sales to loan customers should be credited only to the income accounts of the financial institutions or, in the case of a savings and loan association, to its service corporation, and not to the financial institution's individual officers, directors, principal shareholders, their interests, or other affiliates.

(3) Where State insurance laws or other legal considerations preclude a financial institution from using a particular procedure for selling credit life insurance or from disposing of the income in a particular manner, a financial institution which wishes to provide this service to its loan customers shall seek and utilize an alternative method that complies with 1 and 2 above.

(4) The proper method for the distribution to shareholders or to an affiliated holding company of income derived from credit life insurance or other income sources is through a declaration of dividend in conformity with law, rule, regulation and prudent financial practice.

(5) Financial institutions not now subject to a rule, regulation or policy statement on the disposition of credit life insurance income should be in compliance with 1 and 2 above within one year following publication in the Federal Register of the final policy statement. Modifications beyond that time will be granted only where a clear hardship exists and satisfactory assurance is provided that compliance with 1 and 2 above will be achieved within an appropriate time period.

[1] Federal credit unions are not permitted by law to sell credit life insurance.

Dated: December 28, 1979.

Theodore E. Allison,

Secretary, Board of Governors of the Federal Reserve System.

J. J. Finn,

Secretary, Federal Home Loan Bank Board.

H. Joe Selby,

Senior Deputy Comptroller, Office of the Comptroller of the Currency.

Hoyle L. Robinson,

Executive Secretary, Federal Deposit Insurance Corporation.

Beatrix Fields,

Acting Secretary of the Board, National Credit Union Administration.

[FR Doc. 80-221 Filed 1-3-80; 8:45 am]

BILLING CODE 6722-01-M

[FFIEC 002]

Quarterly Report of Condition To Be Submitted by all U.S. Branches and Agencies of Foreign and Puerto Rican Banks; Report Form

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Final reporting form.

SUMMARY: The Federal Financial Institutions Examination Council has adopted a uniform report of condition to be filed quarterly by each U.S. branch and agency of foreign and Puerto Rican banks. The report will be used by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency in carrying out their supervisory responsibilities under the International Banking Act of 1978 ("IBA"). The IBA gives the three federal bank supervisory agencies the authority to supervise the U.S. banking operations of all foreign banks regardless of the structure of their banking business in this country. Under the IBA, the three federal banking agencies share responsibility for supervising the operations of U.S. branches and agencies of foreign banks and the report, which is mandated by the IBA, will gather information necessary to carry out the supervisory and monetary policy responsibilities of the agencies. The report is patterned after relevant parts of the quarterly report of condition currently required of domestic banks, but differs in certain respects, reflecting organizational and portfolio differences between a U.S. chartered bank and a branch or agency of a foreign bank, and particular supervisory and regulatory needs applicable to the operations of the branches and agencies.

The individual reports submitted will be made available to the public on request, except for certain details on transactions with the respondent's own head office and other related institutions.

The Federal Reserve System will act as collecting and processing agent for the three federal supervisory agencies; each branch and agency, regardless of status, will submit its returns to the Federal Reserve Bank within whose district it is located. The Federal Reserve will also handle public requests for copies of the submitted returns.

DATE: The report is to be adopted by the three agencies named above and will be required of each U.S. branch and agency beginning with the report for the quarter ending June 30, 1980. It is anticipated that the report form as well as definitions and instructions for completing the report will be made available to the respondents approximately February 1, 1980. Each quarter's report must be submitted within 30 calendar days of the end of the quarter.

FOR FURTHER INFORMATION CONTACT: Stanley J. Sigel, Assistant to the Board (202/452-2696), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On August 14, 1979, the Federal Financial Institutions Examination Council published for comment a proposed uniform report of condition for U.S. branches and agencies of foreign banks (44 FR 47, 597). Comment was requested on the general characteristics of the proposed report and on specific features. About twenty letters of comment, including one from a trade association representing a large number of the foreign banks operating in the U.S., were submitted to the Council concerning the report. The Council has considered all comments received in light of the regulatory and supervisory purposes of the report and in a number of instances has modified the report in response to comments received, as indicated in several of the succeeding paragraphs. In other instances, such as in the case of public availability of individual reports, the Council felt that supervisory, regulatory, and policy considerations outweighed objections raised in the comments and approved features as proposed.

Implementation Date

The report will be required to be submitted beginning with the report for the quarter ending June 30, 1980. The implementation date adopted is later than that in the original proposal and reflects the Council's recognition of the burden considerations raised in several

of the comments received. Some of these comments urged that the respondents have the instructions to the report at least six or nine months before the first reporting date in order to allow enough time for adapting accounting records and procedures. While the Council did not think it advisable to delay implementation of the statutorily mandated report beyond June 30, this date will allow a substantial lead time for the necessary preparation for reporting. It is anticipated that instructions will be made available to respondents approximately February 1.

Deadline for Reporting

The Council's original proposal would have required the report to be submitted within 20 days of the end of the quarter, which is 12 days longer than the deadline for the Monthly Report of Condition (FR 886a) currently submitted by the branches and agencies to the Federal Reserve. In branches of foreign banks, including half of those in New York, are currently submitting semiannually to the FDIC, on a voluntary basis, the U.S. bank report of condition, and these reports are routinely made available to the public on request.

Allowance for Possible Loan Losses

The proposal provided that each branch and agency would be required to maintain an adequate allowance for possible loan losses appropriate to the risk characteristics of the loans on the books of the branch or agency. Most comments from the foreign banks strongly opposed the inclusion of this item in the report of condition, stating that such an item is meaningless, inappropriate and misleading on an individual office basis since such an allowance for loan losses relates to the entire organization and is intended to reflect the possibility of losses regardless of their point of origin within the institution, and violates the policy of "national treatment" because U.S. banks are not required to maintain or report such allowances on an individual domestic branch basis.

The Council, after reviewing all comments, has decided to eliminate this item from the report. However, in doing so, it is the Council's intention that, in the examination process, due consideration will be given to the ability of each branch and agency to have adequate resources to protect against possible losses that might arise in connection with that office's loan portfolio.

Other Issues Raised in the Comments

Several comments were received on specific differences between the proposed report and the corresponding parts of the condition report for U.S. banks. In response to these comments, the Council has reconsidered all items that differ between the two reports and has decided to delete the following items that were contained in the proposed report:

(1) Items for contracts to buy and sell foreign exchange (memo items on face of the report);

(2) Under loans to individuals—detail on U.S./non-U.S. customers (items in Schedule A);

(3) Under holdings of acceptances—detail on own and other acceptances and detail on U.S./non-U.S. customers (memo items in Schedule A); total holdings of acceptances has been retained as a memo item in Schedule A; and

(4) Items for daily averages for nonbanking subsidiaries (item in part 2 of Schedule M).

The proposed 90-day averages for transactions with related banking office (in part 1 of Schedule M) have been reduced to 30-day averages.

A memorandum item on the face of the report has been retitled to read: "Statutory or regulatory asset pledge requirement" and respondents will be required to check boxes to indicate if they are reporting amount of (a) asset maintenance, (b) asset pledge, (c) security or cash deposit, or (d) other.

In addition, the report restores an item for "unearned income on loans," which appears on U.S. bank condition reports but had been deleted from the proposed report. The instructions will state that the preferred treatment is to net unearned income out of each loan category but, to the extent that this is not feasible, to show any amounts not netted out of the individual categories in the item for unearned income. This will provide maximum flexibility and minimum burden with respect to this item.

Apart from the changes described above, all other items remain as originally proposed.

Relation to Current Reporting

The new required quarterly report of condition for the branches and agencies will replace the following condition statements that the branches and agencies are currently submitting to the federal supervisory agencies;

(1) The voluntary monthly report of condition submitted by all branches and agencies to the Federal Reserve on form FR 886a;[1]

(2) The U.S. bank report of condition submitted semi-annually by a majority of the branches on a voluntary basis to the FDIC; and

(3) The quarterly U.S. bank report of condition required to be submitted by U.S. branches of Puerto Rican banks.

Thus, to a large extent, the new report constitutes revised rather than new reporting, with reduction in frequency of reporting and, in some cases, elimination of duplicative reporting. The changes from the current reports to the new requirements were adopted in light of the federal supervisory authorities new responsibilities under the IBA, to bring the branch and agency reporting into closer conformance with the reports required of U.S.-chartered banks, and to eliminate some duplicative reporting.

The various state banking authorities also currently require reports from the branches and agencies, with many of them utilizing the FR 886a form. The Council has been in communication with the state authorities and will shortly provide the branches and agencies with a summary statement of the relation of the state requirements to the new federal report of condition. The branches and agencies should consult directly with the relevant state authorities with regard to the specifics of the state requirements.

Federal Financial Institutions Examination Council, December 27, 1979.

Robert J. Lawrence,

Executive Secretary.

David K. Schweitzer,

Deputy Executive Secretary.

[FR Doc. 80-222 Filed 1-3-80; 8:45 am]

BILLING CODE 6722-01-M

[1] The monthly FR 886a will continue to be collected until the new report is implemented, that is through the report for May, 1980.

FEDERAL RESERVE SYSTEM

Commerce Bank Corp.; Formation of Bank Holding Company

Commerce Bank Corporation, Jacksonville, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 85 percent or more of the voting shares of The First National Bank of Lake City, Lake City, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 28, 1980. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1979.

Theodore E. Allison,

Acting Deputy Secretary of the Board.

[FR Doc. 80-277 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc.; Formation of Bank Holding Company; Correction

This document corrects a previous Federal Register document (FR Doc. 79-39477) appearing in the third column on page 76587 of the issue for Thursday, December 27, 1979.

Commercial Banschares, Inc., Wharton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of each of the following banks: Wharton Bank & Trust Company, Wharton, Texas; Security State Bank, Navasota, Texas; and First State Bank of Magnolia, Magnolia, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 14, 1979.

Theodore E. Allison,

Acting Deputy Secretary of the Board.

[FR Doc. 80-276 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

Hi-Bancorp., Inc.; Formation of Bank Holding Company

Hi-Bancorp., Inc., Highwood, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of Highwood, Highwood, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 28, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-278 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

Ferryville Bancshares, Inc.; Formation of Bank Holding Company

Ferryville Bancshares, Inc., Ferryville, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.6 percent of the voting shares of Ferryville State Bank, Ferryville, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 27, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-279 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

First Virginia Banks, Inc.; Acquisition of Bank

First Virginia Banks, Inc., Falls Church, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Virginia Bank of Frederick County, Stephens City, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1979.

Theodore E. Allison,

Acting Deputy Secretary of the Board.

[FR Doc. 80-280 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

Western Michigan Corp.; Acquisition of Bank

Western Michigan Corporation, Niles, Michigan, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Pacesetter Financial Corporation, Grand Rapids, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 28, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 28, 1979.

Theodore E. Allison,

Acting Deputy Secretary of the Board.

[FR Doc. 80-281 Filed 1-3-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463) notice is hereby given that the National Committee on Vital and Health Statistics established pursuant to 42USC 242K, section 306(K)(2) of the Public Health Service Act, as amended, will convene on Tuesday, January 22, 1980 at 9:30 a.m. and Wednesday, January 23, 1980 at 9:00 a.m., in Room 800 of the Hubert H. Humphrey building, 200 Independence Avenue SW., Washington, D.C. 20201. Agenda items for discussion are status of the Cooperative Health Statistics System; Environmental Activities; International Standards for Hospital Discharge Data; Health Care Financing Administration activities; Subcommittee charges and activities on 1) Data Concepts and Methodology, 2) Environmental Health Statistics, 3) Cooperative Health Statistics, and 4) International Health Statistics.

These meetings are open for public observation and participation. Agenda items are subject to change as priorities dictate.

Further information regarding the Committee may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on vital and health Statistics, Office of Health, Research, Statistics, and Technology, Room 17A-31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301-443-2660.

Dated: December 27, 1979.

Marilyn McCarroll,

Executive Secretary, Office of Health, Research, Statistics, and Technology.

[FR Doc. 80-240 Filed 1-3-80; 8:45 am]

BILLING CODE 4110-85-M

Health Services Administration

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Migrant Health

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Jaime Manzano, Bureau of Community Health Services, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Dated: December 18, 1979.

William H. Aspden, Jr.

Associate Administrator for Management.

[FR Doc. 80-226 Filed 1-3-80; 8:45 am]

BILLING CODE 4110-84-M

Office of the Secretary

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its Family Policy Task Force meeting on Tuesday, January 22, 1980 from 11:00 a.m. to 4:30 p.m. The meeting will be held in Room 204 in the Federal Building and Post Office, 522 North Central Avenue, Phoenix, Arizona 85025. The agenda will include a discussion of issues including family policy and White House Conference on Families.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202 245-8454. This meeting is open to the public.

Dated: December 28, 1979.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 80-315 Filed 1-3-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-7]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of certain projects under various HUD programs as described in the appendix to this Notice. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information that reports other environmental studies planned or completed in the project area; issues and data which the EIS should consider; recommended mitigating measures and alternatives if one identifies a major issue associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., December 20, 1979.

Richard H. Brown,

Director, Office of Environmental Quality.

Appendix—EIS on Rockrimmon Development, Colorado Springs, Colo.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 5,000 dwelling units on 2,380 acres in the Rockrimmon Development in northwest Colorado Springs, Colorado. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has commenced and completion is anticipated in 1984.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time are: (1) Mine subsidence, (2) transportation access, and (3) potential of adverse noise.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications, for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone: (303) 837–3102.

Appendix—EIS on Old Farm, Briargate, Homestead and Norwood Developments, Colorado Springs, Colo.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 15,574 dwelling units on 4,472 acres in the Old Farm, Briargate, Homestead and Norwood subdivisions in northeast Colorado Springs, Colorado. The developers have requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of these projects has commenced and completion is anticipated in 1990.

Need. An EIS is required for these projects since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time are: (1) Potential of adverse noise (Old Farm, and Homestead), (2) Adequacy of transportation networks, and (3) flood plain (Norwood).

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone: (303) 837–3102.

Appendix—EIS on Royal Village Development, Belgrade, Mont.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 987 dwelling units on 294 acres in the Royal Village Subdivision in Belgrade, Montana. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has commenced and completion is anticipated in 1990.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Odor from sewage lagoon, (2) inadequate urban services, and (3) ground water recharge.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Highlands Ranch, Douglas County, Colo.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 30,033 dwelling units on 21,437 acres in the new town of Highlands Ranch, Northern Douglas County, Colorado. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has not commenced though completion is anticipated by the year 2000.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Land use, (2) land form, (3) water supply, (4) storm drainage, (5) sewage, (6) transportation, (7) utilities, (8) energy, (9) geology and soils, (10) wildfire, (11) air quality, (12) noise, (13) schools, and (14) vegetation.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Foothills Development, Salt Lake County, Utah

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 2,000 dwelling units on 715 acres in the Foothills Development in southwest Salt Lake County, Utah. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has not commenced. The project completion is anticipated by 1985.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Urban sprawl, (2) adequacy of water, (3) adequacy of school, and (4) air quality.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Homestead III Development, Jamestown, N.D.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 600 dwelling units on 212 acres in the Homestead III subdivision in Jamestown, North Dakota. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has commenced and completion is anticipated in 1984.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Archaeological, (2) flood plain, and noise from railroads.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Whalers Cove Development, Fort Collins, Colo.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 775 dwelling units on 160 acres in the Whalers Cove subdivision in south Fort Collins, Colorado. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has commenced and completion is anticipated in 1982.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Adequacy of police, (2) potential of adverse noise, and (3) expansive soils.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Pryor Creek Estates, Huntley, Mont.

The Denver Area Office of the Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 1,076 dwelling units on 300 acres in the Pryor Creek Estates in Huntley, Montana. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project has commenced and completion is anticipated in 1990.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Urban sprawl/distance to services, and (2) adequacy of schools.

Alternatives perceived. HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

Appendix—EIS on Olympic Park and Harvest Subdivisions, Billings, Mont.

The Department of Housing and Urban Development (HUD) is preparing an Environmental Impact Statement (EIS) on a project described below and solicits comments and information for consideration in the EIS.

Description. This project proposes to construct approximately 1,879 dwelling units on 320 acres in the Olympic Park and Harvest subdivisions in southwest Billings, Montana. The developer has requested HUD assistance in the form of mortgage insurance for purchasers of the dwelling units. Development of this project and completion is anticipated in 1985.

Need. An EIS is required for this project since the number of dwelling units proposed exceeds the threshold prescribed by HUD.

Major environmental issues which are expected to be, or have been identified at this time, are: (1) Urban sprawl, (2) school capacity, and (3) transportation.

Alternatives HUD perceives three alternatives for this project which are: (1) Approve the project as submitted for mortgage insurance, (2) approve the project with conditions and/or modifications for mortgage insurance, and (3) disapprove the project for mortgage insurance.

Comments. This Notice is part of the scoping process required for an EIS. Responses will help determine significant issues and identify data which the EIS should address. Comments should be forwarded on or before January 25, 1980, to: Carroll F. Goodwin, Environmental Officer, Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, telephone (303) 837–3102.

[FR Doc. 80–234 Filed 1–3–80; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: First Meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet January 28–30, 1980. The meeting will be held in room 5160 of the Main Interior Building, 18th and C Streets, N.W., Washington, D.C. The meeting hours will be 8:00 a.m. to 4:15 p.m. each day.

All meetings of the Council will be open to the public. Opportunity will be made available for brief oral statements by members of the public on Wednesday, January 30, from 10:00 a.m. to 12:00 p.m. Such oral statements should not exceed 10 minutes and should address specific national public lands issues. Such statements are to be submitted in writing and two copies filed with the Council Chairperson at the meeting. Written statements alone may be filed with the Council. Early mailing is encouraged to ensure Council consideration.

ADDRESS: Copies of statements should be mailed by close of business Friday, January 25, 1980, to: Director (660), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Lee Laitala or Ben Collins, Office of Cooperative Relations, (202) 343–8947, or (202) 343–5784.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior, through the Director, Bureau of Land Management, regarding implementation of the Federal Land Policy and Management Act of 1976, as well as other policies and programs of a national scope related to public lands and resources under the jurisdiction of the Bureau.

The proposed agenda for the three-day meeting is:

Monday, January 28: Morning: Opening remarks by Departmental officials and Frank Gregg, Director, BLM; initial discussion of Advisory Council organization and procedures. Afternoon: BLM Service Study Group report, and panel discussion on the "Sagebrush Rebellion."

Tuesday, January 29: Morning: BLM's FY 1981 Budget, and the FY 1982–85 Four-Year Authorization Process. Afternoon: BLM's draft rangeland strategy document, "Managing the

Public Rangelands" and related rangeland matters.

Wednesday, January 30: Morning: Refinement of Advisory Council organization and procedures; opportunity for presentation of oral statements by members of the public. Afternoon: Open discussion of other public lands issues as requested by Council members; conclusion of Council organization and other Council business, including setting a date for the Council's next meeting.

Arnold E. Petty,

Acting Director.

December 28, 1979.

[FR Doc. 80-225 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-84-M

[Nev-056718]

Nevada

December 26, 1979.

By quitclaim deed executed November 8, 1979, the Unincorporated Town of Jackpot, acting through the Elko County Board of County Commissioners, reconveyed the following described land to the United States:

Mount Diablo Meridian, Nevada

T. 47 N., R. 64 E.
Sec. 12, N½NW¼NW¼NE¼,
N½NE¼NW¼NW¼NE¼,
N½SW¼NW¼NE¼,
N½SE¼NW¼NW¼NE¼,
N½SW¼NE¼NW¼NE¼,
SE¼NE¼NW¼NE¼,
E½NE¼SE¼NW¼NE¼,
E½SE¼SE¼NW¼NE¼.

The purpose of this notice is to inform the public that the Bureau of Land Management has accepted title to the above-described land on behalf of the United States. The land regained public land status on December 21, 1979.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 80-271 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Inventory; Decision, Challis Planning Area; Idaho

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to inventory roadless areas and roadless islands of the public lands to identify those areas possessing wilderness characteristics as described in the Wilderness Act of 1964.

The **Federal Register** notice of September 7, 1979, announced the proposed decision on accelerated intensive wilderness inventory for the Challis Area in the Salmon District.

Notice is hereby given that the BLM has completed the intensive wilderness inventory for the Challis Area. The purpose of conducting this intensive inventory in advance of the statewide intensive inventory is to have wilderness data available for consideration when the grazing management program is implemented in the Challis Area of the Salmon District.

Following publication of the proposed inventory decision in the September 7, 1979, **Federal Register**, a 90-day comment period was conducted. Public responses were not received during the comment period that addressed specific factors related to wilderness characteristics. Comments that related to wilderness interim management were reviewed but were not utilized in arriving at the intended final decision. The inventory process is only for the purpose of determining wilderness characteristics; comments not related to characteristics will be analyzed during the study phase.

Following is the intended final decision:

Units With Characteristics

46–11, Corral-Horse Basin, 51,500 acres.
46–13, Boulder Creek,* 2,573 acres.
46–14, Jerry Peak, 48,000 acres.
46–14a, Jerry Peak West, 15,000 acres.

Units Without Characteristics

46–2, Garden Creek, 14,415 acres.
46–3, Centennial, 8,014 acres.
46–7, Lone Pine Peak, 26,840 acres.
46–10, Hole-in-the-Rock, 7,950 acres.

In summary, of the total of 174,292 acres intensively inventoried in the Challis Planning Area, 117,073 acres were found to have wilderness characteristics, and thus the four units containing those acres are identified as Wilderness Study Areas. The remaining 57,219 acres are dropped from the wilderness inventory process.

Upon publication of this intended final decision in the **Federal Register**, a 30-day protest period is initiated, during which persons wishing to protest any of the intended final decisions shall have 30 days to file a written protest. Protests should address specific inventory units and must include a clear and concise statement of reasons for the protest, including any supporting data available. Protests may be filed with the Idaho State Office or the Salmon District Office of the BLM and must be postmarked or received by the end of the 30-day period, February 4, 1980.

*Unit less than 5,000 acres dependent upon a contiguous RARE II area to meet the size criteria.

BLM office addresses for further information on this intended final decision are as follows:

Idaho State Office—BLM, Federal Building, Box 042, 550 W. Fort Street, Boise, Idaho 83724.

Salmon District Office—BLM, P.O. Box 430, Salmon, Idaho 83467.

Dated: December 27, 1979.

Robert O. Buffington,

Idaho State Director, Bureau of Land Management.

[FR Doc. 80-337 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Feral Burro Management Program, Bandelier National Monument, N. Mex.; Availability of Amended Environmental Assessment

A public workshop to discuss the alternatives available for managing the feral burro population at Bandelier National Monument, Santa Fe, Sandoval and Los Alamos Counties, New Mexico, was held on December 15, 1976, in Morgan Hall, State Land Office Building, 310 Old Santa Fe Trail, Santa Fe, New Mexico. Workbooks were made available at the workshop to enable participants to comment upon the Environmental Assessment. In addition, news releases and a **Federal Register** Notice of November 4, 1976, stating the availability of the document for review and providing notice of the public workshop, were made in order to obtain the widest possible public involvement and input in order to select a feral burro management technique that would be socially acceptable and technologically sound.

The National Park Service has now prepared an Amended Environmental Assessment updating the Environmental Assessment of 1976, which outlined burro management alternatives, research, and pertinent area information. The Amended Environmental Assessment considers the past public involvement and review input and is based on a sound planning process rationale.

The Amended Environmental Assessment discusses measures that will serve both long and short-range needs in preserving and protecting the archeological and natural resources of the Monument and at the same time provide for visitor use and enjoyment of the Monument lands.

Copies of the Amended Environmental Assessment will be sent to all persons, agencies and organizations that commented on the November 1976 Environmental

Assessment. In addition, copies are available at the following locations:

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

Bandelier National Monument, Los Alamos, New Mexico 87544.

Anyone wishing to comment on the plan should address the comments to the Superintendent, Bandelier National Monument, Los Alamos, New Mexico 87544, on or before the thirtieth (30th) day following publication of this notice.

Dated: December 27, 1979.

Daniel J. Tobin, Jr.,

Acting Director, National Park Service.

[FR Doc. 80-230 Filed 1-3-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 334]

Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance with the Railroad Revitalization and Regulatory Reform Act of 1976; Informal Conference

AGENCY: Interstate Commerce Commission.

ACTION: Setting this matter for informal conference.

SUMMARY: An informal conference with the Commission's staff will be held on January 15, 1980. The purpose of this conference is to clarify certain areas of the railroad petition submitted in this proceeding on November 26, 1979.

NOTICE OF INTENT TO PARTICIPATE: This conference is open to all parties having an interest in this matter, and who have substantive comments or recommendations concerning the November 26, 1979 petition of the railroads. A notice of intent to participate in this informal conference is due by January 7, 1980. This notice of intent should be directed to: William T. Bono, Chief, Section of Cost Development, Room 6331, Interstate Commerce Commission, Washington, D.C. 20423 (202) 275-7354.

SUPPLEMENTARY INFORMATION: The Commission's Order, served August 28, 1979 in Ex Parte No. 334—Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance with the Railroad Revitalization and Regulatory Act of 1976, required that the railroads file a petition no later than November 26, 1979 for implementation of the revised car hire formula by specified car type.

In order to give interested parties an opportunity to provide the Commission staff with comments or recommendations which will aid in the clarification of certain areas of this petition, an informal conference is scheduled for January 15, 1980 at 9:00 a.m. in Room 6357 at the Commission's offices in Washington, D.C. Persons intending to participate are requested to notify the Commission by January 7, 1980.

Dated: December 31, 1979.

James B. Thomas,

Bureau of Accounts.

[FR Doc. 80-282 Filed 1-3-80; 8:45 am]

BILLING CODE 7035-01-M

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before February 4, 1980. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 73165 (Sub-457F) (republication), filed October 17, 1978, as amended, published in the **Federal Register** issue of December 19, 1978, and republished this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). The Initial Decision of the Administrative Law Judge, decided July 20, 1979, and served August 9, 1979, became the order of the Commission by notice dated September 10, 1979, and served September 18, 1979; said Initial Decision finds that the present and future public convenience and necessity require operation by applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Iron and steel articles,* (1) between points in LA and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KY, MD, MS, NY, NC, PA, SC and TN, (2) from points in LA and TX to points in CT, DE, MA, ME, MI, NH, NJ, OH, RI, VA, VT, WI, WV and DC, and (3) from points in LA to points in IA and MO. *Condition:* Any duplication between the authority in (1), (2) and (3) above and any other authority held by Eagle Motor Lines, Inc. or by its affiliates F-B Truck Line Company and Machinery Transport, Inc., both of Salt Lake City, UT, shall not be construed as creating more than one operating right; that applicant is fit, willing and able properly to perform the authorized service indicated and to conform to the requirements of the Interstate Commerce Act and the rules and regulations prescribed thereunder; that in other respects the application should be denied; that persons who may have relied upon the notice of this application previously published may be prejudiced by the fact that the grant of authority herein is broader in certain respects, particularly as to the origin state of Texas, than was previously indicated, that issuance of a certificate to the applicant should be deferred.

MC 113855 (Sub-386F) (correction) (republication), filed August 25, 1977, published in the **Federal Register** issues of September 29, 1977, December 5, 1979, and republished, as corrected, this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58102. A Decision of the Commission, Division 2, decided July 6, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier,* by *motor vehicle,* over irregular routes, transporting *mechanical work platforms, and parts and attachments of mechanical work platforms,* between the facilities of Mark Industries, Inc., in Los Angeles County, CA, on the one hand, and, on the other, points in the United States (including AK, but excluding HI); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to reflect service from points in Los Angeles County, CA, and to indicate the correct commodity description.

By the Commission.
Agatha L. Mergenovich,
Secretary.
[FR Doc. 80-283 Filed 1-3-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 79-8]

Mercedes Pharmacy, Dime Crup Corp.; Revocation of Registration

On March 2, 1979, the Administrator of the Drug Enforcement Administration (DEA) issued to Mercedes Pharmacy, Respondent, an Order to Show Cause why it should not revoke the Respondent's DEA Certificate of Registration, AM5734606, as a retail pharmacy dispensing controlled substances. The Order to Show Cause specified, as reason for the action proposed therein, that the Florida State Board of Pharmacy on October 12, 1978 revoked Respondent's permit to operate a pharmacy, effective November 12, 1978.

The March 2, 1979 Order allowed Respondent thirty days within which to request a hearing. By letter dated April 6, 1979, Respondent requested, through counsel, that the thirty day filing period commence on April 5, 1979 alleging that it did not receive such notice until that date because it was no longer at the address to which the order was mailed. The Administrative Law Judge granted this request and extended the filing period to May 7, 1979.

By letter dated May 14, 1978, counsel for Respondent waived the hearing it had earlier requested.

On May 18, 1979, the Administrative Law Judge ordered all proceedings in the above-captioned matter terminated.

Title 21, Code of Federal Regulations (CFR), § 1301.54(e) provides that: "If all persons entitled to a hearing or to participate in a hearing waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing, if scheduled, and issue his final order pursuant in § 1301.57 without a hearing."

Accordingly, pursuant to 21 CFR 1301.57 and 1316.67, as amended, the Administrator hereby issues his final order in this matter based upon the findings of fact and conclusions of law set forth below.

The Administrator finds that on October 12, 1978, the Florida Board of Pharmacy issued an order that the permit authorizing Dime Crup Corp., doing business as Mercedes Pharmacy, and Mercedes Martin as owner and operator thereof, to operate a community pharmacy, be revoked effective November 12, 1979.

Under § 304 of the Controlled Substances Act (21 U.S.C. 824), such action is lawful grounds for revocation of a DEA registration.

Additionally, the file in this matter contains information that Mercedes Pharmacy was sold on December 11, 1978. By regulation, the occurrence of this event terminates the registration of Respondent. 21 CFR 1301.62.

Therefore, the Administrator concludes as a matter of law that there is a lawful basis for the revocation of the Respondent's DEA Registration, and that such revocation is required in this case. The Respondent has submitted no information which would cause the Administrator to conclude that any lesser remedy would adequately protect the public interest.

For these reasons, it is the Administrator's decision that the Respondent's registration must be revoked.

Accordingly, pursuant to the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration by Title 28, Code of Federal Regulations, § 0.100, the Administrator hereby orders that DEA Certificate of Registration AM5734606, previously issued to Mercedes Pharmacy, Dime Crup Corp., as a pharmacy, be, and it hereby is, revoked, effective immediately.

Dated: December 31, 1979.
Peter B. Bensinger,
Administrator, Drug Enforcement Administration.
[FR Doc. 80-128 Filed 1-3-80; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-6224]

Abbott Machine Co., Inc., Wilton, N.H.; Certification Regarding Eligibility To Apply for Worker Adjustement Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of elibigibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 18, 1979 in response to a worker petition received on October 11, 1979 which was filed by three workers on behalf of workers and former workers producing textile equipment at the Abbott Machine Company, Incorporated, Wilton, New Hampshire. The investigation revealed that the company produces yarn winders and winder spare parts. It is concluded that all of the requirements have been met.

Imports of winding machines into the United States increased both absolutely and relative to domestic production in 1978 as compared to 1977. Imports of winding machines continued to increase absolutely during the first six months of 1979 as compared to the same period in 1978.

Results of a U.S. Department of Commerce survey indicated that customers of the Abbott Machine Company purchased imported winding machines in 1978, instead of replacing aging Abbott winders with newer models produced by Abbott. These customers also purchased imported, rather than Abbott, winders in 1978 for plant expansion.

On July 10, 1979, the U.S. Department of Commerce certified the Abbott Machine Company, Wiltom, New Hampshire, eligible to apply for adjustment assistance (Commerce Department Project No. F-NH-0555).

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with yarn winders and winder spare parts produced at the Abbott Machine Company, Incorporated, Wilton, New Hampshire contributed importantly to the decline in sales of production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification.

All workers of the Abbott Machine Company, Incorporated, Wilton, New Hampshire who became totally or partially separated from employment on or after October 3, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of December 1979.
C. Michael Aho,
Director, Office of Foreign Economic Research.
[FR Doc. 80-130 Filed 1-3-80; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-6225]

Avtex Fibers, Inc., Aston, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 18, 1979 in response to a worker petition received on October 16, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing textile machine parts at Avtex Fibers, Incorporated, Aston, Pennsylvania. The investigation revealed that the plant produces primarily fabricated glass tubing and metal spinnerettes used in the production of yarn and fiber. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

All of the items produced at the Aston, Pennsylvania plant of Avtex are transferred to other Avtex plants, to be used primarily in the production of rayon tire yarn, rayon staple fiber, and polyester yarn.

Aggregate sales and production of rayon tire yarn, rayon staple fiber, and polyester yarn at those Avtex plants increased in the first three quarters of 1979 compared to the same period in 1978.

Imports of rayon and acetate staple fibers and yarn decreased both absolutely and relatively in 1978 compared to 1977 and continued decreasing absolutely in the first nine months of 1979 compared to the first nine months of 1978. During the same time periods U.S. exports increased.

Conclusion

After careful review, I determine that all workers of Avtex Fibers, Incorporated, Aston, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economist Research.

[FR Doc. 80-132 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6267]

Avtex Fibers, Inc., Radford, Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 25, 1979 in response to a worker petition received on October 23, 1979 which was filed on behalf of workers and former workers producing textured polyester at Avtex Fibers, Incorporated, Radford, Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Radford, Virginia plant of Avtex Fibers produced texturized polyester yarn. Imports of texturized wholly continuous man-made yarns decreased both absolutely and relative to domestic production in 1978 compared to 1977 and continued to decrease absolutely in the first six months of 1979 compared to the same period in 1978.

Conclusion

After careful review, I determine that all workers of Avtex Fibers, Incorporated, Radford, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-133 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6269]

Bobby's Casuals, Bridgeport, Conn; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 25, 1979 in response to a worker petition received on October 23, 1979 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing women's dresses at Bobby's Casuals, Bridgeport, Connecticut. The investigation revealed that the firm also produces women's skirts. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of Women's, Misses' and Children's skirts and dresses decreased absolutely in January–September 1979 compared to the same period in 1978.

Bobby's Casuals produces dresses and skirts exclusively for one manufacturer. That manufacturer does not purchase any imported dresses or skirts or utilize any foreign contractors. Value of contracts awarded by the manufacturer increased in 1978 from 1977. A survey of customers of the manufacturer revealed that a few customers who increased purchases of imported dresses and skirts in January–June 1979 compared to the same period in 1978 represented an insignificant proportion of total sales.

Conclusion

After careful review, I determine that all workers of Bobby's Casuals,

Bridgeport, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-135 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6394]

Braemoor Garment Co., Pleasantton, Kans.; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance: Correction

In FR Doc. 79-36505 appearing on page 67737 in the **Federal Register** of November 27, 1979, the date of petition in the appendix under petitioner Braemoor Garment Co., Pleasantton, Kansas should be corrected to read "October 14, 1979."

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-137 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5979 andTA-W-6040]

Chrysler Corp.; Revised Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

TA-W-5979-Hamtramck Assembly, Hamtramck, Michigan;
TA-W-5980—Jefferson Assembly, Detroit, Michigan;
TA-W-5981—Missouri Truck Assembly, Fenton, Missouri;
TA-W-5982—St. Louis Assembly, Fenton, Missouri;
TA-W-5983—Warren Truck Assembly, Warren, Michigan;
TA-W-5984—Detroit Forge, Detroit, Michigan;
TA-W-5985—Mound Road Engine, Detroit, Michigan;
TA-W-5986—Twinsburg Stamping, Twinsburg, Ohio;
TA-W-5987—Eight Mile Stamping & Outer Drive, Stamping, Detroit, Michigan;
TA-W-5988—Mack Avenue Stamping, Detroit, Michigan;
TA-W-5989—Detroit Trim, Detroit, Michigan;
TA-W-5990—McGraw Glass, Detroit, Michigan;
TA-W-5991—New Castle Machine & Forge, New Castle, Indiana;
TA-W-5992—Trenton Engine Chemical Division, Trenton, Michigan;
TA-W-5993—Fostoria Foundry, Fostoria, Ohio;
TA-W-5994—Indianapolis Foundry, Indianapolis, Indiana;
TA-W-5995—New Process Gear Plant, East Syracuse, New York;
TA-W-5996—Introl Division, Ann Arbor, Michigan;
TA-W-5997—Kokomo Transmission, Kokomo, Indiana;
TA-W-5998—Warren Stamping, Warren, Michigan;
TA-W-5999—Eldon Avenue Axle, Detroit, Michigan;
TA-W-6000—Kokomo Casting, Kokomo, Indiana;
TA-W-6001—Amplex-Van Wert Plant, Van Wert, Ohio;
TA-W-6002—Toledo Machining, Perrysburg, Ohio;
TA-W-6003—Huntsville Electronics Division, Huntsville, Alabama;
TA-W-6004—Huber Foundry, Detroit, Michigan;
TA-W-6037—Newark Assembly, Newark, Delaware;
TA-W-6038—Lynch Road Assembly, Detroit, Michigan;
TA-W-6039—Indianapolis Electrical, Indianapolis, Indiana;
TA-W-6040—Sterling Stamping, Sterling Heights, Michigan.

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor issued three Certifications Regarding Eligibility to Apply for Worker Adjustment Assistance on November 6, 1979, and one Notice of Determinations on November 16, 1979, applicable to all workers at certain Chrysler plants. The first certification was applicable to all workers covered under the following petitions, TA-W-5979, TA-W-5982, TA-W-6037 and TA-W-6038 cited above of Chrylser Corporation, Highland Park, Michigan. The Notice of Certification was published in the **Federal Register** on November 13, 1979 (44 FR 65488-90). The Department issued another Certification of Eligibility to Apply for Worker Adjustment Assistance on November 6, 1979 (44 FR 65489), applicable to all workers covered under the following petitions, TA-W-5980, TA-W-5981 and TA-W-5983 cited above of Chyrsler Corporation, Highland Park, Michigan. The third Certification of Eligibility to Apply for Worker Adjustment Assistance issued on November 6, 1979 (44 FR 65490), by the Department for workers of the Chrysler Corporation was applicable to all workers covered under the following petitions, TA-W-5984, TA-W-5985, TA-W-5986, TA-W-5987, TA-W-5988, TA-W-5989, TA-W-5990, TA-W-5991, TA-W-5992, TA-W-5993, TA-W-5994, TA-W-5996, TA-W-5997, TA-W-5998, TA-W-5999, TA-W-6000, TA-W-6002, TA-W-6003, TA-W-6004, TA-W-6039 and TA-W-6040 cited above of Chrylser Corporation, Highland Park, Michigan. The Department issued a Notice of Determination on November 16, 1979 (44 FR 67242) applicable to all workers covered under the following petitions, TA-W-5995 and TA-W-6001 cited above.

On the basis of additional information, the Office of Trade Adjustment Assistance, on its own motion, reviewed the certifications. It was found on review that workers at several subdivisions of Chrysler Corporation, who were certified under the three above-mentioned certifications, were not able to establish their individual eligibility for trade readjustment allowances since multiple certifications for the same firm did not allow for coverage of certain employees who had transferred from one certified worker group to another in the 52 weeks prior to their layoffs.

The intent of the certifications is to cover all workers at the several locations of Chrysler Corporation who were affected by the decline in the sales or production of passenger cars, pick-up trucks, trucks, utility vans and motor home chassis and their components at 29 assembly and auxiliary plants of Chrysler Corporation, Highland Park, Michigan related to increased import competition. The certifications and Notice of Determinations, therefore, are revised to include all workers at the 29 assembly plants of the Chrysler Corporation, Highland Park, Michigan.

The separate certifications applicable to the Chrysler Corporation are hereby revised as follows:

All workers of the following facilities of the Chrysler Corporation who became totally or partially separated from employment on or after the indicated impact dates are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

TA-W-	Plant	Impact date
5979	Hamtramck Assembly, Hamtramck, Michigan.	Aug. 28, 1978.
5980	Jefferson Assembly, Detroit, Michigan.	May 1, 1979.
5981	Misscuri Truck Assembly, Fenton, Missouri.	May 1, 1979.
5982	St. Louis Assembly, Fenton, Missouri	Aug. 28, 1978.
5983	Warren Truck Assembly, Warren, Michigan.	Aug. 28, 1978.
5984	Detroit Forge, Detroit, Michigan	Aug. 28, 1978.
5985	Mound Road Engine, Detroit, Michigan.	Aug. 28, 1978.
5986	Twinsburg Stamping, Twinsburg, Ohio.	Nov. 1, 1978.
5987	Eight Mile Stamping & Outer Drive Stamping, Detroit, Michigan.	Aug. 28, 1978.
5988	Mack Avenue Stamping, Detroit, Michigan.	Aug. 28, 1978.
5989	Detroit Trim, Detroit, Michigan	Aug. 28, 1978.
5990	McGraw Glass, Detroit, Michigan	Aug. 28, 1978.
5991	New Castle Machine & Forge, New Castle, Indiana.	Aug. 28, 1978.
5992	Trenton Engine Chemical Division, Trenton, Michigan.	Aug. 28, 1978.
5993	Fostoria Foundry, Fostoria, Ohio	Aug. 28, 1978.
5994	Indianapolis Foundry, Indianapolis, Indiana.	Aug. 28, 1978.
5996	Introl Division, Ann Arbor, Michigan	Nov. 1, 1978.
5997	Kokomo Transmission, Kokomo, Indiana.	Nov. 1, 1978.

TA-W-	Plant	Impact date
5998...	Warren Stamping, Warren, Michigan..	Jan. 1, 1979.
5999...	Eldon Avenue Axle, Detroit, Michigan	Aug. 28, 1978.
6000...	Kokomo Casting, Kokomo, Indiana	Nov. 1, 1978.
6001...	Amplex-Van Wert Plant, Van Wert, Ohio.	Jan. 1, 1979.
6002...	Toledo Machining, Perrysburg, Ohio ..	Aug. 28, 1978.
6003...	Huntsville Electronic Division, Huntsville, Alabama.	Jan. 1, 1979.
6004...	Huber Foundry, Detroit, Michigan.....	Aug. 28, 1978.
6037...	Newark Assembly, Newark, Delaware.	Aug. 28, 1978.
6038...	Lynch Road Assembly, Detroit, Michigan.	Jan. 20, 1979.
6039...	Indianapolis Electrical, Indianapolis, Indiana.	Aug. 28, 1978.
6040...	Sterling Stamping, Sterling Heights, Michigan.	Aug. 28, 1978.

I further conclude that all workers at the New Process Gear Plant, East Syracuse, New York, of Chrysler Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-138 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6477]

Consolidation Coal Co., Ireland Mine, Moundsville, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 29, 1979 in response to a worker petition received on November 20, 1979 which was filed on behalf of workers and former workers producing metallurgical coal at Consolidation Coal Company's Ireland Mine, Moundsville, West Virginia. The investigation revealed that the Irelaand Mine produces steam coal. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that the Ireland Mine produces steam coal. The ratio of U.S. imports of steam coal relative to U.S. production of steam coal has been less than one percent for the past five years. The Ireland Mine's only customers does not purchase imported coal.

Conclusion

After careful review, I determine that all workers of Consolidation Coal Company's Ireland Mine, Moundsville, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-139 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6202]

Corcol Energy, Inc., Preparation Plant No. 102, Jewell Valley, Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 16, 1979 in response to a worker petition received on October 9, 1979 which was filed by the United Mine Workers of America on behalf of workers and former workers producing metallurgical coal at Corcol Energy, Inc., Preparation Plant No. 102, Jewell Valley, Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that Corcol Energy, Inc., Preparation Plant No. 102 is a preparation plant which cleans coal for another coal mining company. Declines in production and/or sales and employment at Preparation Plant No. 102 are caused by sales declines at this company. Almost all of the coal sold by this company is exported although some small quantities of coal are sold domestically to utility companies for use in producing steam.

Imports of bituminous coal for use in producing steam are negligible, being less than one percent of domestic production, and therefore cannot be considered to have contributed to a loss of domestic utility sales at this company. Imports have no relevant effect on export sales, and therefore cannot be considered to have contributed to a loss of such sales at this company.

Conclusion

After careful review, I determine that all workers of Corcol Energy, Inc., Preparation Plant No. 102, Jewell Valley, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-140 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6257]

Crane Co., Indian Orchard Foundry, Indian Orchard, Mass.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 24, 1979 in response to a worker petition received on October 10, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steam and water valves for Crane Company, Indian Orchard, Massachusetts. The investigation revealed that the petition was filed for the employees producing steel castings at the Indian orchard foundry. In the

following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Crane Company ceased production operations at the Indian Orchard foundry as an internal company decision and will rely upon other Crane foundries and domestic sources for future supplies of steel castings.

U.S. imports of steel castings decreased relative to domestic shipments from 1977 to 1978. Although imports of castings increased absolutely and relative to domestic shipments during the first six months of 1979 compared with the same period of 1978, imports remained below three percent of domestic shipments.

Conclusion

After careful review, I determine that all workers of Crane Company, Indian Orchard foundry, Indian Orchard, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-141 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6076 and TA-W-6076A]

Elektra Asylum Nonesuch Records, Los Angeles, Calif. and New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on September 21, 1979 in response to a worker petition received on September 12, 1979 which was filed on behalf of workers and former workers producing records at the Los Angeles, California office of Elektra Asylum Records. The investigation revealed that the workers who submitted the petition were employed in the New York, New York office of Elektra Asylum Records. The investigation also revealed that the formal name of the company is Elektra Asylum Nonesuch Records.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that Elektra Asylum Nonesuch Records is engaged in the manufacturing of records. The workers have alleged that imports of oil have caused an increase in record prices which had resulted in declining sales and layoffs at Elektra Asylum. In discussing the term "like or directly competitive" as used in the Trade Act of 1974, oil cannot be considered like or directly competitive with records. Only imports of records can be considered when determining import injury to workers of Elektra Asylum.

The U.S. is the world's largest producer of records. Imported records represent only a small portion of the domestic market. Imports consist principally of records that are not available domestically. There are no significant cost differences between records produced domestically and produced overseas. The downturn in the record market in 1979 was due in part to increased production costs for records and to a general resistance by consumers to price increases.

Conclusion

After careful review, I determine that all workers of the Los Angeles, California and the New York, New York offices of Elektra Asylum Nonesuch Records are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-142 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6192]

Fairchild, Inc., Beckley, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 15, 1979 in response to a worker petition received on October 10, 1979 which was filed on behalf of workers and former workers producing mining equipment at Fairchild Incorporated, Beckley, West Virginia. The investigation revealed that petitioners were employed at Fairchild Incorporated administrative headquarters, Beckley, West Virginia as purchasing agents, primarily for the Wilcox and Pembroke Divisions. Those two divisions are the only two divisions of Fairchild Incorporated engaged in manufacturing. The Wilcox Division is located at Raleigh, West Virginia. The Pembroke Division is located at Pembroke, Virginia. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

United States imports of continuous mining systems and roof bolters are included in a larger import basket category, "Mining Machinery." Included in this category also is equipment used in oil exploration. Imports of mining machinery declined in 1978 compared to 1977. In the period 1974–1978 imports have been less than 4.0 percent of U.S. shipments.

Customers of Fairchild are engaged in coal mining. The Department conducted a survey of some of these customers. This survey revealed that purchases of imported mining equipment in 1978 or 1979 were not significant. Most of these customers had sales and production declines. These declines are related to the decline in U.S. sales and production of metallurgical coal. Because of the decrease in production of metallurgical

coal, these customers have less need for mining equipment.

Conclusion

After careful review, I determine that all workers of Fairchild Incorporated, Beckley, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-143 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6179]

Farmington Manufacturing Co., Farmington, Mo.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 15, 1979 in response to a worker petition received on October 9, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's pants and sportcoats at Farmington Manufacturing Company, Farmington, Missouri. The investigation revealed that the Farmington Manufacturing Company is a plant of The Biltwell Company, Incorporated producing men's pants, sportcoats and suits. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Farmington Manufacturing Company is a plant of The Biltwell Company, Incorporated. A survey of customers who purchased men's suits, sportcoats and pants from Biltwell was conducted by the Department. The survey revealed that customers relied almost entirely on domestic sources for their purchases of men's suits, sportcoats and slacks.

Imports of men's and boys' tailored dress coats and sportcoats decreased absolutely in 1978 compared with 1977 and decreased absolutely in the first three quarters of 1979 compared with the same period of 1978.

Imports of men's and boys' tailored suits decreased relative to domestic production in 1978 compared with 1977 and decreased absolutely in the first three quarters of 1979 compared with same period of 1978.

Imports of men's and boys' dress and sport trousers and shorts declined absolutely in 1978 compared with 1977 and decreased absolutely in the first three quarters of 1979 compared with the same period of 1978.

Conclusion

After careful review, I determine that all workers of The Farmington Manufacturing Company, Farmington, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-144 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6295]

Fashion Rite Corp./Mikan Originals, Inc., Neptune, N.J., and New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 30, 1979 in response to a worker petition received on October 23, 1979 which was filed on behalf of workers and former workers producing children's outerwear at Fashion Rite Corporation, Neptune, New Jersey. The investigation revealed that the company maintains its headquarters in New York City. The investigation was expanded to include workers of Mikan Originals, Incorporated, Neptune, New Jersey and New York City. The investigation indicated that one of the petitioners is employed by Fashion Rite and the other two petitioners work for Mikan Originals. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of women's misses', and children's coats and jackets decreased absolutely in the period January through September 1979 compared with the same period in the previous year.

Sales of children's coats and jackets by Fashion Rite and Mikan Originals increased in the first three quarters of 1979 compared with the first three quarters of 1978. Average combined employment at Fashion Rite Corporation and Mikan Originals increased from January through September 1979 compared with the like period in the previous year.

Both companies operate on a cyclical basis with the high season occurring from March or April through August and the slow period taking place from September through February. Employment declines cited by the petitioners reflect the seasonality of coat and jacket production and sales.

Conclusion

After careful review, I determine that all workers of Fashion Rite Corporation, Neptune, New Jersey and New York, New York and Mikan Originals, Incorporated, Neptune, New Jersey and New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-145 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6596]

Ford Aerospace & Communications Corp., Connersville, Ind.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 11, 1979 in response to a petition received on December 4, 1979 which was filed by the International Union of Electrical, Radio

and Machine Workers on behalf of workers and former workers producing automobile air conditioner components at the Connersville, Indiana plant of Ford Aerospace and Communications Corporation. The petition alleges that imports of automobiles caused layoffs beginning in June 1979.

On August 9, 1979 workers of the Connersville, Indiana plant of Ford Aerospace and Communications Corporation were denied eligibility to apply for adjustment assistance (TA–W–5682). The petition alleged that imported automobiles had caused layoffs beginning in June 1979. The Connersville plant of Ford Aerospace produces automobile air conditioner components. The determination revealed under (TA–W–5682) no evidence that indicated that increased imports of automobile air conditioner components had contributed importantly to the June layoffs.

Since an investigation has already been conducted pursuant to the facts and statements presented in the current petition (TA–W–6596) and since the current petition presents no additional information pursuant to the previous determination (TA–W–5682) that would change the previous determination, another investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 26th day of December 1979.

Harold A. Bratt,

Acting Director, Office of Trade Ajustment Assistance.

[FR Doc. 80–146 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6259–61]

Ford Motor Co., Cleveland Engine Plant No. 1, Cleveland Engine Plant No. 2 and Cleveland Castings Plant, Cleveland, Ohio; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 24, 1979 in response to a worker petition received on October 10, 1979 which was filed by the International Brotherhood of Electrical Workers on behalf of workers and former workers producing eight cylinder engines at Ford Motor Company's Cleveland, Ohio Engine Plants #1 and #2 and Cleveland, Ohio Castings Plant. The investigation revealed that Cleveland Engine Plant #1 primarily produces 302 CID eight cylinder engines. Cleveland Engine Plant #2 produces 351 CID and 400 CID eight cylinder engines. The Cleveland Castings Plant produces castings for use in the manufacture of Ford engines. It is concluded that all of the requirements have been met.

A. Cleveland Engine Plants No. 1 and No. 2

Ford Motor Company's imports of eight cylinder engines from Canada increased relative to Ford's total domestic production of eight cylinder engines in the first four months of MY 1980 compared to the same period in MY 1979. Ford's imports of engines also increased relative to the production of engines at Ford's two Cleveland engine plants for the same time periods.

A substantial majority of engines produced at CEP #1 and all engines produced at CEP #2 are eight cylinder engines. All engines imported by Ford from Canada are eight cylinder engines. Because of the ongoing downsizing of cars, in many car and truck lines, larger eight cylinder engines have been replaced by smaller eight cylinder engines. In MY 1980 Ford decided to source its production of a new small eight cylinder engine in Canada and to increase use of another Canadian built eight cylinder engine in certain car lines. A substantial portion of the two Cleveland engine plants' recent production declines can be attributed to the relative increase of imports of Ford eight cylinder engines from Canada due to these decisions.

B. Cleveland Castings Plant

The Department of Labor determines that increased imports contributed importantly to the production and employment declines at Ford Motor Company's two Cleveland engine plants (TA–W–6259–60). During the course of the investigation, it was established that a substantial proportion of the Cleveland Castings Plant's production is used in the production of engines at Ford's two Cleveland engine plants. Therefore, production of castings at the Cleveland Castings plant is substantially integrated into the production of trade impacted Ford engines.

Imports of certain castings similar to those produced at Cleveland from Ford's Canadian Casting Plant increased relative to the production of these castings at the Cleveland Castings Plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the Ford engines produced at the Ford Motor Company's Cleveland engine plants contributed importantly to the decline in sales or production and to the total or partial separation of workers at Ford Motor Company's Cleveland, Ohio Engine Plant #1, Engine Plant #2 and Castings Plant. In accordance with the provisions of the Act, I make the following certification:

All workers of Ford Motor Company's Cleveland, Ohio Engine Plant #1, Engine Plant #2, and Castings Plant who became totally or partially separated from employment on or after June 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80–147 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6231]

Flavorland Industries, Inc., Toppenish, Wash.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 18, 1979 in response to a worker petition received on October 16, 1979 which was filed on behalf of workers and former workers slaughtering beef at Flavorland Industries, Inc., Toppenish, Washington plant. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or

threat thereof, and to the absolute decline in sales or production.

Imports of table beef and veal in 1978 and the first nine months of 1979 were negligible. The ratio of imports of table beef and veal to domestic production in 1978 and the first nine months of 1979 were recorded at less than 0.3 percent. Customers of the subject firm did not utilize foreign sources for their supply of table beef.

Conclusion

After careful review, I determine that all workers of Flavorland Industries, Inc., Toppenish, Washington are denied eligibility to aply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-148 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6331]

Freddi-Gail, Inc., Hoboken, N.J.; Negative Determination Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 6, 1979 in response to a worker petition received on October 24, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' coats at Freddy Gail, Inc., Hoboken, New Jersey. The investigation revealed that the workers perform the operation of cutting piece goods for junior's coats. The correct spelling of the company name is Freddi-Gail, Incorporated. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average employment at the Hoboken, New Jersey plant of Freddi-Gail, Inc. increased in 1978 compared to 1977. Average employment increased in the period January–November 1979 compared to the same period in 1978. Average weekly hours per employee declined in the January–November period of 1979 compared to the same period in 1978 but did not decline significantly from the normal full employment week of 35 hours. Employment at the plant is highest during the period May–December of each year and declines during the remainder of the year. There is no immediate threat of separation of workers of this plant.

Conclusion

After careful review, I determine that all workers of Freddi-Gail, Incorporated, Hoboken, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-149 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5408]

Gold Seal Garter Corp., New York City, N.Y.; Revised Determination on Reconsideration

On August 20, 1979, the Department of Labor made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Gold Seal Garter Corporation, New York City, New York. This determination was published in the **Federal Register** on August 24, 1979 (44 FR 49806).

On June 22, 1979, the Department denied eligibility to apply for adjustment assistance to all workers of the Gold Seal Garter Corporation, New York City, New York. Information supplied by company officials that company sales had increased in 1978 compared with 1977 and in the first quarter of 1979 compared with the same period in 1978 and that employment declines at the firm were a consequence of a recent change in product mix—a change inclined toward less labor intensive articles—formed the basis for the initial denial.

In response to the arguments presented by the International Ladies' Garment Workers Union, a further investigation was made by the Office of Trade Adjustment Assistance. On further investigation, it was found that the sewing machine operators at the New York plant of Gold Seal Garter worked predominantly in the production of girdles. All other workers at the New York plant were engaged in the cutting, packing, shipping, handling and administrative support functions required for the production of all articles in the Gold Seal Garter product line. In late 1978 and early 1979, sales of girdles by Gold Seal Garter decreased significantly while sales of leotards and brassiere and panty sets increased. Gold Seal Garter contracted with three affiliated corporations located in Puerto Rico for the sewing of leotards and brassiere and panty sets. Thus, the sewing machine operators suffered an effective loss of orders and, consequently, a significant loss in employment. It is anticipated further employment declines of sewing machine operators will occur at the New York plant.

Aggregate imports of girdles increased absolutely during the first two quarters of 1979 compared with the same period in 1978. A survey of Gold Seal Garter's customers revealed that a major purchaser substituted foreign manufactured girdles for the girdles formerly purchased from Gold Seal Garter.

Workers in areas of Gold Seal Garter's New York plant other than sewing were not similarly affected since employment in those other areas was dependent on overall sales of the firm. Annual sales (where sales is equal to production) of the Gold Seal Garter Corporation, adjusted for price change, increased in 1978 compared with 1977 and in the first quarter of 1979 compared with the first quarter of 1978. Thus, with respect to all workers of Gold Seal Garter, New York City, New York, not engaged in sewing, the following criterion has not been met:

That sales or production, or both, of such firm or appropriate subdivision have decreased absolutely.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of girdles contributed importantly to the total or partial separation from employment of the sewing machine operators at the New York City, New York, plant of Gold Seal Garter Corporation. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers engaged in sewing at Gold Seal Garter Corporation, New York City,

New York, who became totally or partially separated from employment on or after April 29, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

If is further concluded that all workers at Gold Seal Garter Corporation, New York City, New York, not engaged in sewing, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 26th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-150 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6262 and 6262A]

Humphreys Mining Co., Folkston, Ga., Boulougne, Fla.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 24, 1979 in response to a worker petition received on October 3, 1979 which was filed by the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers, on behalf of workers and former workers mining titanium, zircon and monazite ores at Humphreys Mining Company, Division of Humphreys Engineering Company, Folkston, Georgia. The investigation revealed that the ore body is located in Boulougne, Florida and the processing plant is located in Folkston, Georgia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the shutdown of the Humphreys Mining Company ore body and concentrating facility is a direct result of the depletion of the ore body.

Humphreys Mining Company produced titanium dioxide and zircon under contract to one customer. The contract expired when the ore body was depleted. A new contractual agreement was turned down by the customer for a new ore body which Humphreys Mining Company located near the most recent ore body. The Department conducted a survey to determine whether this customer intended to replace its demand for ilmenite with imported titanium dioxide. The survey revealed that the customer is oversupplied with ilmenite ore and currently has inventory levels which will last for over a year. The survey further revealed that the customer decreased purchases of imported titanium dioxide in the first ten months of 1979 compared to the first ten months of 1978. This customer does not purchase imported zircon.

The investigation further revealed that sales declines in 1978 compared to 1977 were production related. Humphreys Mining hit a weak vein of ilmenite ore during this period.

Conclusion

After careful review, I determine that all workers of Humphreys Mining Company, Folkston, Georgia and Boulougne, Florida are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-151 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6234]

Instrument Specialties Co., Inc., Plants Nos. 1, 2, and 3, West Paterson, N.J.; Plant No. 4, Cedar Grove, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 18, 1979 in response to a worker petition received on October 16, 1979 which was filed on behalf of workers and former workers manufacturing springs for electronic applications at Plant #4, Cedar Grove, New Jersey of Instrument Specialties Company, Inc. The investigation revealed that Instrument Specialties considers Plants #1, #2, #3 in West Paterson, New Jersey and Plant #4 in Cedar Grove, New Jersey as one operating unit. The investigation was therefore expanded to include all of the plants. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that Instrument Specialties Company, Inc., is engaged in the manufacturing of small, precision springs made of beryllium copper. The workers have alleged that customer imports of printed card assemblies and cameras have infiltrated the camera market resulting in layoffs and declining sales at Instrument Specialties. In discussing the term "like or directly competitive" as used in the Trade Act of 1974, small precision beryllium copper springs cannot be considered competitive with printed circuit card assembles and cameras. Only imports of small, precision springs can be considered when determining import injury to workers of Instrument Specialties Company.

The sales and employment declines in the last half of 1979 were primarily attributable to declines in orders of a single customer. This customer has not imported beryllium copper precision springs and has no plans to do so in the future.

Conclusion

After careful review, I determine that all workers of Instrument Specialties Company, Inc., Plants #1, #2, #3, West Paterson, New Jersey and Plant #4, Cedar Grove, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of December, 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-152 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

Kentucky Pants Co., Glasgow, Ky., et al.; Certification of Eligibility To Apply for Worker Adjustment Assistance; Corrections

In the matter of TA–W–6094, Kentucky Pants Company, Glasgow, Kentucky; TA–W–6095, Linden Apparel Corporation, Plant #1, Linden, Tennessee; TA–W–6096, Linden Apparel Corporation, Plant #2, Linden, Tennessee; 6097, Lebanon Garment Company, Lebanon, Tennessee; TA–W–6100, Turner Manufacturing Company, Goodlettsville, Tennessee; TA–W–6101, Washington Overall Manufacturing Company, Scottsville, Kentucky.

In FR Doc. 79–36910 appearing on page 69046 in **Federal Register** of November 30, 1979, the impact dates which appear in the Conclusion should be corrected to read "September 14, 1978."

Signed at Washington, D.C., this 20th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80–153 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6299–6300]

Kimberly-Clark Corp., Mount Shasta, Calif., and Anderson, Calif.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigations were initiated on October 30, 1979 in response to a worker petition received on October 23, 1979 which was filed by the International Woodworkers of America Union on behalf of workers and former workers processing lumber at the Kimberly-Clark Corporation, Mount Shasta and Anderson, California. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The separations at the Mount Shasta and Anderson plants of the Kimberly-Clark Corporation were attributable to the sale of the two plants, and the new owner's decision not to continue the production of lumber products, i.e., door and window frames. Kimberly-Clark produced lumber and lumber products at the two plants until the plants were sold, and all the workers laid off. Upon reopening the plants, the new owner did not continue the production of lumber products.

Kimberly-Clark's lumber sales at the two plants increased from 1977 to 1978, and again during the first eight months of 1979 compared to the same period of 1978.

Imports of door and window frames are negligible, being less than one percent of sales.

Conclusion

After careful review, I determine that all workers of Kimberly-Clark Corporation, Mount Shasta and Anderson, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80–154 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–WA–6311]

Lee Dress Manufacturing Co., Inc., Bridgeport, Conn.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979 in response to a worker petition received on October 23, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's slacks and skirts at Lee Dress Manufacturing Company, Incorporated, Bridgeport, Connecticut. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's slacks and shorts decline absolutely in the January-June 1979 period compared to the same period of 1978.

U.S. imports of women's, misses' and children's skirts declined absolutely in the January-June 1979 period compared to the same period of 1978.

The Department surveyed the manufacturers for whom Lee Dress Manufacturing Company did contract work. None of the manfacturers imported ladies' slacks and skirts nor used foreign contractors for the production of these garments. One of the manufacturers which decreased purchases from Lee Dress also experienced a decline in its sales to retail customers in the first eight months of 1979 compared to the same period of 1978. The Department conducted a survey of the retail customers which represented a significant proportion of this manufacture's sales decline. The survey revealed that, in aggregate, the retail customers' reliance on imported slacks and skirts was lower in the January-June 1979 period than in the same period of 1978. Domestically-produced slacks and skirts satisfied an increasing proportion of the surveyed customers' demand during this time period.

Conclusion

After careful review, I determine that all workers of Lee Dress Manufacturing Company, Incorported, Bridgeport, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80–155 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-6352-53]

Luzerne Outerwear Manufacturing Co., Elysburg, Pa., and Berwick, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 8, 1979 in response to a worker petition received on November 3, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing outerwear at the Elysburg, Pennsylvania and Berwick, Pennsylvania facilities of the Luzerne Outerwear Manufacturing Company. The investigation revealed that the company primarily produces men's slacks, sportcoats and outerwear. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Luzerne Outerwear's sales of men's slacks, sportcoats and outerwear increased from 1977 to 1978, and again during the first 10 months of 1979 compared to the same period in 1978. The manufacturer that contracts for all Luzerne's sales decreased its purchases of imported men's slacks, sportcoats and outerwear and increased its contract work with other domestic producers during the first 10 months of 1979 compared to same period in 1978.

Conclusion

After careful review, I determine that all workers of Luzerne Outerwear Manufacturing Company, Elysburg, Pennsylvania and Berwick, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-156 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6248]

Mr. Knit, Inc., New York, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 23, 1979 in response to a worker petition received on October 10, 1979 which was filed by the International Ladies' Garment Worker's Union on behalf of workers and former workers producing ladies' bathing suits and sportswear at Mr. Knit, Incorporated, New York, New York. The investigation revealed that the plant produces primarily ladies' bathing suits, but also women's leotards, women's and misses' tops and men's and women's warm-up suits. It is concluded that all of the requirements have been met.

U.S. imports of women's, girls' and infants' swimsuits increased absolutely and relative to domestic production from 1977 to 1978 and increased absolutely in the January-August period of 1979 compared to the same period of 1978.

U.S. imports of women's, girls' and infants' underwear, which includes leotards, increased absolutely and relative to domestic production in 1978 compared to 1977 and in the January-June period of 1979 compared to the same period of 1978.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely and relative to domestic production in 1978 compared to 1977.

U.S. imports of women's, misses' and children's suits, which includes warm-up suits, also increased absolutely and relative to domestic production in 1978 compared to 1977.

A Departmental survey was conducted with the manufacturers from whom Mr. Knit received contract work. The survey revealed that the manufacturers did not utilize foreign contractors nor import swimwear, tops or warm-up suits. However, one of the manufacturers, who contracted with Mr. Knit for the production of women's tops, experienced declining company sales. A survey of this manufacturer's retail customers revealed that customers, accounting for a significant amount of the manufacturer's sales decline, increased their purchases of imported women's tops in 1978 compared to 1977 and in the first nine months of 1979 compared to the same period of 1978. The customers' increased purchases of imports contributed importantly to the decline in sales at Mr. Knit's manufacturer and consequently to the manufacturer's reduced utilization of Mr. Knit's contracting services.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's tops produced at Mr. Knit, Incorporated, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers of Mr. Knit, Incorporated, New York, New York who became totally or partially separated from employment on or after April 14, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 26th day of December 1979.

C Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-158 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6315]

National Steel Corp., Midwest Steel Division, Portage, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979 in response to a worker

petition received on October 30, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing flat rolled sheet steel at the Midwest Steel Division of National Steel Corporation, Portage, Indiana. The investigation revealed that the flat rolled sheet steel the plant produces is carbon steel. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of carbon steel sheet decreased absolutely and relative to domestic production during 1978 compared with 1977, and decreased during the first nine months of 1979 compared with the same period in 1978.

U.S. imports of metallic coated steel sheets, which include galvanized steel sheet, decreased absolutely and relative to domestic production during the first nine months of 1979 compared with the same period in 1978.

U.S. imports of tin plate and tin free steel, which include electrolytic chrome plated and tin plated carbon steel sheets, decreased absolutely and relative to domestic production during 1978 compared with 1977, and decreased during the first nine months of 1979 compared with the same period in 1978.

Division sales, shipments to trade, and production increased in terms of quantity in 1978 compared with 1977, increased during the first ten months of 1979 compared with the same period in 1978, and increased in each quarter compared with the same quarter in the previous year since the fourth quarter of 1978.

The Midwest Steel Division primarily supplies the auto industry. The data indicate seasonally low sales and production at the Division during the third quarter. Such declines correspond directly to model changes in the auto industry.

Conclusion

After careful review, I determine that all workers of National Steel Corporation, Midwest Steel Division, Portage, Indiana are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-159 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6316]

National Steel Corp., Transportation Products Division, Portage, Ind.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979 in response to a worker petition received on October 30, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing nailable steel flooring for railroad cars at the Transportation Division of National Steel Corporation, Portage Indiana. The investigation revealed that the Division also produces railcar side posts and side panels. In the following determinations, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Total sales and production at the Transportation Products Division of all products, nailable steel flooring, railcar side posts and side panels, increased in 1978 compared with 1977, increased during the first ten months of 1979 compared with the same period in 1978, and increased in each quarter compared with the previous quarter, and in each quarter compared to the same quarter in the previous year for the most recent four quarters.

Conclusion

After careful review, I determine that all workers of the National Steel Corporation, Transportation Products Division, Portage, Indiana are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-160 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6264]

New Haven Coat Shop, West Haven, Conn.; Negative Determination Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 24, 1979 in response to a worker petition received on October 22, 1979 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's coats at the New Haven Coat Company, West Haven, Connecticut. The investigation revealed that the correct company name is the New Haven Coat Shop. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

New Haven Coat produced women's wool coats on a contract basis for a single apparel manufacturer. Sales of coats by this manufacturer increased in 1978 compared to 1977 and in the first six months of 1979 compared to the same period of 1978; however, this increase was due primarily to increased sales of imported ladies' raincoats. These raincoats are not like or directly competitive with the wool coats produced by New Haven Coat. Smart Maid's sales of women's wool coats decreased in 1978 compared to 1977 and in the first six months of 1979 compared to the same period of 1978. A survey of the manufacturers' customers showed a

decreased reliance on imported coats by respondents.

Conclusion

After careful review, I determine that all workers of the New Haven Coat Shop, West Haven, Connecticut are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-161 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6208 and 6236]

Palm Beach Co., Roanoke, Ala., and Rockwood, Tenn.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 26 and October 18, 1979 in response to a worker petition received on October 10 and October 9, 1979 respectively, which were filed by workers and by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing ladies' coats and men's vests at the Roanoke, Alabama plant and producing men's vests and pants at the Rockwood, Tennessee plant, respectively, of the Palm Beach Company. In the following determinations, without regard to whether any of the other criteria have been met, the following criteria has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributred importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Palm Beach Company sells the men's vests produced at the Roanoke, Alabama plant and the men's vests and pants produced at the Rockwood, Tennessee plant primarily as components of suits. The Department surveys a random sample of customers of the men's suits sold by Palm Beach Company. The survey indicated that, the reliance on imports by the customers of Palm Beach was substantially below the industry-wide level in 1978 and 1979. Further, the survey respondents who increased imports of men's suits and decreased purchases from Palm Beach were not significant in terms of the firm's total suit business.

Sales by Palm Beach of the ladies' coats produced by its Roanoke, Alabama plant increased from 1977 to 1978 and from 1978 to 1979.

Conclusion

After careful review, I determine that all workers of Roanoke, Alabama plant and the Rockwood, Tennessee plant of the Palm Beach Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-162 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6250 and TA-W-6251]

Quality Coat Co., Inc., and Quality Coat Co., New York, N.Y.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 23, 1979 in response to a worker petition received on October 9, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing ladies' apparel at Quality Coat Company, Incorporated and at Quality Coat Company, both of New York, New York. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of women's, misses' and children's coats and jackets declined in the January through June period of 1979 when compared to the same period in 1978.

Quality Coat Company, Incorporated and Quality Coat Company are two separate companies under common ownership. Quality Coat Company, Incorporated, a manufacturer of women's coats, cuts the fabric. The stitching and finishing is then contracted out to Quality Coat Company and outside domestic contractors. The finished coats are then sold by Quality Coat Company, Incorporated.

The Department surveyed the customers of Quality Coat Company, Incorporated. The survey results revealed that customers did not increase their purchases of imported women's and misses' coats in the January through October period of 1979 when compared to the same period in 1978. In this same time period the customers' reliance on imported coats declined as customers increased their purchases of domestically-produced coats relative to their purchases of imports.

Conclusion

After careful review, I determine that all workers of Quality Coat Company, Incorporated and Quality Coat Company, both of New York, New York are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-163 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6155]

Quality Mills, Inc., York, S.C.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 4, 1979 in response to a worker petition received on October 1, 1979 which was filed on behalf of workers and former workers producing knit fabrics at the York, South Carolina plant of Quality Mills, Inc. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that the York, South Carolina plant of Quality Mills, Inc. had been a producer of men's sportswear until March 1979 and knit fabrics until October 1979. The Department of Labor has certified all workers at the plant engaged in employment related to the production of men's knit sweaters and shirts as eligible to apply for trade adjustment assistance benefits. The petition filed on behalf of the knit fabric workers, alleges that plant layoffs have occurred because it has become economically impossible for the knit operations to continue without the contribution to overhead that the men's sportswear operations provided. In essence, the petition alleged that imports of men's sportswear has caused the termination of fabric production.

In discussing the term "like or directly competitive" as used in the Trade Act of 1974, imports of men's sportswear cannot be considered competitive with imports of gray fabric. Only imports of gray fabric can be considered competitive with gray fabric when determining import injury to workers of the York, South Carolina plant of Quality Mills, Inc.

The Department's survey of the York, South Carolina plant's customers indicated that customers did not purchase imports in 1977, 1978, or 1979.

Conclusion

After careful review, I determine that all workers of the York, South Carolina plant of Quality Mills, Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

James F Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-164 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6252]

Riverside Novelty Printers, Inc., Paterson, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 23, 1979 in response to a worker petition received on October 10, 1979 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers engaged in roller printing on materials at Riverside Novelty, Paterson, New Jersey. The investigation revealed that Riverside Novelty Printers, Incorporated produces finished fabric. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of finished fabric have been less than or equal to two percent of domestic production in each full year since 1974.

Converters for whom Riverside Novelty Printers, Incorporated did contract work reported that they neither imported finished fabric nor utilized foreign contractors in 1978 or 1979.

Conclusion

After careful review, I determine that all workers of Riverside Novelty Printers, Incorporated, Paterson, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-165 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6302]

Seth Thomas, Jersey City, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 30, 1979 in response to a worker petition received on October 24, 1979 which was filed on behalf of workers formerly producing decorative clocks at the Jersey City, New Jersey Plant of Seth Thomas. The investigation revealed that the plant also produced office clocks. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of U.S. imports of household and office clocks to total domestic production remained the same in 1978 from 1977. Imports declined in value in January–September 1979 compared to January–September 1978.

Total company production of clocks by Seth Thomas increased in quantity from 1976 through 1979.

Seth Thomas transferred clock production from Jersey City, New Jersey to Thomaston, Connecticut to consolidate the company's operations and to reduce both overhead and freight expenses.

Conclusion

After careful review, I determine that all workers of the Jersey City, New Jersey plant of Seth Thomas are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-166 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6405]

Stern-Siegman-Prins Co., Kansas City, Mo.; Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 79-36505 appearing on page 67737 in the **Federal Register** of November 27, 1979, the date of petition in the appendix under petitioner Stern-Siegman-Prins Company, Kansas City, Missouri should be corrected to read "October 14, 1979."

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-167 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6198]

Teledyne Surface Chemicals, Forbes Road, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 15, 1979 in response to a worker petition received on October 10, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless steel wire for Teledyne Surface Chemicals, Forbes Road, Pennsylvania. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Teledyne Surface Chemicals ships all its production of stainless steel wire to its parent corporation, Teledyne McKay, where it is either sold or used in the production of steel electrodes. Teledyne McKay's sales of electrodes increased from 1977 to 1978, and during the first nine months of 1979 when compared to the same period in 1978. Teledyne McKay's sales of stainless steel wire decreased from 1977 to 1978, and then increased in the first nine months of 1979 when compared to the same period in 1978.

The Department of Labor's survey indicated that the stainless steel wire customers of Teledyne McKay did not increase their purchases of imported wire while decreasing their purchases from that firm.

Imports of stainless steel wire decreased relative to domestic shipments from 1977 to 1978, and decreased both absolutely and relative to shipments during the first nine months of 1979 compared to the same period in 1978.

Conclusion

After careful review, I determine that all workers of Teledyne Surface Chemicals, Forbes Road, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-168 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6322]

Universal Technology, Inc., Verona, N.J.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on October 31, 1979 in response to a worker petition received on October 30, 1979 which was filed on behalf of workers and former workers assembling circuit boards at Universal Technology, Incorporated, Verona, New Jersey. The investigation revealed that the plant primarily produces communications interface equipment. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of data modems, communications interface equipment, were negligible during 1976, 1977, 1978 and January–September 1979. None of the surveyed customers of Universal Technology purchased imported communications interface equipment.

Conclusion

After careful review, I determine that all workers of Universal Technology, Incorporated, Verona, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-169 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6571]

Virginia Crews Coal Co., Welch, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on December 10, 1979 in response to a worker petition received on December 3, 1979 which were filed on behalf of workers and former workers mining metallurgical coal at Virginia Crews Coal Company, Welch, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed in the course of the investigation revealed that approximately 99 percent of the coal mined at Virginia Crews Coal Company was exported in 1978 and 1979. Since

almost all of the company's coal was exported, U.S. imports of coal or coke could not have contributed importantly to any declines in sales, production, or employment at Virginia Crews Coal Company.

Conclusion

After careful review, I determine that all workers of Virginia Crews Coal Company, Welch, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-170 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6418]

Walworth Co., Greensburg, Pa.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 21, 1979 in response to a worker petition received on November 16, 1979 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Greensburg, Pennsylvania plant of the Walworth Company. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of valves by the Walworth Company decreased during January–October 1979 compared to the like period in 1978. The Walworth Company simultaneously increased production and employment at its Greensburg, Pennsylvania plant during this period.

Conclusion

After careful review, I determine that all workers of the Walworth Company, Greensburg, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 26th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-171 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-5883]

West Virginia Auger Corp., Charleston, W. Va.; Negative Determination Regarding Application for Reconsideration

By an application dated October 25, 1979, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance in the case of former workers mining metallurgical coal at a Fenwick, West Virginia, mine for the West Virginia Auger Corporation of Charleston, West Virginia. The determination was published in the **Federal Register** on October 26, 1979, (44 FR 61693).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner claims that workers of the West Virginia Auger Corporation should be certified eligible to apply for trade adjustment assistance since workers of another company who mined on the same seam of coal, loaded coal into the same railroad cars and worked under contract with the same company were certified.

The Department's review of the investigative file revealed that workers of the West Virginia Auger Corporation were denied eligibility to apply for trade adjustment assistance because the company for which the West Virginia Auger Corporation mined its coal ended its contract with the petitioner's firm in July, 1978.

The Department does not consider the petitioner's claims as relevant in rebutting the basis of the Department's denial, since the company for which the West Virginia Auger Corporation mined coal sold its metallurgical coal mainly for the export market. In 1978 export sales for this company accounted for a substantial portion of its 1978 total sales. Further, export sales by this company continued to increase absolutely and as a percentage of total sales in the first ten months of 1979 compared to the same period in 1978.

In its reconsideration investigation, the Department determined that the earlier customer survey conducted for the other case, to which the petitioner referred, had been inadequate. A later survey of customers indiciated the strong export orientation of the coal produced by that firm as well as by West Virginia Auger Corporation. The certification of workers of the other firm has been terminated.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 26th day of December 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-172 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6420]

Witcher Creek Coal Co., Charleston, W. Va.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

The investigation was initiated on November 21, 1979 in response to a worker petition received on November 12, 1979 which was filed on behalf of workers and former workers producing

utility compliance coal at the Witcher Creek Coal Company, Charleston, West Virginia. In the following determination, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of bituminous steam coal decreased absolutely in the first six months of 1979 compared with the same 1978 period.

Since 1977 the Witcher Creek Coal Company has been in the development stages. The company has been repairing equipment and building access roads. At the time of the investigation, Witcher Creek Coal Company has no operating coal mine.

Witcher Creek Coal has a tentative agreement of sales of compliance steam/utility coal with an electric company. The company hopes to begin underground development and production of coal in late December 1979. If the mine opens and workers qualify, those workers laid off since July 1979 would be returned to the active work force.

Conclusion

After careful review, I determine that all workers of the Witcher Creek Coal Company, Charleston, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of December 1979.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-173 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of December 1979.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner (union/workers or former workers of)	Location	Date received	Date of petition	Petition No.	Articles produced
Acme Boot Co., Corcoran Plant (workers)	Stoughton, Mass	12/3/79	11/28/79	TA-W-6,642	Dingo boots, paratroop boots.
Barringer Knitting Mills, Inc., Leaderman Division (ILGWU)	E. Newark, N.J	12/18/79	12/14/79	TA-W-6,643	Ladies' sportswear.
Essex Group, Inc. (workers)	Elwood, Ind	12/13/79	12/6/79	TA-W-6,644	Plastic parts for cars.
Gregory & Goldberg (ILGWU)	New York, N.Y	12/10/79	12/5/79	TA-W-6,645	Ladies' sportswear.
Hiram Walker & Sons, Inc. (D.W.U.)	Peoria, Ill	12/14/79	12/10/79	TA-W-6,646	Production and bottling of distilled whisky and cordials.
Loco Originals (ILGWU)	New York, N.Y	12/10/79	12/4/79	TA-W-6,647	Ladies' blouses and skirts.
National Steel Corp., Weirton Steel Division (Independent Steelworker Union).	Weirton, W. Va	12/17/79	12/13/79	TA-W-6,648	Steel products.
Southern Cafeteria Operating Co. (Playtex Cafeteria) (workers)	Lafayette, Ala	12/4/79	11/28/79	TA-W-6,649	Preparing and serving food.
U.S. Steel Corp., American Bridge Division, Shiffler Plant (USWA)	Pittsburgh, Pa	12/17/79	12/13/79	TA-W-6,650	Structural steel sizes and shapes used in electrical transmission towers.
Zantop International Airlines, Inc. (workers)	Ypsilanti, Mich	12/14/79	12/10/79	TA-W-6,651	Air freight for automotive industry.
Zantop International Airlines, Inc. (workers)	Atlanta, Ga	12/14/79	12/10/79	TA-W-6,652	Air freight for automotive industry.
Zantop International Airlines, Inc. (workers)	Dothan, Ala	12/14/79	12/10/79	TA-W-6,653	Air freight for automotive industry.
Zantop International Airlines, Inc. (workers)	Niagara Falls, N.Y	12/14/79	12/10/79	TA-W-6,654	Air freight for automotive industry.

[FR Doc. 80-131 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 18th day of December 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner (Union/workers or former workers of)	Location	Date received	Date of petition	Petition No.	Articles produced
Bela Manufacturing Corp. (workers)	New York, N.Y	9/26/79	9/21/79	TA-W-6,633	Contractor of leather coats.
Eagle Pants Co. (workers)	Brooklyn, N.Y	12/6/79	12/3/79	TA-W-6,634	Pants.
Ford Motor Co., Buffalo Stamping Plant (UAW)	Buffalo, N.Y	12/13/79	12/10/79	TA-W-6,635	Automobile bodies for Ford Motor Company.
General Electric Co., Battery Business Department (International Brotherhood of Electrical Workers).	Gainesville, Fla	12/10/79	11/28/79	TA-W-6,636	Nickle cadmium and sealed lead acid battery cells.
Ginsburg Manufacturing Co., Incorporated (ILGWU)	New York, N.Y	12/10/79	12/6/79	TA-W-6,637	Ladies sleepwear.
Harsco Corp., Broderick Co. Division (USWA)	Muncie, Ind	12/6/79	12/3/79	TA-W-6,638	Steel forgings and carbon alloy forgings.
National Steel Corp., Great Lakes Steel Division (USWA)	Ecorse, Mich	12/10/79	12/5/79	TA-W-6,639	All carbon steel products.
Rapco Leather Co. (Leather Workers Union)	South Milwaukee, Wis	12/12/79	12/6/79	TA-W-6,640	Sole leather.
Tidy Products Co., Inc. (company)	Quarryville, Pa	12/7/79	12/4/79	TA-W-6,641	Buntings, pram bags, pram suits, snowsuits, jackets, coats and snow pants.

[FR Doc. 80-134 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly comptitive with articles produce by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the detemination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown, below, not later than January 14, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 14, 1980.

The petitions, filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of December 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner (union/workers or former workers of)	Location	Date received	Date of petition	Petition No.	Articles produced
Boss Manufacturing Co. (ACTWU)	Oneida, Tenn	12/3/79	11/28/79	TA-W-6,655	Work gloves.
Daber, Inc. (ACTWU)	Chesapeake, Va	12/6/79	12/3/79	TA-W-6,656	Men's sport shirts.
Dinny Frocks, Inc. (ILGWU)	New York, N.Y	12/13/79	12/11/79	TA-W-6,657	Ladies' dresses.
ITT, United Plastics Division (workers)	Medora, Ind	12/20/79	12/14/79	TA-W-6,658	Molded chrome plastic parts for interior and the exterior of cars.
Keystone Consolidated Industries, North Plant (USWA)	Greenville, Miss	12/11/79	12/5/79	TA-W-6,659	Farm fence and nails, utility fabrics.
Keystone Consolidated Industries, South Plant (USWA)	Greenville Miss	12/11/79	12/5/79	TA-W-6,660	Wire mill.
Indiana Sports Co. (ACTWU)	Indiana, Pa	12/18/79	12/12/79	TA-W-6,661	Men's and boy's outerwear.
Kimberly Knitwear (workers)	New York, N.Y	12/11/79	12/4/79	TA-W-6,662	Ladies' knit dresses and knit suits.
Naomi, Ltd., Inc. (ILGWU)	Newark, N.J	11/26/79	11/20/79	TA-W-6,663	Contractor of ladies' sportswear.
St. Louis Parts Depot (Teamsters)	Hazelwood, Mo	12/18/79	12/12/79	TA-W-6,664	Distribution center for Chrysler (parts).
Sunny Isle, Inc. (workers)	Dallas, Tex	12/19/79	12/12/79	TA-W-6,665	Junior sportswear.
W & F Manufacturing Co. (USWA)	Buffalo, N.Y	12/17/79	12/12/79	TA-W-6,666	Wax related products.

[FR Doc. 80-136 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-28-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–52 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Elder Mfg. Co., Webb City, MO; 10–31–79 to 10–30–80. (Men's and boys' shirts)

Franklin Ferguson Co., Inc., Florala, AL; 12–19–79 to 12–18–80. (Men's and boys' shirts)

McCreary Mfg. Co., Stearns, KY; 12–8–79 to 12–7–80. (Men's shirts)

Monticello Mfg. Co., Inc., Monticello, KY, 12–8–79 to 12–7–80. (Men's and boys; shirts)

J.H. Rutter Rex Mfg. Co., Inc., New Orleans, LA; 10–12–79 to 10–11–80. (Men's shirts and pants)

Sullcraft Mfg. Co., Inc., Dushore, PA; 10–25–79 to 10–24–80; 10 learners for normal labor turnover purposes. (Men's and boys' pajamas)

Wyoming Valley Garment Co., Wilkes-Barre, PA; 12–17–79 to 12–16–80; 10 learners for normal labor turnover purposes. (Men's slacks)

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 as amended).

Junior Form Lingerie, Corp., Boswell, PA; 10–11–79 to 10–10–80; 5 percent of the total number of factory production workers for normal labor turnover purposes.

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 as amended).

Burnham-Edina Mfg. Co., Edina, MO; 11–8–79 to 11–7–80; 5 learners for normal labor turnover purposes. (Work gloves)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before January 21, 1980.

Signed at Washington, D.C., this 26th day of December, 1979.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 80–125 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–27–M

MINIMUM WAGE STUDY COMMISSION

Meeting

Note.—This document originally appeared in the **Federal Register** for Monday, December 31, 1979. It is reprinted in this issue at the request of the Department of Labor.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.
Date: January 8, 1980.
Time: 1 p.m.

Place: 1430 K Street, N.W., Suite 1102, Washington, DC.

Original notification of this meeting appeared in the **Federal Register** November 30, 1979.

Proposed Agenda

1. Pending Business.
2. Brief Discussion of Working Papers on Noncompliance and Effects of Minimum Wage on Youth Employment and Unemployment.
3. Format of Final Report.
4. Additional Study Areas.

Next meeting of the Commission will be held Tuesday, Feb. 12, 1980.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K Street, NW., Washington, DC 20005; telephone (202) 376–2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 79–39884 Filed 1–3–80; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

Financial Protection Requirements and Indemnity Agreements; Report of the Staff Panel to Commission Regarding Extraordinary Nuclear Occurrence Determination

On July 23, 1979, the Nuclear Regulatory Commission published in the **Federal Register** (44 FR 43128) a notice that pursuant to the Atomic Energy Act of 1954, as amended, the Commission was initiating the making of a determination as to whether or not the March 28, 1979 accident at the Three Mile Island Unit–2 reactor (TMI–2) constitutes an extraordinary nuclear occurrence (ENO) as defined in the Commission's regulations, 10 CFR Part 140, §§ 140.84 and 140.85. On August 17, 1979, the Nuclear Regulatory Commission directed that a panel composed of members of the principal staff be formed to evaluate public comments received and other technical information assembled by the Commission from its own and other sources. The panel was directed by the Commission to make explicit findings on whether the Commission's ENO criteria have been met, the factual basis for those findings, and a recommendation as to whether or not the accident at TMI constitutes and ENO. The Panel received and evaluated some 57 comments and technical assessments received from members of the public. On November 21, selected panel members and supporting staff held a public hearing in Harrisburg, Pennsylvania to provide interested members of the public the opportunity to present oral statements on whether the accident at TMI–2 constitutes an ENO. Copies of all written comments and the transcript have been placed in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC and the local TMI Public Document Room.

The Panel has completed its investigation, evaluation and analysis and has reported to the Commission its findings and recommendation. *Report to the Nuclear Regulatory Commission from the Staff Panel on the Commission's Determination of an Extraordinary Nuclear Occurrence (ENO).* NUREG–0637.

As directed by the Commission on August 17, 1979, the Panel made its findings and recommendation by applying the explicit criteria set forth in the Commission's regulations, 10 CFR 140.84 and 140.85, to the information gathered and analyzed by the Panel. The Panel has not addressed the question of whether the criteria set forth in 10 CFR §§ 140.84 and 140.85 for determining whether an ENO has occurred should be changed for future application. This matter will be considered in a separate rulemaking which the Commission has announced in response to the July 24, 1979 petition of the Public Citizen Litigation Group and the Critical Mass Energy Project. See 44 FR 50419, August 28, 1979.

The Panel finds that the first criterion, pertaining to whether the accident caused a discharge of radioactive material or levels of radiation offsite as defined in 10 CFR 140.84, has not been met. It further finds that there is presently insufficient information to support any definitive finding as to whether or not the second criterion, relating to damage to persons or property offsite as defined in 10 CFR § 140.85, has been met. Since the Panel has not found that both criteria have been met, it recommends that the Commission determine that the accident at Three Mile Island did not constitute and "extraordinary nuclear occurrence." This recommendation, however, is advisory only. The Commission will make the final determination whether the accident constitutes and ENO.

Free copies of this report may be obtained, to the extent of supply, by writing to the Nuclear Regulatory Commission, Director of Division of Technical Information and Document Control, Washington, DC 20555. Copies are also available at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the local TMI public document room.

The Commission invites interested persons to submit comments on the

Panel Report to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, 1717 H Street, NW, Washington, DC 20555, by February 4, 1980, in order to be considered by the Commission before it makes its final determination.

Dated at Bethesda, Md., this 31st day of December 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 80-323 Filed 1-3-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees Health Benefits Program; Termination of Choice Care Health Plan's Participation in the Program

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Pursuant to the authority contained in Section 8902 of title 5, United States Code, the Office of Personnel Management hereby announces that the participation of Choice Care Health Services, Inc. (Choice Care), Ft. Collins, Colorado, in the Federal Employees Health Benefits (FEHB) Program has been terminated effective January 1, 1980.

Each Federal employee or annuitant enrolled in Choice Care who wishes to continue coverage under the FEHB Program must change to another plan offered in the area. The effective date of the change will be the first day of the first pay period beginning on or after January 1, 1980. To effect this change in health plans, the employee or annuitant must submit a completed Standard Form 2809 to his or her personnel office.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Gettys, Chief, Comprehensive Plans, Compensation Group, Office of Personnel Management, Washington, D.C. 20415, 202-632-4684.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 80-249 Filed 1-3-80; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Determination Regarding the Application of Certain International Trade Agreements*

1. In accordance with Section 2 of the Trade Agreements Act of 1979 (93 Stat. 147) and Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (44 FR 74781), the United States has accepted certain international agreements negotiated in the Tokyo Round of Multilateral Trade Negotiations. These agreements are:

(i) Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade, accepted December 17, 1979;

(ii) Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, accepted December 17, 1979;

(iii) Agreement on Technical Barriers to Trade, accepted December 17, 1979;

(iv) Agreement on Import Licensing Procedures, accepted December 17, 1979;

(v) Agreement on Trade in Civil Aircraft, accepted December 20, 1979;

(vi) International Dairy Arrangement, accepted December 17, 1979; and

(vii) Arrangement Regarding Bovine Meat, accepted December 17, 1979.

Each of these agreements will enter into force with respect to the United States on January 1, 1980, in accordance with the provisions of the respective agreement.

2. The United States has signed, but has not accepted, the Agreement on Government Procurement. The United States will accept this agreement upon the satisfactory completion of negotiations on entity coverage under the Agreement. This Agreement will enter into force on January 1, 1981, with respect to the countries which have accepted it as of that date.

3. The United States has signed, but has not accepted, the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade. The United States will accept this Agreement when the conditions on acceptance in section 2 of the Trade Agreements Act of 1979 (19 U.S.C. 2503) have been met. This agreement will enter into force on January 1, 1981, with respect to the countries which have accepted it as of that date.

4. Section 2 of the Trade Agreements Act of 1979 also provides that no agreement accepted by the President shall apply between the United States and any other country unless the President determines that such country:

(A) Has accepted the obligations of the agreement with respect to the United States, and

(B) Should not otherwise be denied the benefits of the agreement with respect to the United States because such country has not accorded adequate benefits, including substantially equal competitive opportunities for the commerce of the United States to the extent required under section 126(c) of the Trade Act of 1974 (19 U.S.C. 2136(c)), to the United States.

5. Section 701 of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), provides that the President must determine that certain conditions have been met before a country can be considered a "country under the Agreement" and, therefore, entitled to the injury determinations provided for in sections 703(a) and 705(b) of the Tariff Act of 1930 (93 Stat. 152 and 159).

6. Paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements, signed December 14, 1979 (44 FR 74784), delegates the functions of the President under section 2(b) of the Trade Agreements Act of 1979 ("the Act") and section 701(b) of the Tariff Act of 1930, as amended by section 101 of the Act, to the Special Representative for Trade Negotiations who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, Robert Hormats, Acting Special Representative for Trade Negotiations, in conformity with the provisions of section 2 of the Trade Agreements Act of 1979 (93 Stat. 147), section 701 of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), and paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (44 FR 74781), do hereby determine that:

1. With respect to the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade,

(a) The following countries have accepted the obligations of the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

—Brazil,
—Canada,
—Sweden,
—Switzerland,
—United Kingdom with respect to the territories (other than the metropolitan

*This determination will be modified from time to time to reflect additional signatories to the agreements.

territory) for which it has international responsibility,[1] including Hong Kong.
—European Economic Community.

In accordance with section 701(b)(1) of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), each of these countries will be considered a "country under the Agreement".[2]

(b) In accordance with section 701(b)(2) of the Tariff Act of 1930, as amended effective January 1, 1980 (93 Stat. 151), Austria, Finland, Japan, Norway, and Taiwan have assumed obligations with respect to the United States which are substantially equivalent to obligations under the Agreement, and will be considered "count(ries) under the Agreement" in accordance with the provisions of that section.

2. With respect to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

—Brazil,
—Canada,
—Sweden,
—Switzerland,
—United Kingdom with respect to the territories (other than the metropolitan territory) for which it has international responsibility,[1] including Hong Kong, and
—European Economic Community.

3. With respect to the Agreement on Technical Barriers to Trade, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

—Brazil,
—Canada,
—New Zealand,
—Sweden,
—Switzerland, and
—European Economic Community.

4. With respect to the Agreement on Import Licensing Procedures, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

—Canada,
—New Zealand,
—Sweden,
—Switzerland,
—United Kingdom with respect to the territories (other than the metropolitan territory) for which it has international responsibility, [1] including Hong Kong, and
—European Economic Community.

5. With respect to the Agreement on Trade in Civil Aircraft, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement:

—Canada,
—Sweden, and
—European Economic Community.

6. With respect to the International Dairy Arrangement, the following countries have accepted the Agreement and should not otherwise be denied the benefits of the Agreement:

—Bulgaria,
—Hungary,
—Japan,
—New Zealand,
—South Africa,
—Sweden,
—Switzerland, and
—European Economic Community.

7. With respect to the Arrangement Regarding Bovine Meat, the following countries have accepted the Agreement and should not otherwise be denied the benefits of the Agreement:

—Bulgaria,
—Canada,
—Hungary,
—Japan,
—New Zealand,
—South Africa,
—Sweden,
—Switzerland,
—United Kingdom with respect to Belize, and
—European Economic Community.

8. With respect to the agreements covered by sections 2(c)(8) and (11) to (14) of the Trade Agreements Act of 1979 (93 Stat. 148), the undertakings by the other parties to such agreements are being implemented in such a manner as to justify the application of such agreements by the United States to the other parties thereto pursuant to section 2(b)(2) of that Act (93 Stat. 147).

9. With respect to the bilateral agreements referred to in section 2(c)(8) of the Trade Agreements Act of 1979 (93 Stat. 148), those agreements with the following countries contain the commitment specified in section 702(f) of that Act (93 Stat. 271):

—Austria,
—Canada,
—Finland,
—Iceland,
—Norway,
—Portugal,
—Sweden,
—Switzerland, and
—European Economic Community.

Dated: December 28, 1979.

Robert Hormats,

Acting Special Trade Representative.

[FR Doc. 80-317 Filed 1-3-80; 8:45 am]

BILLING CODE 3190-01-M

[1] Except for Antigua, Bermuda, Brunei, Cayman Islands, Montserrat, St. Kitts-Nevis, Sovereign Base Areas (Cyprus), and British Virgin Islands.

[2] Paragraph 1(b) of Presidential Determination Regarding Acceptance and Application of Certain International Trade Agreements, signed December 14, 1979, provides that El Salvador, Honduras, Liberia, Nepal, North Yemen, Paraguay and Venezuela are to be considered countries under the Agreement for the purpose of section 701(b) of the Tariff Act of 1930, as amended.

SMALL BUSINESS ADMINISTRATION

[SBLC No. 0007]

Commercial Credit Financial Corp.; Issuance of Small Business Lending Company Participation Agreement

On November 14, 1979, a notice was published in the **Federal Register** stating that an application had been filed by Commercial Credit Financial Corporation (CCFC), 300 St. Paul Place, Baltimore, Maryland 21202, with the Small Business Administration (SBA), pursuant to § 120.4(b) of the Regulations governing loan policy and participation (13 CFR 120.4, 1977) as a "Subsection (b) Lender" or small business lending company (SBLC).

Interested parties were given until close of business November 29, 1979, to submit their comments to SBA. CCFC also published a similar notice in a newspaper of general circulation and the *Wall Street Journal.*

Comments received were as follows:

. . . I am strongly opposed to the accounting and tax preparation services that may or will be attached to commitments for guaranteed loans.

. . . suggest that if a non bank agency is permitted to make guaranteed loans, then they be prohibited from providing acounting and tax services.

. . . We believe that CCFC should have as a condition of its participation as a Subsection B lender that its affiliates will not sell services to the small businessman to whom they are making loans. No other comments were received.

We have considered these comments and have decided that these comments do not warrant our imposition of additional conditions upon the applicant Small Business Lending Company (Commercial Credit Financial Corporation). In our Notice of November 14, we explained that CCFC is a new company chartered by the State of Maryland specifically and solely to operate as a Small Business Lending Company (pursuant to the provisions of § 120.4(b) of our regulations, 13 CFR). The ancillary services referred to in the public comments, e.g., selling of insurance, provision of accounting and tax services, and management training courses, will not be available from the applicant (CCFC); rather, these are services offered by CCFC's associated

companies (Commercial Credit Company, Control Data Corporation, etc.), as explained in our November 14, Federal Register notice.

In the November 14 Federal Register notice, we specifically stated: "CCFC will *not* require borrowers to purchase, as a condition of their lending, any other services marketed by CCDC, Commercial Credit Company, Control Data Corporation and/or any subsidiaries or affiliates of these so named."

The Small Business Administration's applicable regulations provide sufficient guidance as to what a Small Business Lending Comany (§ 120.4(b) of 13 CFR) can and cannot do so as to allay any concerns which might arise as to our ability to properly protect the SBLC's small business borrowers' and this Agency's best interests. It is a standard procedure of this Agency to determine whether or not there is any undue influence by a lender on potential or actual borrowers where SBA guaranteed loans are concerned. If we find such undue influence being experienced by our borrower clients from our lending partners, we reserve the right to terminate our lender's loan guaranty agreement with the offending lender, as well as impose lesser administrative sanctions upon such a lender.

Notice is hereby given that pursuant to § 120.4(b) of the regulations, after giving consideration to the application, comments, and other pertinent information, SBA will issue on or about January 3, 1980 a Small Business Lending Company Participation Agreement (No. 0007) to Commercial Credit Financial Corporation.

This notice is effective on January 3, 1980.

A. Vernon Weaver,

Administrator

December 28, 1979.

Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans.

Ronald A. Allen,

Authorized Certifying Officer.

[FR Doc. 80-226 Filed 1-3-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/256]

Advisory Committee on Private International Law, Study Group on International Child Abduction; Meeting

There will be a meeting of the Study Group on International Child Abduction, a study group of the subject Advisory Committee, at 9:00 a.m. on Saturday, January 19, 1980 in Room 5519 of the Department of State. Members of the general public may attend up to the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The purpose of the meeting will be to review the text of the preliminary draft Convention on the Civil Aspects of International Child Abduction developed in November by the Special Commission on this subject of the Hague Conference on Private International Law.

Entry to the Department of State building is controlled and members of the general public should use the "C" Street entrance. As entry will be facilitated by advance arrangements, members of the general public planning to attend should, prior to January 19, notify Mrs. Kathleen Padovano, Office of the Assistant Legal Adviser for Private International Law, Department of State, (telephone: (202) 632-8134) of their name, affiliation and address.

Peter H. Pfund,

Assistant Legal Adviser for Private International Law and Vice Chairman, Advisory Committee on Private International Law.

December 19, 1979.

[FR Doc. 80-272 Filed 1-3-80; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice CM-8/257]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 23 and 24, 1980. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The January 23 meeting will be divided into two working sessions at separate locations; both are scheduled to begin at 1:30 p.m. The first working session to discuss questions dealing with general tariff principles on data network will be chaired by Ms. B. Sincavage; it will be held at 1828 L Street, N.W., 12th Floor, CBEMA Office. The second session to discuss questions dealing with general tariff principles on telex and telegram division of tolls, will be chaired by Messrs. R. Sabacek and J. Klotche; it will be held at the offices of Western Union, 1828 L Street, N.W., 10th Floor, Washington, D.C.

A planary meeting of Study Group A will be held on January 24 at 10:00 a.m. in Room 511 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. The meeting will discuss international questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at international CCITT meetings.

Members of the general public may attend the meetings and join in the discussion, subject to instructions of the Chair. Admittance of the public will be limited to the seating available.

Requests for further information should be directed to Richard H. Howarth, State Department, Washington, D.C. 20520, telephone (202) 632-1007.

Dated: December 21, 1979.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 80-273 Filed 1-3-80; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice 700]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provdes that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Applications have been received from Taiwan and the Governments of the Republic of Cuba, the Federal Republic of Germany, the German Democratic Republic, Ireland, Italy, Japan, Korea, Mexico, the Polish People's Republic, Spain, and the Union of Soviet Socialist Republics for fishing during 1979 and are reproduced herewith.

Individual vessel applications for

fishing 1979 have been received from Taiwan and the Governments of Cuba, the Federal Republic of Germany, the German Democratic Republic, Ireland, Italy, Japan, Korea, Mexico, the Polish People's Republic, Spain, and the Union of Soviet Socialist Republics and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634–7432).

Dated: December 10, 1979.

James A. Storer,

Director, Office of Fisheries Affairs.

BILLING CODE 4710-09-M

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS:

CODE	FISHERY	REGIONAL COUNCIL
ABS	Atlantic Billfishes and Sharks	New England Mid-Atlantic South Atlantic Gulf of Mexico Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England Mid-Atlantic
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNA	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR AS FOLLOWS:

ACTIVITY CODE	FISHING OPERATIONS
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
MARINE ACE CARGO/TRANSPORT VESSEL	JA-80-0002	BSA, CRB, GOA, SNA	3
MARINE FELLOW CARGO/TRANSPORT VESSEL	JA-80-0003	BSA, CRB, GOA, SNA	3
KOREA			
O DAE YANG NO. 201 LONGLINER	KS-80-0052	BSA, GOA	1
SOO GONG NO. 31 LONGLINER	KS-80-0059	BSA, GOA	1
KWANG MYONG NO. 20 LONGLINER	KS-80-0069	BSA, GOA	1
U.S.S.R			
MYS RATMANOVA LARGE STERN TRAWLER	UR-80-0078	BSA, GOA, WOC	1
MEXICO			
KORMEX 1 MEDIUM STERN TRAWLER	MX-80-0052	BSA, GOA	1
KORMEX 2 MEDIUM STERN TRAWLER	MX-80-0053	BSA, GOA	1
KORMEX 3 MEDIUM STERN TRAWLER	MX-80-0054	BSA, GOA	1
KORMEX 5 LARGE STERN TRAWLER	MX-80-0055	BSA, GOA	1
KORMEX 6 MEDIUM STERN TRAWLER	MX-80-0056	BSA, GOA	1
CIEISA XI MEDIUM STERN TRAWLER	MX-80-0012	NWA	1
CIEISA XII MEDIUM STERN TRAWLER	MX-80-0013	NWA	1
DIAMANTE MEDIUM STERN TRAWLER	MX-80-0014	NWA	1
ESGUIO LARGE STERN TRAWLER	MX-80-0015	NWA	1
QUEMADO MEDIUM STERN TRAWLER	MX-80-0018	NWA	1
RIA DE PONTEVEDRA MEDIUM STERN TRAWLER	MX-80-0020	NWA	1
TEUCRO MEDIUM STERN TRAWLER	MX-80-0025	NWA	1
CAMPA DE TORRES MEDIUM STERN TRAWLER	MX-80-0032	NWA	1
COSTA DE NORMANDIA MEDIUM STERN TRAWLER	MX-80-0033	NWA	1
CONCHITA PELAYO MEDIUM STERN TRAWLER	MX-80-0034	NWA	1
ALPES MEDIUM STERN TRAWLER	MX-80-0057	NWA	1
COSTA DE NORUEGA LARGE STERN TRAWLER	MX-80-0060	NWA	1
NUEVO MUNDO MEDIUM STERN TRAWLER	MX-80-0061	NWA	1
SANTA MATILDE SIDE TRAWLER	MX-80-0062	NWA	1
SANTA PAULA SIDE TRAWLER	MX-80-0063	NWA	1
LA PENUCA MEDIUM STERN TRAWLER	MX-80-0064	NWA	1
ARRISCADO LARGE STERN TRAWLER	MX-80-0065	NWA	1
AVOIR MEDIUM STERN TRAWLER	MX-80-0066	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
DEL CENTRO I LONGLINER	MX-80-0067	WOC	1
DEL CENTRO II LONGLINER	MX-80-0068	WOC	1
SPAIN			
MAPOSA PRIMERO SIDE TRAWLER	SP-80-0149	NWA	1
MAPOSA SEGUNDO SIDE TRAWLER	SP-80-0150	NWA	1
PEGAGO CUARTO SIDE TRAWLER	SP-80-0151	NWA	1
NAVIJOSA QUINTO SIDE TRAWLER	SP-80-0152	NWA	1
NAVIJOSA SEXTO SIDE TRAWLER	SP-80-0153	NWA	1
NAVIJOSA VII SIDE TRAWLER	SP-80-0154	NWA	1
IBERIA SIDE TRAWLER	SP-80-0155	NWA	1
BRITANIA SIDE TRAWLER	SP-80-0156	NWA	1
ISLA DE LANZAROTE MEDIUM STERN TRAWLER	SP-80-0157	NWA	1
PUENTE PANXON SIDE TRAWLER	SP-80-0158	NWA	1
COSTA DEL CABO SIDE TRAWLER	SP-80-0159	NWA	1
U.S.S.R			
*AKHILLES LARGE STERN TRAWLER	UR-80-0706	WOC	2
*ARZAMAS LARGE STERN TRAWLER	UR-80-0620	WOC	2
*ALEKSANDROVSK LARGE STERN TRAWLER	UR-80-0207	WOC	2
*ARMENIA LARGE STERN TRAWLER	UR-80-0016	WOC	2
*ALEXEI MAKHALIN LARGE STERN TRAWLER	UR-80-0232	WOC	2
*BELKINO LARGE STERN TRAWLER	UR-80-0195	WOC	2
*FYODOR KRAINOV LARGE STERN TRAWLER	UR-80-0206	WOC	2
*IUZHNOMORSK LARGE STERN TRAWLER	UR-80-0701	WOC	2
*ILLARION RYABIKOV LARGE STERN TRAWLER	UR-80-0622	WOC	2
*MYS LOPTKA LARGE STERN TRAWLER	UR-80-0174	WOC	2
*MARK RESHETNIKOV LARGE STERN TRAWLER	UR-80-0236	WOC	2
***NADEZHDINSK LARGE STERN TRAWLER	UR-80-0002	WOC, BSA GOA	2
*PISATEL LARGE STERN TRAWLER	UR-80-0561	WOC	2
*PLANERIST LARGE STERN TRAWLER	UR-80-0713	WOC	2
*PRAVOVED LARGE STERN TRAWLER	UR-80-0222	WOC	2
*POSYET LARGE STERN TRAWLER	UR-80-0627	WOC	2
*PRIAMURYE LARGE STERN TRAWLER	UR-80-0108	WOC	2
*SOVETSKIYE PROFSOYUZY LARGE STERN TRAWLER	UR-80-0705	WOC	2

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
*UGOLNY LARGE STERN TRAWLER	UR-80-0197	WOC	2
***18 SYEZD VLKSM LARGE STERN TRAWLER	UR-80-0617	WOC, BSA, GOA	2
**KAMYSHIN LARGE STERN TRAWLER	UR-80-0231	BSA, GOA	2
**SANGAR MEDIUM STERN TRAWLER	UR-80-0616	BSA, GOA	2
**SVETLODOLINSK MEDIUM STERN TRAWLER	UR-80-0629	BSA, GOA	2
**SEBEZH MEDIUM STERN TRAWLER	UR-80-0033	BSA, GOA	2
**SURAZH MEDIUM STERN TRAWLER	UR-80-0029	BSA, GOA	2
**SREDNEURALSKY MEDIUM STERN TRAWLER	UR-80-0718	BSA, GOA	2
**STARBELSKY MEDIUM STERN TRAWLER	UR-80-0719	BSA, GOA	2
**SULAK FACTORY/MOTHERSHIP	UR-80-0238	BSA, GOA	2

*These vessels are applying for authorization to conduct activities in support of U.S. fishing vessels. Specifically, the request is to purchase fish for processing from U.S. fishing vessels in Vancouver, Monterey, Eureka and Columbia areas during 1980. Several vessels will work entirely with U.S. vessels during May. Seven processing vessels will work the majority of time with U.S. vessels from June 1 until the end of the fishery, while the remaining vessel will be in reserve during this period to work with U.S. vessels when fishing is heavy. After June 1 and until October 31 processing vessels will fish on Soviet quota when they are not receiving sufficient fish from U.S. vessels. Species will be processed into frozen round, headed and gutted, and fillet fish and fish meal. Quantities of each product type will be dependent upon market demand at time of fishery. Products will be sold to the Marine Resources Company in the Orient, Eastern Europe, Western Europe and USSR. Small quantity of fillet blocks will be test-marketed in U.S.

**These vessels are applying for authorization to conduct activities in support of U.S. fishing vessels. Specifically, the request is to purchase fish for processing from U.S. fishing in the Bering Sea and Aleutian Islands areas 51, 52, and 54 and the Gulf of Alaska, Central and Western Statistical areas from January 1 through July 31 and November 1 through December 31, 1980. Factory/Mothership "SULAK" and six vessels of the STR type plus NADEZHDINSK, 18 SYEZD VLKSM and KAMYSHIN as back-up vessels, equipped to produce frozen round, headed and gutted and fillet, salted fish or fish by-products and fish meal. Quantities of each product type will depend upon market conditions. Products will be sold by Marine Resources Company in the Orient, Europe and USSR. Samples may be exported to USA for test marketing.

***These vessels will be involved in support activities in both areas of activity.

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CUBA			
RIO SALADO LARGE STERN TRAWLER	CU-80-0104	NWA	1
RIO CUYAGUATEJE LARGE STERN TRAWLER	CU-80-0105	NWA	1
RIO HANABANA LARGE STERN TRAWLER	CU-80-0106	NWA	1
OCEANO ANTARTICO CARGO/TRANSPORT VESSEL	CU-80-0107	NWA	3
OCEANO INDICO CARGO/TRANSPORT VESSEL	CU-80-0108	NWA	3
OCEANO PACIFICO CARGO/TRANSPORT VESSEL	CU-80-0109	NWA	3
OCEANO ATLANTICO CARGO/TRANSPORT VESSEL	CU-80-0110	NWA	3
LAS GUASIMAS TANKER FUEL/WATER	CU-80-0111	NWA	3
PLAYA GIRON LARGE STERN TRAWLER	CU-80-0114	NWA	1
PLAYA VARADERO LARGE STERN TRAWLER	CU-80-0115	NWA	1
PLAYITAS LARGE STERN TRAWLER	CU-80-0116	NWA	1
RIO SAGUA LARGE STERN TRAWLER	CU-80-0117	NWA	1
RIO DAMUJI LARGE STERN TRAWLER	CU-80-0122	NWA	1
PLAYA DUABA LARGE STERN TRAWLER	CU-80-0123	NWA	1
RIO MAYARI LARGE STERN TRAWLER	CU-80-0127	NWA	1
GOLFO DE GUANAHACABIBES CARGO/TRANSPORT VESSEL	CU-80-0128	NWA	3
CUBA			
GOLFO DE GUACANAYABO CARGO/TRANSPORT VESSEL	CU-80-0133	NWA	3
RIO ZAZA LARGE STERN TRAWLER	CU-80-0134	NWA	1
RIO YATERAS LARGE STERN TRAWLER	CU-80-0135	NWA	1
RIO CONTRAMAESTRE LARGE STERN TRAWLER	CU-80-0136	NWA	1
RIO JIBACOA LARGE STERN TRAWLER	CU-80-0137	NWA	1
GOLFO DE BATABANO CARGO/TRANSPORT VESSEL	CU-80-0139	NWA	3
OCEANO ARTICO CARGO/TRANSPORT VESSEL	CU-80-0140	NWA	3
CAMARON PATROL VESSEL (CARGO)	CU-80-0141	NWA	3
RIO ALMENDARES LARGE STERN TRAWLER	CU-80-0143	NWA	1
RIO ARIMAO LARGE STERN TRAWLER	CU-80-0144	NWA	1
RIO CANIMAR LARGE STERN TRAWLER	CU-80-0145	NWA	1
RIO CAONAO LARGE STERN TRAWLER	CU-80-0146	NWA	1
RIO LAS CASAS LARGE STERN TRAWLER	CU-80-0147	NWA	1
IRELAND			
ERIN FISHER LARGE STERN TRAWLER	EI-80-0001	NWA	
GERMAN DEM REP			

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
GERMAN DEM REP			
WALTER DEHNEL LARGE STERN TRAWLER	GC-80-0023	WOC,WOC	1
WILLI BREDEL LARGE STERN TRAWLER	GC-80-0024	NWA,WOC	1
EVERSHAGEN CARGO/TRANSPORT VESSEL	GC-80-0027	NWA, WOC	3
PETER KAST LARGE STERN TRAWLER	GC-80-0028	NWA,WOC	1
BERNHARD KELLERMANN MEDIUM STERN TRAWLER	GC-80-0036	WOC	1
FED REP OF GERMANY			
MOND LARGE STERN TRAWLER	GE-80-0015	NWA	1
SAGITTA MARIS LARGE STERN TRAWLER	GE-80-0016	NWA	1
ITALY			
ASSUNTA TONTINI MADRE LARGE STERN TRAWLER	IT-80-0001	NWA	1
TONTINI PESCA TERZO MEDIUM STERN TRAWLER	IT-80-0002	NWA	1
TONTINI PESCA QUARTO LARGE STERN TRAWLER	IT-80-0003	NWA	1
DE GIOSA T. MEDIUM STERN TRAWLER	IT-80-0004	NWA	1
AMORUSO SETTIMO MEDIUM STERN TRAWLER	IT-80-0005	NWA	1
MASCARETTI PRIMO MEDIUM STERN TRAWLER	IT-80-0006	NWA	1
AIRONE MEDIUM STERN TRAWLER	IT-80-0008	NWA	1
ITALY			
AMORUSO SESTO MEDIUM STERN TRAWLER	IT-80-0009	NWA	1
GABRIELLA C. MEDIUM STERN TRAWLER	IT-80-0010	NWA	1
TORTORELLI E. MEDIUM STERN TRAWLER	IT-80-0011	NWA	1
CORRADO SECONDO LARGE STERN TRAWLER	IT-80-0012	NWA	1
ANTONIETTA MADRE MEDIUM STERN TRAWLER	IT-80-0013	NWA	1
AMORUSO QUARTO MEDIUM STERN TRAWLER	IT-80-0014	NWA	1
CARLO DI FAZIO MEDIUM STERN TRAWLER	IT-80-0015	NWA	1
DE GIOSA GIUSEPPE MEDIUM STERN TRAWLER	IT-80-0016	NWA	1
STANISLAVA LARGE STERN TRAWLER	IT-80-0019	NWA	1
MARIA C. MEDIUM STERN TRAWLER	IT-80-0021	NWA	1
GIOVANNI CEFALU MEDIUM STERN TRAWLER	IT-80-0022	NWA	1
DE GIOSA L. MEDIUM STERN TRAWLER	IT-80-0023	NWA	1
JAPAN			
KASHIMA MARU FACTORY SHIP	JA-80-0001	BSA,NWA,GOA CRB,SNA	2
OTOHA MARU PAIR TRAWLER	JA-80-0010	BSA	1
KUREHA MARU PAIR TRAWLER	JA-80-0011	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
HOKKAI MARU PAIR TRAWLER	JA-80-0012	BSA	1
HAKUREI MARU PAIR TRAWLER	JA-80-0013	BSA	1
HOKUSHIN MARU PAIR TRAWLER	JA-80-0014	BSA	1
HOKUTO MARU PAIR TRAWLER	JA-80-0015	BSA	1
SHIKISHIMA MARU FACTORY SHIP	JA-80-0030	BSA	2
KAIUN MARU NO. 52 DANISH SEINER	JA-80-0040	BSA	1
EBISU MARU NO. 11 DANISH SEINER	JA-80-0042	BSA	1
SEIHO MARU NO. 15 DANISH SEINER	JA-80-0043	BSA	1
HOKKO MARU NO. 17 DANISH SEINER	JA-80-0050	BSA	1
MIZUHO MARU PAIR TRAWLER	JA-80-0060	BSA	1
AKIHO MARU PAIR TRAWLER	JA-80-0061	BSA	1
SYUNYO MARU PAIR TRAWLER	JA-80-0062	BSA	1
RAKUYO MARU PAIR TRAWLER	JA-80-0063	BSA	1
WAYO MARU PAIR TRAWLER	JA-80-0064	BSA	1
JUNYO MARU PAIR TRAWLER	JA-80-0065	BSA	1
KOYO MARU PAIR TRAWLER	JA-80-0066	BSA	1
JAPAN			
RYUYO MARU PAIR TRAWLER	JA-80-0067	BSA	1
YASHIMA MARU PAIR TRAWLER	JA-80-0070	BSA	1
TSUSHIMA MARU PAIR TRAWLER	JA-80-0071	BSA	1
MINESHIMA MARU FACTORY SHIP	JA-80-0080	BSA	2
KAIKO MARU NO. 8 DANISH SEINER	JA-80-0090	BSA	1
EBISU MARU NO. 21 DANISH SEINER	JA-80-0091	BSA	1
KAIUN MARU NO. 78 DANISH SEINER	JA-80-0092	BSA	1
HEIKYU MARU NO. 25 DANISH SEINER	JA-80-0093	BSA	1
MITSU MARU NO. 50 DANISH SEINER	JA-80-0095	BSA	1
HOKKO MARU NO. 77 MEDIUM STERN TRAWLER	JA-80-0100	BSA	1
SHUYO MARU PAIR TRAWLER	JA-80-0110	BSA	1
EIYO MARU PAIR TRAWLER	JA-80-0111	BSA	1
KOYO MARU PAIR TRAWLER	JA-80-0112	BSA	1
FUKUYO MARU PAIR TRAWLER	JA-80-0113	BSA	1
KATORI MARU PAIR TRAWLER	JA-80-0114	BSA	1
KATSUKI MARU PAIR TRAWLER	JA-80-0115	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
AOBA MARU PAIR TRAWLER	JA-80-0116	BSA	1
WAKABA MARU PAIR TRAWLER	JA-80-0117	BSA	1
OYO MARU PAIR TRAWLER	JA-80-0120	BSA	1
EIYO MARU PAIR TRAWLER	JA-80-0121	BSA	1
WASHIMA MARU PAIR TRAWLER	JA-80-0122	BSA	1
TOYOSHIMA MARU PAIR TRAWLER	JA-80-0123	BSA	1
NISSHIN MARU NO. 2 FACTORY SHIP	JA-80-0140	BSA	2
SHOKEN MARU NO. 8 DANISH SEINER	JA-80-0151	BSA	1
AKASHI MARU NO. 16 PAIR TRAWLER	JA-80-0160	BSA	1
AKASHI MARU NO. 17 PAIR TRAWLER	JA-80-0161	BSA	1
AKASHI MARU NO. 51 PAIR TRAWLER	JA-80-0162	BSA	1
AKASHI MARU NO. 52 PAIR TRAWLER	JA-80-0163	BSA	1
AKASHI MARU NO. 58 PAIR TRAWLER	JA-80-0164	BSA	1
AKASHI MARU NO. 59 PAIR TRAWLER	JA-80-0165	BSA	1
AKASHI MARU NO. 63 PAIR TRAWLER	JA-80-0166	BSA	1
AKASHI MARU NO. 65 PAIR TRAWLER	JA-80-0167	BSA	1
AKASHI MARU NO. 66 PAIR TRAWLER	JA-80-0168	BSA	1
AKASHI MARU NO. 67 PAIR TRAWLER	JA-80-0169	BSA	1
AKASHI MARU NO. 68 PAIR TRAWLER	JA-80-0170	BSA	1
AKASHI MARU NO. 69 PAIR TRAWLER	JA-80-0171	BSA	1
AKASHI MARU NO. 71 PAIR TRAWLER	JA-80-0172	BSA	1
AKASHI MARU NO. 72 PAIR TRAWLER	JA-80-0173	BSA	1
AKASHI MARU NO. 73 PAIR TRAWLER	JA-80-0174	BSA	1
AKASHI MARU NO. 75 PAIR TRAWLER	JA-80-0175	BSA	1
AKASHI MARU NO. 77 PAIR TRAWLER	JA-80-0177	BSA	1
HOYO MARU FACTORY SHIP	JA-80-0190	BSA	2
YURYO MARU NO. 35 DANISH SEINER	JA-80-0201	BSA	1
SOHO MARU NO. 68 DANISH SEINER	JA-80-0204	BSA	1
KAKUYO MARU NO. 2 PAIR TRAWLER	JA-80-0211	BSA	1
KAKUYO MARU NO. 5 PAIR TRAWLER	JA-80-0213	BSA	1
KAKUYO MARU NO. 8 PAIR TRAWLER	JA-80-0215	BSA	1
NITTO MARU NO. 32 PAIR TRAWLER	JA-80-0219	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
NITTO MARU NO. 36 PAIR TRAWLER	JA-80-0221	BSA	1
SOYO MARU FACTORY SHIP	JA-80-0240	BSA	2
TAISEI MARU NO. 51 MEDIUM STERN TRAWLER	JA-80-0250	BSA	1
MUTSU MARU NO. 52 MEDIUM STERN TRAWLER	JA-80-0251	BSA	1
TORA MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0252	BSA	1
ZENPO MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0253	BSA	1
KAKUDAI MARU NO. 25 MEDIUM STERN TRAWLER	JA-80-0254	BSA	1
FUJI MARU NO. 1 MEDIUM STERN TRAWLER	JA-80-0255	BSA	1
HOKEN MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0256	BSA	1
KAIKO MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0257	BSA	1
KAIKO MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0258	BSA	1
RYUYO MARU LARGE STERN TRAWLER	JA-80-0280	BSA,GOA	1
TOMI MARU NO. 85 MEDIUM STERN TRAWLER	JA-80-0282	BSA,GOA	1
ANYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-80-0283	BSA	1
DAISHIN MARU NO. 12 LARGE STERN TRAWLER	JA-80-0285	GOA,BSA,SMT	1
DAISHIN MARU NO. 22 LARGE STERN TRAWLER	JA-80-0286	GOA,BSA	1
DAISHIN MARU NO. 23 LARGE STERN TRAWLER	JA-80-0287	GOA,BSA,SMT	1
ASO MARU LARGE STERN TRAWLER	JA-80-0288	BSA,GOA,SMT	1
NIITAKA MARU MEDIUM STERN TRAWLER	JA-80-0289	BSA,GOA	1
TAKACHIHO MARU MEDIUM STERN TRAWLER	JA-80-0291	BSA,GOA	1
KOYO MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0292	GOA,BSA	1
KOYO MARU NO. 2 LARGE STERN TRAWLER	JA-80-0297	GOA,BSA	1
EIKYU MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0299	BSA	1
EIKYU MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0300	BSA	1
EIKYU MARU NO. 86 MEDIUM STERN TRAWLER	JA-80-0302	BSA	1
KOSHIN MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0303	BSA,GOA	1
FUKUYOSHI MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0304	BSA,GOA	1
KYOWA MARU NO. 15 MEDIUM STERN TRAWLER	JA-80-0305	BSA,GOA	1
AKEBONO MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0306	BSA,GOA	1
AKEBONO MARU NO. 32 MEDIUM STERN TRAWLER	JA-80-0307	BSA,GOA	1
AKEBONO MARU NO. 27 MEDIUM STERN TRAWLER	JA-80-0308	BSA,GOA	1
AKEBONO MARU NO. 28 MEDIUM STERN TRAWLER	JA-80-0309	BSA,GOA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
AKEBONO MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0310	BSA,GOA	1
AKEBONO MARU NO. 12 MEDIUM STERN TRAWLER	JA-80-0311	BSA	1
AKEBONO MARU NO. 15 MEDIUM STERN TRAWLER	JA-80-0312	BSA	1
AKEBONO MARU NO. 16 MEDIUM STERN TRAWLER	JA-80-0313	BSA,GOA	1
AKEBONO MARU NO. 17 MEDIUM STERN TRAWLER	JA-80-0314	BSA	1
AKEBONO MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0316	BSA	1
AKEBONO MARU NO. 22 MEDIUM STERN TRAWLER	JA-80-0317	BSA,GOA	1
SHIZUOKA MARU MEDIUM STERN TRAWLER	JA-80-0318	BSA,GOA	1
KITAKAMI MARU MEDIUM STERN TRAWLER	JA-80-0321	BSA,GOA,SMT	1
RYUYO MARU NO. 2 LARGE STERN TRAWLER	JA-80-0330	BSA,GOA	1
ZUIYO MARU NO. 3 LARGE STERN TRAWLER	JA-80-0331	BSA,GOA	1
TENYO MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0332	BSA	1
TENYO MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0333	BSA	1
TENYO MARU NO. 5 MEDIUM STERN TRAWLER	JA-80-0334	BSA	1
CHIKUBU MARU LARGE STERN TRAWLER	JA-80-0336	BSA,GOA	1
TSUDA MARU LARGE STERN TRAWLER	JA-80-0337	BSA,GOA	1
AKEBONO MARU NO. 72 LARGE STERN TRAWLER	JA-80-0338	BSA,GOA	1
YAMATO MARU MEDIUM STERN TRAWLER	JA-80-0339	BSA,GOA	1
RIKUZEN MARU LARGE STERN TRAWLER	JA-80-0340	BSA,GOA	1
KONGO MARU MEDIUM STERN TRAWLER	JA-80-0341	BSA,GOA	1
OHTORI MARU LARGE STERN TRAWLER	JA-80-0342	GOA,BSA	1
KOYO MARU NO. 3 LARGE STERN TRAWLER	JA-80-0343	BSA,GOA	1
HARUNA MARU MEDIUM STERN TRAWLER	JA-80-0350	BSA,GOA	1
ZUIYO MARU NO. 2 LARGE STERN TRAWLER	JA-80-0351	BSA,GOA	1
TENYO MARU MEDIUM STERN TRAWLER	JA-80-0352	BSA	1
TOKACHI MARU LARGE STERN TRAWLER	JA-80-0360	NWA	1
SHIRANE MARU LARGE STERN TRAWLER	JA-80-0362	NWA	1
SUZUKA MARU LARGE STERN TRAWLER	JA-80-0363	NWA	1
OKUNI MARU LARGE STERN TRAWLER	JA-80-0364	NWA	1
KOYO MARU LARGE STERN TRAWLER	JA-80-0365	NWA	1
MIKAMI MARU LARGE STERN TRAWLER	JA-80-0368	NWA	1
NIHONKAI MARU MEDIUM STERN TRAWLER	JA-80-0369	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KAIKO MARU NO.1 MEDIUM STERN TRAWLER	JA-80-0382	NWA	1
JUKYU MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0402	BSA	1
HATSUE MARU NO. 62 MEDIUM STERN TRAWLER	JA-80-0403	BSA	1
HOKUYU MARU NO. 32 MEDIUM STERN TRAWLER	JA-80-0405	BSA	1
NITTO MARU NO. 75 MEDIUM STERN TRAWLER	JA-80-0406	BSA	1
HOKKO MARU NO. 57 MEDIUM STERN TRAWLER	JA-80-0407	BSA	1
YAMASAN MARU NO. 81 MEDIUM STERN TRAWLER	JA-80-0409	BSA	1
YAMASAN MARU NO. 85 MEDIUM STERN TRAWLER	JA-80-0410	BSA	1
EIKYU MARU NO. 12 MEDIUM STERN TRAWLER	JA-80-0411	BSA	1
DAITO MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0413	BSA	1
DAITO MARU NO. 55 MEDIUM STERN TRAWLER	JA-80-0414	BSA	1
TOMI MARU NO. 52 MEDIUM STERN TRAWLER	JA-80-0415	BSA	1
CHUYO MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0418	BSA	1
CHUYO MARU NO. 22 MEDIUM STERN TRAWLER	JA-80-0419	BSA	1
EIKYU MARU NO. 16 MEDIUM STERN TRAWLER	JA-80-0420	BSA	1
KORYO MARU NO. 108 MEDIUM STERN TRAWLER	JA-80-0421	BSA	1
JAPAN			
TORA MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0422	BSA	1
EBISU MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0423	BSA	1
KYOYO MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0424	BSA	1
HOKEN MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0425	BSA	1
RYOAN MARU NO. 28 MEDIUM STERN TRAWLER	JA-80-0426	BSA	1
TAISEI MARU NO. 68 MEDIUM STERN TRAWLER	JA-80-0428	BSA	1
SHOYO MARU MEDIUM STERN TRAWLER	JA-80-0429	BSA	1
KAIYO MARU NO. 7 MEDIUM STERN TRAWLER	JA-80-0431	BSA	1
KAIYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-80-0432	BSA	1
TOMI MARU NO. 53 MEDIUM STERN TRAWLER	JA-80-0433	BSA	1
TOMI MARU NO. 82 MEDIUM STERN TRAWLER	JA-80-0434	BSA	1
NO. 8 MITOMARU MEDIUM STERN TRAWLER	JA-80-0435	BSA	1
TOMI MARU NO. 55 MEDIUM STERN TRAWLER	JA-80-0437	BSA	1
SHOTOKU MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0438	BSA	1
YAHATA MARU NO. 53 MEDIUM STERN TRAWLER	JA-80-0440	BSA	1
YAHATA MARU NO. 56 MEDIUM STERN TRAWLER	JA-80-0441	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KOHOKU MARU NO. 16 MEDIUM STERN TRAWLER	JA-80-0442	BSA	1
KOHOKU MARU NO. 17 MEDIUM STERN TRAWLER	JA-80-0443	BSA	1
MANRYO MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0445	BSA	1
MANRYO MARU NO. 32 MEDIUM STERN TRAWLER	JA-80-0446	BSA	1
SEITOKU MARU NO. 105 MEDIUM STERN TRAWLER	JA-80-0447	BSA	1
TAISEI MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0449	BSA	1
TAISEI MARU NO. 16 MEDIUM STERN TRAWLER	JA-80-0450	BSA	1
TAISEI MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0451	BSA	1
YASHIO MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0452	BSA	1
SHOSHIN MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0453	BSA	1
SHOSHIN MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0454	BSA	1
NARITA MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0456	BSA	1
HOKUO MARU NO. 25 MEDIUM STERN TRAWLER	JA-80-0457	BSA	1
KYUEI MARU NO. 1 MEDIUM STERN TRAWLER	JA-80-0459	BSA	1
HAMAZEN MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0461	BSA	1
YURYO MARU NO. 8 MEDIUM STERN TRAWLER	JA-80-0463	BSA	1
JAPAN			
KAIYO MARU NO. 53 MEDIUM STERN TRAWLER	JA-80-0464	BSA	1
SEIJU MARU NO. 28 MEDIUM STERN TRAWLER	JA-80-0465	BSA	1
SOHOMARU NO. 52 MEDIUM STERN TRAWLER	JA-80-0466	BSA	1
YAHATA MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0467	BSA	1
FUKUYOSHI MARU NO. 28 MEDIUM STERN TRAWLER	JA-80-0472	BSA	1
RYOAN MARU NO. 25 MEDIUM STERN TRAWLER	JA-80-0475	BSA	1
SACHI MARU NO. 22 MEDIUM STERN TRAWLER	JA-80-0477	BSA	1
RYUHO MARU NO. 51 MEDIUM STERN TRAWLER	JA-80-0479	BSA	1
RYUHO MARU NO. 37 MEDIUM STERN TRAWLER	JA-80-0480	BSA	1
DAIKICHI MARU NO. 37 MEDIUM STERN TRAWLER	JA-80-0483	BSA	1
DAIKICHI MARU NO. 51 MEDIUM STERN TRAWLER	JA-80-0484	BSA	1
RYUJIN MARU NO. 8 MEDIUM STERN TRAWLER	JA-80-0486	BSA	1
SHINEI MARU NO. 53 MEDIUM STERN TRAWLER	JA-80-0487	BSA	1
KOEI MARU NO. 51 MEDIUM STERN TRAWLER	JA-80-0488	BSA	1
KOEI MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0489	BSA	1
KOEI MARU NO. 25 MEDIUM STERN TRAWLER	JA-80-0490	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
YAKUSHI MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0491	BSA	1
DAIKICHI MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0494	BSA	1
FUKUCHO MARU NO. 23 MEDIUM STERN TRAWLER	JA-80-0495	BSA	1
YAKUSHI MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0496	BSA	1
TENYU MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0497	BSA	1
RYUJIN MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0499	BSA	1
ANYO MARU NO. 12 MEDIUM STERN TRAWLER	JA-80-0500	BSA	1
ANYO MARU NO. 15 MEDIUM STERN TRAWLER	JA-80-0504	BSA	1
HAKURYU MARU NO.51 MEDIUM STERN TRAWLER	JA-80-0505	BSA	1
RYUHO MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0506	BSA	1
KASHIMA MARU NO. 23 MEDIUM STERN TRAWLER	JA-80-0508	BSA	1
EIKYU MARU NO. 35 MEDIUM STERN TRAWLER	JA-80-0511	BSA	1
DAINICHI MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0514	BSA	1
DAITOKU MARU NO. 31 MEDIUM STERN TRAWLER	JA-80-0516	BSA	1
RYOEI MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0517	BSA	1
CHOUN MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0519	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
MEISHO MARU NO. 15 MEDIUM STERN TRAWLER	JA-80-0522	BSA	1
DAIRIN MARU NO. 28 MEDIUM STERN TRAWLER	JA-80-0524	BSA	1
KOSHIN MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0525	BSA	1
FUKUHO MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0528	BSA	1
KYOWA MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0530	BSA	1
FUKUSHIN MARU NO. 5 MEDIUM STERN TRAWLER	JA-80-0531	BSA	1
KAIUN MARU NO. 38 MEDIUM STERN TRAWLER	JA-80-0533	BSA	1
KUMANO MARU NO. 15 MEDIUM STERN TRAWLER	JA-80-0534	BSA	1
TEISHO MARU NO. 18 MEDIUM STERN TRAWLER	JA-80-0535	BSA	1
SHINEI MARU NO. 21 MEDIUM STERN TRAWLER	JA-80-0537	BSA	1
SHOEI MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0539	BSA	1
ANYO MARU NO. 11 MEDIUM STERN TRAWLER	JA-80-0541	BSA,GOA	1
FUKUI MARU NO. 8 MEDIUM STERN TRAWLER	JA-80-0542	BSA	1
FUKUI MARU NO. 10 MEDIUM STERN TRAWLER	JA-80-0543	BSA	1
DAIEI MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0544	BSA	1
YASHIMA MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0548	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
YASHIMA MARU NO. 2 MEDIUM STERN TRAWLER	JA-80-0550	BSA	1
ORIENT MARU NO. 3 MEDIUM STERN TRAWLER	JA-80-0551	BSA	1
DAIAN MARU NO. 188 MEDIUM STERN TRAWLER	JA-80-0553	BSA	1
DAIKICHI MARU NO. 32 MEDIUM STERN TRAWLER	JA-80-0554	BSA	1
YOSHI MARU NO. 81 MEDIUM STERN TRAWLER	JA-80-0555	BSA	1
RYUHO MARU NO 38 LONGLINER/GILLNET	JA-80-0557	GOA,BSA	1
HATSUE MARU NO. 68 LONGLINER/GILLNET	JA-80-0562	GOA,BSA	1
SHINNICHI MARU NO.38 MEDIUM STERN TRAWLER	JA-80-0563	BSA	1
SHUNYOO MARU NO.118 MEDIUM STERN TRAWLER	JA-80-0564	BSA	1
ZUIHOO MARU NO.28 MEDIUM STERN TRAWLER	JA-80-0565	BSA	1
TSUNE MARU NO. 31 LONGLINER/GILLNET	JA-80-0601	BSA,GOA	1
KIYO MARU NO. 55 LONGLINER/GILLNET	JA-80-0602	GOA,BSA	1
FUKUYOSHI MARU NO. 85 LONGLINER/GILLNET	JA-80-0603	GOA,BSA	1
HATSUE MARU NO. 38 LONGLINER/GILLNET	JA-80-0605	GOA,BSA	1
EIKYU MARU NO.82 LONGLINER/GILLNET	JA-80-0607	GOA,BSA	1
SUMIYOSHI MARU NO. 53 LONGLINER/GILLNET	JA-80-0608	GOA,BSA	1
JAPAN			
MATSUEI MARU NO. 88 LONGLINER/GILLNET	JA-80-0609	GOA,BSA	1
EBISU MARU NO. 88 LONGLINER/GILLNET	JA-80-0610	GOA,BSA	1
MITO MARU NO. 82 LONGLINER/GILLNET	JA-80-0611	GOA,BSA	1
TOMI MARU NO. 88 LONGLINER/GILLNET	JA-80-0612	GOA,BSA	1
SHINTOKU MARU NO. 25 LONGLINER/GILLNET	JA-80-0613	GOA,BSA	1
SHINKO MARU NO. 3 LONGLINER/GILLNET	JA-80-0614	GOA,BSA	1
CHOYO MARU NO. 81 LONGLINER/GILLNET	JA-80-0615	GOA,BSA	1
TENYU MARU NO. 37 LONGLINER/GILLNET	JA-80-0616	GOA,BSA	1
RYUSHO MARU NO. 15 LONGLINER/GILLNET	JA-80-0619	GOA,BSA	1
RYUSHO MARU NO. 18 LONGLINER/GILLNET	JA-80-0620	GOA,BSA	1
ANYO MARU NO. 21 LONGLINER/GILLNET	JA-80-0621	GOA,BSA	1
ANYO MARU NO. 22 LONGLINER/GILLNET	JA-80-0622	GOA,BSA	1
FUKUYOSHI MARU NO. 8 LONGLINER/GILLNET	JA-80-0624	GOA,BSA	1
KEIKO MARU FACTORY SHIP	JA-80-0701	CRB,BSA,GOA NWA,SNA	3
DAIKICHI MARU NO. 33 POT FISHING VESSEL	JA-80-0702	CRB	1
FUKUYO MARU NO. 18 POT FISHING VESSEL	JA-80-0703	CRB	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
HOKKO MARU NO. 12 POT FISHING VESSEL	JA-80-0704	CRB	1
RYUHO MARU NO. 25 POT FISHING VESSEL	JA-80-0705	CRB	1
TAIKI MARU NO. 81 POT FISHING VESSEL	JA-80-0706	CRB	1
KEIYO MARU NO. 28 POT FISHING VESSEL	JA-80-0710	CRB	1
KEIYO MARU NO. 38 POT FISHING VESSEL	JA-80-0711	CRB	1
FUKUYO MARU NO. 8 POT FISHING VESSEL	JA-80-0713	CRB	1
KAIUN MARU NO. 21 POT FISHING VESSEL	JA-80-0717	CRB	1
DAIAN MARU NO. 88 POT FISHING VESSEL	JA-80-0718	CRB	1
KOYO MARU FACTORY SHIP	JA-80-0720	CRB,BSA,SNA GOA,NWA	2
KAIYO MARU NO. 12 MEDIUM STERN TRAWLER	JA-80-0724	BSA	1
BENTEN MARU NO. 58 POT FISHING VESSEL	JA-80-0731	CRB	1
TOMI MARU NO. 18 POT FISHING VESSEL	JA-80-0732	CRB	1
OTOBE MARU POT FISHING VESSEL	JA-80-0734	CRB	1
KOYO MARU NO. 3 POT FISHING VESSEL	JA-80-0812	CRB	1
HOKO MARU NO. 36 POT FISHING VESSEL	JA-80-0813	SNA	1
KYOWA MARU NO. 7 POT FISHING VESSEL	JA-80-0815	CRB,SNA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
EIKYU MARU POT FISHING VESSEL	JA-80-0817	CRB	1
EIWA MARU NO. 28 POT FISHING VESSEL	JA-80-0820	CRB,SNA	1
MATSUEI MARU NO. 72 POT FISHING VESSEL	JA-80-0821	CRB	1
EIKYU MARU NO. 26 LONGLINE FISHING VESSEL	JA-80-0822	CRB	1
EITAN MARU POT FISHING VESSEL	JA-80-0830	SNA	1
TATEYAMA MARU PAIR TRAWLER	JA-80-0835	BSA	1
NISHIYAMA MARU PAIR TRAWLER	JA-80-0836	BSA	1
HOKAYO MARU POT FISHING VESSEL	JA-80-0837	CRB	1
CHOSEI MARU NO. 78 POT FISHING VESSEL	JA-80-0838	SNA	1
KOHOKU MARU NO. 18 POT FISHING VESSEL	JA-80-0839	SNA	1
HOYO MARU NO. 68 POT FISHING VESSEL	JA-80-0840	SNA	1
HOKUSEN MARU NO. 2 POT FISHING VESSEL	JA-80-0841	SNA	1
NITTOH MARU #77 LONGLINE FISHING VESSEL	JA-80-0842	SNA	1
TAISAN MARU NO. 1 POT FISHING VESSEL	JA-80-0851	CRB,SNA	1
TAKASHIRO MARU NO. 31 POT FISHING VESSEL	JA-80-0856	CRB,SNA	1
MARUNAKA MARU NO. 68 POT FISHING VESSEL	JA-80-0860	CRB,SNA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
HOYO MARU NO. 63 POT FISHING VESSEL	JA-80-0862	SNA	1
AZUMA MARU NO. 11 POT FISHING VESSEL	JA-80-0871	SNA	1
HAKKAI MARU NO. 11 POT FISHING VESSEL	JA-80-0872	SNA	1
HIGO MARU POT FISHING VESSEL	JA-80-0873	SNA	1
RYOUN MARU NO. 2 POT FISHING VESSEL	JA-80-0877	SNA	1
RYUSHO MARU NO. 1 POT FISHING VESSEL	JA-80-0878	SNA	1
TAKIMARU NO. 2 POT FISHING VESSEL	JA-80-0879	SNA	1
HAKKO ARROW CARGO/TRANSPORT VESSEL	JA-80-0880	CRB,GOA,BSA SNA	1
HAKKO CARDIOID CARGO/TRANSPORT VESSEL	JA-80-0882	CRB,GOA,BSA SNA	3
HAMANASU MARU CARGO/TRANSPORT VESSEL	JA-80-0883	CRB,GOA,BSA SNA,NWA	3
KASHIWAHANA MARU NO. 1 CARGO/TRANSPORT VESSEL	JA-80-0884	BSA,GOA	3
KYOKUYO MARU TANKER FUEL/WATER	JA-80-0885	CRB,BSA,GOA SNA	3
TAKUYO MARU TANKER FUEL/WATER	JA-80-0886	CRB,BSA,GOA SNA	3
RICH CRANE TANKER FUEL/WATER	JA-80-0887	CRB,BSA,GOA SNA	3
RICH SEAGULL TANKER FUEL/WATER	JA-80-0888	CRB,BSA,GOA SNA	3
SHIKISHIMA REEFER CARGO/TRANSPORT VESSEL	JA-80-0889	NWA,CRB,GOA BSA,SNA	3
JAPAN			
SHINSEI MARU CARGO/TRANSPORT VESSEL	JA-80-0890	BSA,CRB,GOA NWA,SNA	3
SUN HAPPINESS CARGO/TRANSPORT VESSEL	JA-80-0891	BSA,CRB,GOA NWA,SNA	3
SUNNY REEFER CARGO/TRANSPORT VESSEL	JA-80-0892	NWA,CRB,GOA BSA,SNA	3
SUOH CARGO/TRANSPORT VESSEL	JA-80-0893	BSA,CRB,GOA NWA,SNA	3
TENKAI MARU TANKER FUEL/WATER	JA-80-0894	CRB,BSA,GOA SNA	3
TENKANE MARU TANKER FUEL/WATER	JA-80-0895	BSA,CRB,GOA	3
TENSEI MARU CARGO/TRANSPORT VESSEL	JA-80-0896	BSA,CRB,GOA NWA,SNA	3
SINSEI MARU NO. 3 LARGE STERN TRAWLER	JA-80-0898	NWA	1
KUNISAKI CARGO/TRANSPORT VESSEL	JA-80-0899	ABS,BSA,CRB GOA,NWA,WOC	3
DAIHO MARU CARGO/TRANSPORT VESSEL	JA-80-1000	NWA,BSA,GOA	3
SAKURA MARU CARGO/TRANSPORT VESSEL	JA-80-1001	NWA,BSA,GOA	3
DAIRYO MARU CARGO/TRANSPORT VESSEL	JA-80-1002	NWA,BSA,GOA	3
SATSUKI MARU CARGO/TRANSPORT VESSEL	JA-80-1004	NWA,BSA,GOA	3
SETA MARU CARGO/TRANSPORT VESSEL	JA-80-1010	ABS,BSA,CRB GOA,NWA,WOC	3
KARASAKI MARU CARGO/TRANSPORT VESSEL	JA-80-1011	BSA,CRB,GOA NWA,SNA	3
SHIGA MARU CARGO/TRANSPORT VESSEL	JA-80-1012	ABS,BSA,CRB GOA,NWA,WOC	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
WAKASHIO MARU CARGO/TRANSPORT VESSEL	JA-80-1013	CRB,GOA,BSA SNA,NWA	3
SEIWA MARU CARGO/TRANSPORT VESSEL	JA-80-1014	BSA,CRB,GOA NWA,SMT,SNA	3
KAISEI MARU NO. 5 CARGO/TRANSPORT VESSEL	JA-80-1015	BSA,CRB,GOA NWA,SNA	3
HAKODATE MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-80-1017	NWA,CRB,GOA BSA,SNA	3
YOHO MARU CARGO/TRANSPORT VESSEL	JA-80-1018	NWA,CRB,COA BSA,SNA	3
KAIKO MARU CARGO/TRANSPORT VESSEL	JA-80-1019	NWA,CRB,GOA BSA,SNA	3
KENTOKU MARU CARGO/TRANSPORT VESSEL	JA-80-1021	NWA,CRB,GOA BSA,SNA	3
CHIYODA MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-80-1022	CRB,GOA,BSA SNA,NWA	3
MISHIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1023	NWA,BSA,GOA	3
RYOYO MARU CARGO/TRANSPORT VESSEL	JA-80-1024	BSA,CRB,GOA NWA,SMT,SNA	3
KIYO MARU CARGO/TRANSPORT VESSEL	JA-80-1026	BSA,CRB,GOA NWA,SMT,SNA	3
HAKUBASAN MARU CARGO/TRANSPORT VESSEL	JA-80-1027	BSA,GOA,CRB NWA,SNA	3
SHUYO MARU CARGO/TRANSPORT VESSEL	JA-80-1028	BSA,CRB,GOA NWA,SMT,SNA	3
HOYO MARU CARGO/TRANSPORT VESSEL	JA-80-1029	BSA,CRB,GOA NWA,SMT,SNA	3
TAMAGAWA MARU CARGO/TRANSPORT VESSEL	JA-80-1030	BSA,CRB,GOA NWA,SMT,SNA	3
KAKOGAWA MARU CARGO/TRANSPORT VESSEL	JA-80-1031	BSA,CRB,GOA NWA,SMT,SNA	3
JAPAN			
ABUGAWA MARU CARGO/TRANSPORT VESSEL	JA-80-1032	BSA,CRB,GOA NWA,SNA	3
KYOHO MARU CARGO/TRANSPORT VESSEL	JA-80-1034	BSA,CRB,GOA	1
KOTOKU MARU CARGO/TRANSPORT VESSEL	JA-80-1035	NWA,CRB,GOA BSA,SNA	3
BUSAN CARGO/TRANSPORT VESSEL	JA-80-1036	BSA,CRB,GOA	3
HAYATSUKI MARU CARGO/TRANSPORT VESSEL	JA-80-1037	CRB,GOA,BSA SNA,NWA	3
ISOKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1038	BSA,CRB,GOA NWA,SNA	3
EIHEI MARU CARGO/TRANSPORT VESSEL	JA-80-1039	CRB,BSA,GOA SNA,NWA	3
SOYOKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1040	BSA,CRB,GOA NWA,SNA	3
NANKO MARU CARGO/TRANSPORT VESSEL	JA-80-1041	BSA,CRB,GOA NWA,SNA	3
TOKO MARU CARGO/TRANSPORT VESSEL	JA-80-1042	BSA,CRB,GOA NWA,SNA	3
SEIKO MARU CARGO/TRANSPORT VESSEL	JA-80-1043	BSA,CRB,GOA NWA,SNA	3
HOKKO MARU CARGO/TRANSPORT VESSEL	JA-80-1044	BSA,CRB,GOA NWA,SNA	3
MATSUKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1045	BSA,CRB,GOA NWA,SNA	3
HARUKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1049	BSA,CRB,GOA NWA,SNA	3
FUKUJU MARU NO. 57 CARGO/TRANSPORT VESSEL	JA-80-1050	CRB,BSA,GOA SNA,SMT	3
TAISEI MARU NO. 16 CARGO/TRANSPORT VESSEL	JA-80-1052	NWA,CRB,BSA GOA,SNA,SMT	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
TAISEI MARU NO. 87 CARGO/TRANSPORT VESSEL	JA-80-1053	NWA,CRB,BSA SNA,GOA,SMT	3
TAISEI MARU NO. 98 CARGO/TRANSPORT VESSEL	JA-80-1054	NWA,CRB,BSA GOA,SNA,SMT	3
TAISEI MARU NO. 52 CARGO/TRANSPORT VESSEL	JA-80-1055	NWA,CRB,BSA GOA,SNA,SMT	3
TAISEI MARU NO. 41 CARGO/TRANSPORT VESSEL	JA-80-1056	CRB,BSA,GOA SNA,SMT	3
SACHIKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1057	BSA,CRB,GOA	3
SUZUKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1058	BSA,CRB,GOA	3
KASHIWAHANA MARU CARGO/TRANSPORT VESSEL	JA-80-1059	BSA,GOA	3
AWASHIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1060	BSA,GOA	3
NAGISA MARU CARGO/TRANSPORT VESSEL	JA-80-1061	BSA,GOA	3
EIHO MARU CARGO/TRANSPORT VESSEL	JA-80-1062	CRB,BSA,GOA SNA	3
EIO MARU CARGO/TRANSPORT VESSEL	JA-80-1063	CRB,BSA,GOA SNA	3
TAKASHIRO MARU NO. 28 CARGO/TRANSPORT VESSEL	JA-80-1064	BSA,CRB,GOA NWA,SMT,SNA	3
REIYO MARU CARGO/TRANSPORT VESSEL	JA-80-1067	BSA,CRB,GOA NWA,SMT,SNA	3
JUYO MARU CARGO/TRANSPORT VESSEL	JA-80-1068	BSA,CRB,GOA NWA,SMT,SNA	3
MIHO MARU CARGO/TRANSPORT VESSEL	JA-80-1069	NWA,BSA,GOA	3
HAKUYO MARU CARGO/TRANSPORT VESSEL	JA-80-1070	BSA,CRB,GOA NWA,SMT,SNA	3
JAPAN			
TOSA MARU CARGO/TRANSPORT VESSEL	JA-80-1071	BSA,CRB,GOA NWA,SMT,SNA	3
ITOHAM MARU CARGO/TRANSPORT VESSEL	JA-80-1072	BSA,CRB,GOA NWA,SMT,SNA	3
SANPUKU MARU CARGO/TRANSPORT VESSEL	JA-80-1073	BSA,CRB,GOA	3
DAIEN MARU NO. 18 CARGO/TRANSPORT VESSEL	JA-80-1074	NWA,BSA,GOA	3
SANTO MARU CARGO/TRANSPORT VESSEL	JA-80-1075	NWA,BSA,GOA	3
NIKKO MARU CARGO/TRANSPORT VESSEL	JA-80-1077	NWA,CRB,GOA BSA,SNA	3
KOEI MARU NO. 22 CARGO/TRANSPORT VESSEL	JA-80-1078	CRB,GOA,BSA SNA	3
YACHIYO MARU NO. 26 CARGO/TRANSPORT VESSEL	JA-80-1079	CRB,GOA,BSA SNA	3
SHINPRIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1081	NWA,CRB,GOA BSA,SNA	3
NIPPONHAM MARU NO. 1 CARGO/TRANSPORT VESSEL	JA-80-1082	BSA,CRB,GOA NWA,SMT,SNA	3
HOKO MARU NO. 31 CARGO/TRANSPORT VESSEL	JA-80-1083	BSA,CRB,GOA NWA,SNA	3
TSURU MARU CARGO/TRANSPORT VESSEL	JA-80-1085	BSA,CRB,GOA	3
KIZAN MARU CARGO/TRANSPORT VESSEL	JA-80-1088	GOA,CRB,BSA SNA,NWA	3
ASAKAZE MARU CARGO/TRANSPORT VESSEL	JA-80-1089	BSA,CRB,GOA NWA,SNA	3
DAITOKU MARU NO. 31 CARGO/TRANSPORT VESSEL	JA-80-1092	NWA,BSA,GOA	3
NOJIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1096	BSA,CRB,GOA NWA,SNA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
OKITSU MARU CARGO/TRANSPORT VESSEL	JA-80-1098	BSA,CRB,GOA NWA,SNA	3
MIYAJIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1101	BSA,CRB,GOA NWA,SNA	3
HAYASHIKANE MARU NO. 1 CARGO/TRANSPORT VESSEL	JA-80-1102	BSA,CRB,GOA NWA,SMT,SNA	3
HAYASHIKANE MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-80-1103	BSA,CRB,GOA NWA,SMT,SNA	3
TENRYU MARU CARGO/TRANSPORT VESSEL	JA-80-1104	NWA,BSA,GOA	3
TAIHAKU MARU CARGO/TRANSPORT VESSEL	JA-80-1106	BSA,CRB,GOA NWA,SMT,SNA	3
TAISHO MARU CARGO/TRANSPORT VESSEL	JA-80-1107	BSA,CRB,GOA	3
SEIRYU MARU CARGO/TRANSPORT VESSEL	JA-80-1109	CRB,GOA,BSA SNA	3
ITO MARU NO.18 CARGO/TRANSPORT VESSEL	JA-80-1111	CRB,GOA,BSA SNA	3
KOEI MARU NO. 16 CARGO/TRANSPORT VESSEL	JA-80-1117	CRB,GOA,BSA SNA	3
WAKASHIO MARU NO. 32 CARGO/TRANSPORT VESSEL	JA-80-1121	CRB,GOA,BSA SNA	3
WAKASHIO MARU NO. 27 CARGO/TRANSPORT VESSEL	JA-80-1122	CRB,GOA,BSA SNA	3
YACHIYO MARU NO. 15 CARGO/TRANSPORT VESSEL	JA-80-1123	CRB,GOA,BSA SNA	3
YUWASU MARU CARGO/TRANSPORT VESSEL	JA-80-1125	BSA,CRB,GOA	3
KURUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-80-1128	BSA,GOA	3
AKATSUKI MARU NO. 1 DANISH SEINER (STERN CHUTE)	JA-80-1129	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
JINYO-MARU CARGO/TRANSPORT VESSEL	JA-80-1132	BSA,CRB,GOA NWA,SMT,SNA	3
MEIYO-MARU CARGO/TRANSPORT VESSEL	JA-80-1133	BSA,CRB,GOA NWA,SMT,SNA	3
CHIYO-MARU CARGO/TRANSPORT VESSEL	JA-80-1134	BSA,CRB,GOA NWA,SMT,SNA	3
TOKYO REEFER CARGO/TRANSPORT VESSEL	JA-80-1135	NWA,CRB,GOA BSA,SNA	3
AKASHI MARU NO. 19 PAIR TRAWLER	JA-80-1136	BSA	1
KAIYO MARU NO. 8 POT FISHING VESSEL	JA-80-1137	CRB	1
JIN PO MARU NO. 65 CARGO/TRANSPORT VESSEL	JA-80-1142	NWA,ABS,PBS CRB,WOC,BSA GOA,SMT,SNA	3
KAISEI MARU NO. 7 CARGO/TRANSPORT VESSEL	JA-80-1143	BSA,CRB,GOA NWA,SNA	3
TAISEI MARU NO. 101 CARGO/TRANSPORT VESSEL	JA-80-1144	NWA,CRB,GOA SNA,SMT	3
FUMIZUKI MARU CARGO/TRANSPORT VESSEL	JA-80-1145	NWA,BSA,GOA	3
HIROTSUKI MARU CARGO/TRANSPORT VESSEL	JA-80-1146	NWA,BSA,GOA	3
DAIGEN MARU CARGO/TRANSPORT VESSEL	JA-80-1147	NWA,BSA,GOA	3
WAKATSUKI MARU CARGO/TRANSPORT VESSEL	JA-80-1150	NWA,BSA,GOA	3
TAKASHIROMARU NO 51 CARGO/TRANSPORT VESSEL	JA-80-1151	BSA,CRB,GOA NWA,SMT,SNA	3
SUZURAN MARU CARGO/TRANSPORT VESSEL	JA-80-1152		0
AKEBONO MARU NO.1 MEDIUM STERN TRAWLER	JA-80-1153	BSA,GOA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
ZENKO MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1201	ABS	1
YUSHO MARU NO. 3 LONGLINE FISHING VESSEL	JA-80-1202	ABS	1
YUSHO MARU NO. 5 LONGLINE FISHING VESSEL	JA-80-1203	ABS	1
TAIYO MARU NO. 1 LONGLINE FISHING VESSEL	JA-80-1204	ABS	1
CHOSHO MARU NO. 21 LONGLINE FISHING VESSEL	JA-80-1207	ABS	1
CHOSHO MARU NO. 17 LONGLINE FISHING VESSEL	JA-80-1208	ABS	1
OTOSHIRO MARU NO. 15 LONGLINE FISHING VESSEL	JA-80-1209	ABS	1
OTORI MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1210	ABS	1
KOKEI MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1211	ABS	1
SHINYO MARU NO. 11 LONGLINE FISHING VESSEL	JA-80-1213	ABS	1
MATSUEI MARU NO. 11 LONGLINE FISHING VESSEL	JA-80-1214	ABS	1
MATSUEI MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1215	ABS	1
MASA MARU NO. 28 LONGLINE FISHING VESSEL	JA-80-1216	ABS	1
KOSHIN MARU NO. 28 LONGLINE FISHING VESSEL	JA-80-1217	ABS	1
KOSHIN MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1218	ABS	1
DAI MARU NO. 35 LONGLINE FISHING VESSEL	JA-80-1219	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
FUKU MARU NO. 5 LONGLINE FISHING VESSEL	JA-80-1222	ABS	1
WAKASHIO MARU NO. 58 POT FISHING VESSEL	JA-80-1223	ABS	1
NANKAI MARU NO. 118 LONGLINE FISHING VESSEL	JA-80-1225	ABS	1
DAITO MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1227	ABS	1
DAITO MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1228	ABS	1
DAITO MARU NO. 5 LONGLINE FISHING VESSEL	JA-80-1229	ABS	1
DAITO MARU NO. 3 LONGLINE FISHING VESSEL	JA-80-1230	ABS	1
DAITO MARU NO. 2 LONGLINE FISHING VESSEL	JA-80-1231	ABS	1
AZUMA MARU NO. 37 LONGLINE FISHING VESSEL	JA-80-1232	ABS	1
KORYO MARU NO. 5 LONGLINE FISHING VESSEL	JA-80-1234	ABS	1
KORYO MARU NO. 51 LONGLINE FISHING VESSEL	JA-80-1235	ABS	1
SUMIYOSHI MARU NO. 86 LONGLINE FISHING VESSEL	JA-80-1236	ABS	1
SUMIYOSHI MARU NO. 52 LONGLINE FISHING VESSEL	JA-80-1237	ABS	1
SUMIYOSHI MARU NO. 73 LONGLINE FISHING VESSEL	JA-80-1238	ABS	1
SUMIYOSHI MARU NO. 68 LONGLINE FISHING VESSEL	JA-80-1239	ABS	1
SUMIYOSHI MARU NO. 55 LONGLINE FISHING VESSEL	JA-80-1240	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KORYO MARU NO. 6 LONGLINE FISHING VESSEL	JA-80-1241	ABS	1
SUMIYOSHI MARU NO. 71 LONGLINE FISHING VESSEL	JA-80-1242	ABS	1
SUMIYOSHI MARU NO. 16 LONGLINE FISHING VESSEL	JA-80-1244	ABS	1
SUMIYOSHI MARU NO. 81 LONGLINE FISHING VESSEL	JA-80-1245	ABS	1
SUMIYOSHI MARU NO. 65 LONGLINE FISHING VESSEL	JA-80-1246	ABS	1
SUMIYOSHI MARU NO. 3 LONGLINE FISHING VESSEL	JA-80-1248	ABS	1
SUMIYOSHI MARU NO. 58 LONGLINE FISHING VESSEL	JA-80-1249	ABS	1
KOYO MARU NO. 65 LONGLINE FISHING VESSEL	JA-80-1250	ABS	1
KOYO MARU NO. 6 LONGLINE FISHING VESSEL	JA-80-1251	ABS	1
MARUKYOBOSHI MARU NO. 58 LONGLINE FISHING VESSEL	JA-80-1252	ABS	1
DAIEI MARU NO. 12 LONGLINE FISHING VESSEL	JA-80-1254	ABS	1
KORYO MARU NO. 11 LONGLINE FISHING VESSEL	JA-80-1255	ABS	1
KOYO MARU NO. 15 LONGLINE FISHING VESSEL	JA-80-1256	ABS	1
TAIKO MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1262	ABS	1
TAIKO MARU NO. 68 LONGLINE FISHING VESSEL	JA-80-1263	ABS	1
SHINMEI MARU NO. 58 LONGLINE FISHING VESSEL	JA-80-1264	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
JUNKO MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1267	ABS	1
DAIEI MARU NO. 32 LONGLINE FISHING VESSEL	JA-80-1268	ABS	1
KAISEI MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1269	ABS	1
OJU MARU NO. 1 LONGLINE FISHING VESSEL	JA-80-1271	ABS	1
KYOEI MARU NO. 3 LONGLINE FISHING VESSEL	JA-80-1276	ABS	1
YASU MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1277	ABS	1
TAKE MARU NO. 31 LONGLINE FISHING VESSEL	JA-80-1278	ABS	1
MASA MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1279	ABS	1
SEISYU MARU NO. 17 LONGLINE FISHING VESSEL	JA-80-1281	ABS	1
DAITO MARU NO. 28 LONGLINE FISHING VESSEL	JA-80-1283	ABS	1
KATSUEI MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1284	ABS	1
AZUMA MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1291	ABS	1
AZUMA MARU NO.28 LONGLINE FISHING VESSEL	JA-80-1292	ABS	1
CHOKYU MARU NO. 2 LONGLINE FISHING VESSEL	JA-80-1293	ABS	1
KOTOSHIRO MARU NO. 28 LONGLINE FISHING VESSEL	JA-80-1295	ABS	1
KOCHI MARU NO. 66 LONGLINE FISHING VESSEL	JA-80-1301	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
KOYO MARU NO. 31 LONGLINE FISHING VESSEL	JA-80-1305	ABS	1
TAIYO MARU NO. 32 LONGLINE FISHING VESSEL	JA-80-1310	ABS	1
TOEI MARU NO. 6 LONGLINE FISHING VESSEL	JA-80-1311	ABS	1
TOEI MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1312	ABS	1
TOEI MARU NO. 31 LONGLINE FISHING VESSEL	JA-80-1313	ABS	1
YUKO MARU NO. 18 LONGLINE FISHING VESSEL	JA-80-1314	ABS	1
ZENKO MARU NO. 83 LONGLINE FISHING VESSEL	JA-80-1315	ABS	1
DAIKICHI MARU NO. 77 POT FISHING VESSEL	JA-80-1317	ABS	1
KOYO MARU NO. 11 POT FISHING VESSEL	JA-80-1318	ABS	1
FUKU MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1321	ABS	1
KOSHIN MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1325	ABS	1
MATUSEI MARU NO.8 LONGLINE FISHING VESSEL	JA-80-1326	ABS	1
SEISHU MARU NO.11 LONGLINE FISHING VESSEL	JA-80-1327	ABS	1
SHOSHIN MARU NO. 83 LONGLINE FISHING VESSEL	JA-80-1328	ABS	1
TAIKO MARU NO.38 LONGLINE FISHING VESSEL	JA-80-1330	ABS	1
CHOKYU MARY NO. 11 LONGLINE FISHING VESSEL	JA-80-1332	ABS	1
JAPAN			
EIFUKU MARU NO. 68 LONGLINE FISHING VESSEL	JA-80-1333	ABS	1
FUJISEI MARU NO. 6 LONGLINE FISHING VESSEL	JA-80-1334	ABS	1
FUKUSEI MARU NO. 28 LONGLINE FISHING VESSEL	JA-80-1336	ABS	1
KATSU MARU NO. 37 LONGLINE FISHING VESSEL	JA-80-1337	ABS	1
KEIFUKU MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1338	ABS	1
KOTOSHIRO MARU NO. 11 LONGLINE FISHING VESSEL	JA-80-1339	ABS	1
MEISHO MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1340	ABS	1
MEISHO MARU NO. 87 LONGLINE FISHING VESSEL	JA-80-1341	ABS	1
MEISHO MARU NO. 88 LONGLINE FISHING VESSEL	JA-80-1342	ABS	1
RYUEI MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1343	ABS	1
SASSHU MARU NO. 38 LONGLINE FISHING VESSEL	JA-80-1344	ABS	1
SEIKO-MARU NO. 16 LONGLINE FISHING VESSEL	JA-80-1345	ABS	1
SEIKO-MARU NO. 52 LONGLINE FISHING VESSEL	JA-80-1346	ABS	1
SEISHO MARU NO. 33 LONGLINE FISHING VESSEL	JA-80-1347	ABS	1
SEISHU MARU NO. 8 LONGLINE FISHING VESSEL	JA-80-1348	ABS	1
SHINZAN MARU NO. 2 LONGLINE FISHING VESSEL	JA-80-1349	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SURUGA MARU CARGO/TRANSPORT VESSEL	JA-80-2014	BSA,CRB,GOA	3
MATSUSHIMA MARU CARGO/TRANSPORT VESSEL	JA-80-2015	BSA,CRB,GOA	3
RYUSHO MARU CARGO/TRANSPORT VESSEL	JA-80-2016	BSA,CRB,GOA	3
KOSHO MARU CARGO/TRANSPORT VESSEL	JA-80-2017	BSA,CRB,GOA	3
MIKO MARU CARGO/TRANSPORT VESSEL	JA-80-2018	BSA,CRB,GOA	3
YAMATO REEFER CARGO/TRANSPORT VESSEL	JA-80-2019	NWA,CRB,GOA BSA,SNA	3
KOMESHIMA MARU CARGO/TRANSPORT VESSEL	JA-80-2021	NWA,BSA,GOA	3
TAKATSUKI MARU CARGO/TRANSPORT VESSEL	JA-80-2022	NWA,BSA,GOA	3
AKIZUKI MARU CARGO/TRANSPORT VESSEL	JA-80-2023	NWA,BSA,GOA	3
TENRYO MARU TANKER FUEL/WATER	JA-80-2024	BSA,CRB,GOA	3
HIYO MARU LARGE STERN TRAWLER	JA-80-2025	CRB,BSA,GOA SNA,NWA,SMT	3
SOUTH KOREA			
GAE YANG HO LARGE STERN TRAWLER	KS-80-0001	BSA,GOA	1
SEO YANG HO LARGE STERN TRAWLER	KS-80-0002	BSA,GOA	1
CHEOG YANG HO LARGE STERN TRAWLER	KS-80-0003	BSA,GOA	1
PUNG YANG HO LARGE STERN TRAWLER	KS-80-0004	BSA,GOA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
TAIKO MARU NO. 7 LONGLINE FISHING VESSEL	JA-80-1350	ABS	1
TAIKO MARU NO. 17 LONGLINE FISHING VESSEL	JA-80-1351	ABS	1
TAIKO MARU NO.78 LONGLINE FISHING VESSEL	JA-80-1352	ABS	1
TAIKO MARU NO.88 LONGLINE FISHING VESSEL	JA-80-1353	ABS	1
MARUKYOBOSHI MARU NO.8 LONGLINE FISHING VESSEL	JA-80-1356	ABS	1
SEIKO-MARU NO.68 LONGLINE FISHING VESSEL	JA-80-1358	ABS	1
TAIYO MARU NO. 5 LONGLINE FISHING VESSEL	JA-80-1359	ABS	1
UKO MARU TANKER FUEL/WATER	JA-80-2001	CRB,BSA,GOA SNA	3
CHIGUSA MARU TANKER FUEL/WATER	JA-80-2002	CRB,BSA,GOA SNA	3
SOHO MARU NO. 32 DANISH SEINER	JA-80-2007	BSA	1
KAKUYO MARU NO. 11 PAIR TRAWLER	JA-80-2008	BSA	1
KAKUYO MARU NO. 12 PAIR TRAWLER	JA-80-2009	BSA	1
KAIUN MARU NO. 65 MEDIUM STERN TRAWLER	JA-80-2010	BSA	1
OSAKA REEFER CARGO/TRANSPORT VESSEL	JA-80-2011	NWA,CRB,GOA BSA,SNA	3
EIRYU MARU NO. 2 CARGO/TRANSPORT VESSEL	JA-80-2012	NWA,CRB,GOA BSA,SNA	3
NISSHO MARU CARGO/TRANSPORT VESSEL	JA-80-2013	BSA,CRB,GOA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SOUTH KOREA			
HEUNG YANG HO LARGE STERN TRAWLER	KS-80-0006	BSA,GOA	1
NAMBUG LARGE STERN TRAWLER	KS-80-0033	BSA,GOA	1
CRYSTAL DAHLIA LARGE STERN TRAWLER	KS-80-0034	BSA	1
DAEJIN NO. 52 LARGE STERN TRAWLER	KS-80-0037	BSA,GOA	1
DONGSAN-HO LARGE STERN TRAWLER	KS-80-0039	BSA,GOA	1
*SOO GONG NO. 51 LARGE STERN TRAWLER	KS-80-0042	BSA,GOA	1
HAN JIN HO LARGE STERN TRAWLER	KS-80-0045	BSA	1
SHIN AN HO LARGE STERN TRAWLER	KS-80-0047	BSA,GOA	1
NO. 70 OYANG HO LARGE STERN TRAWLER	KS-80-0048	BSA,GOA	1
DAE SUNG HO LARGE STERN TRAWLER	KS-80-0051	BSA,GOA	1
O DAE YANG 212 LONGLINE FISHING VESSEL	KS-80-0063	BSA,GOA	1
NO. 3 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-80-0074	BSA,GOA	3
NO. 5 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-80-0075	BSA,GOA	3
NO. 6 CHIL BO SAN HO CARGO/TRANSPORT VESSEL	KS-80-0076	BSA,GOA	3
*BOOK NEUNG FACTORY SHIP	KS-80-0079	BSA,GOA	2
TAE YANG NO. 12 CARGO/TRANSPORT VESSEL	KS-80-0081	BSA,GOA	3
SOUTH KOREA			
KYUNG YANG HO LARGE STERN TRAWLER	KS-80-0085	BSA,GOA	1
GAE CHEOG HO NO. 2 CARGO/TRANSPORT VESSEL	KS-80-0090	BSA,GOA	3
ILL WOO NO. 58 CARGO/TRANSPORT VESSEL	KS-80-0091	BSA,GOA	3
DAE RIM CARGO/TRANSPORT VESSEL	KS-80-0092	BSA,GOA	3
M/T MIN WOO #3 CARGO/TRANSPORT VESSEL	KS-80-0093	BSA,GOA	3
NO 105 O DAE YANG CARGO/TRANSPORT VESSEL	KS-80-0094	BSA,GOA	3
NO. 303 DAI HO LARGE STERN TRAWLER	KS-80-0095	BSA,GOA	1
NO. 106 ODAE YANG CARGO/TRANSPORT VESSEL	KS-80-0099	BSA,GOA	3
M/T MIN WOO NO.1 CARGO/TRANSPORT VESSEL	KS-80-0100	BSA,GOA	3
M/T MIN WOO NO. 11 CARGO/TRANSPORT VESSEL	KS-80-0101	BSA,GOA	3
M/T MIN WOO NO. 17 CARGO/TRANSPORT VESSEL	KS-80-0102	BSA,GOA	3
TOMI MARY NO. 51 MEDIUM STERN TRAWLER	JA-80-0897	BSA	1
POLAND			
LEPUS LARGE STERN TRAWLER	PL-80-0001	BSA,GOA,WOC	1
LYRA LARGE STERN TRAWLER	PL-80-0002	WOC,GOA,BSA	1
PERSEUS LARGE STERN TRAWLER	PL-80-0004	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
POLAND			
GRINWAL LARGE STERN TRAWLER	PL-80-0007	BSA,GOA,WOC	1
GARNELA LARGE STERN TRAWLER	PL-80-0008	BSA,GOA,WOC	1
WALEN LARGE STERN TRAWLER	PL-80-0009	BSA,GOA,WOC	1
WLOCZNIK LARGE STERN TRAWLER	PL-80-0010	BSA,GOA,WOC	1
OTOL LARGE STERN TRAWLER	PL-80-0011	BSA,GOA,WOC	1
MUSTEL LARGE STERN TRAWLER	PL-80-0012	BSA,GOA,WOC	1
FOKA LARGE STERN TRAWLER	PL-80-0013	BSA,GOA,WOC NWA	1
PLETWAL LARGE STERN TRAWLER	PL-80-0014	BSA,GOA,WOC NWA	1
SEJWAL LARGE STERN TRAWLER	PL-80-0016	BSA,GOA,WOC NWA	1
KASZALOT LARGE STERN TRAWLER	PL-80-0017	BSA,GOA,WOC NWA	1
HUMBAK LARGE STERN TRAWLER	PL-80-0019	BSA,GOA,WOC	1
KASZUBY 2 CARGO/TRANSPORT VESSEL	PL-80-0027	BSA,GOA,WOC NWA	3
HALNIAK CARGO/TRANSPORT VESSEL	PL-80-0029	BSA,GOA,WOC NWA	3
LEWANTER CARGO/TRANSPORT VESSEL	PL-80-0030	BSA,GOA,WOC NWA	3
POMORZE CARGO/TRANSPORT VESSEL	PL-80-0031	BSA,GOA,WOC NWA	3
BURAN CARGO/TRANSPORT VESSEL	PL-80-0033	BSA,GOA,WOC NWA	3
POLAND			
MARLIN LARGE STERN TRAWLER	PL-80-0034	BSA,GOA,WOC	1
KALMAR LARGE STERN TRAWLER	PL-80-0039	BSA,GOA,WOC	1
ZULAWY CARGO/TRANSPORT VESSEL	PL-80-0041	BSA,GOA,WOC NWA	3
TUNEK LARGE STERN TRAWLER	PL-80-0045	BSA,GOA,WOC	1
AMAREL LARGE STERN TRAWLER	PL-80-0046	BSA,GOA,WOC	1
GEMINI LARGE STERN TRAWLER	PL-80-0048	BSA,GOA,WOC	1
GRYF POMORSKI CARGO/TRANSPORT VESSEL	PL-80-0049	BSA,GOA,WOC NWA	3
KOLIAS LARGE STERN TRAWLER	PL-80-0050	BSA,GOA,WOC	1
MANTA LARGE STERN TRAWLER	PL-80-0052	BSA,GOA,WOC	1
NARWAL LARGE STERN TRAWLER	PL-80-0053	BSA,GOA,WOC NWA	1
TAZAR LARGE STERN TRAWLER	PL-80-0054	BSA,GOA,WOC	1
VEGA LARGE STERN TRAWLER	PL-80-0055	BSA,GOA,WOC	1
SATURN LARGE STERN TRAWLER	PL-80-0056	BSA,GOA,WOC	1
GOPLO MEDIUM STERN TRAWLER	PL-80-0057	NWA	1
MURENA MEDIUM STERN TRAWLER	PL-80-0058	NWA	1
WIGRY MEDIUM STERN TRAWLER	PL-80-0059	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
POLAND			
AWIOR LARGE STERN TRAWLER	PL-80-0060	BSA,GOA,WOC	1
WINETA CARGO/TRANSPORT VESSEL	PL-80-0061	BSA,GOA,WOC NWA	3
SIRIUS LARGE STERN TRAWLER	PL-80-0062	BSA,GOA,WOC	1
MORS LARGE STERN TRAWLER	PL-80-0063	BSA,GOA,WOC	1
RYBAK MORSKI LARGE STERN TRAWLER	PL-80-0064	BSA,GOA,WOC	1
DELFIN LARGE STERN TRAWLER	PL-80-0065	BSA,GOA,WOC	1
HAJDUK LARGE STERN TRAWLER	PL-80-0066	BSA,GOA,WOC	1
MORSKIE OKO SIDE TRAWLER	PL-80-0067	NWA	1
MIELNO SIDE TRAWLER	PL-80-0068	NWA	1
MIEDWIE SIDE TRAWLER	PL-80-0069	NWA	1
SEJNO SIDE TRAWLER	PL-80-0070	NWA	1
BARWENA SMALL STERN TRAWLER	PL-80-0071	NWA	1
GRANIK SMALL STERN TRAWLER	PL-80-0072	NWA	1
KONGER SMALL STERN TRAWLER	PL-80-0073	NWA	1
TASERGAL SMALL STERN TRAWLER	PL-80-0074	NWA	1
DENEBOLA LARGE STERN TRAWLER	PL-80-0075	WOC,GOA,BSA	1
LACERTA LARGE STERN TRAWLER	PL-80-0076	WOC,GOA,BSA	1
ORCYN LARGE STERN TRAWLER	PL-80-0077	WOC,GOA,BSA	1
ORLEN LARGE STERN TRAWLER	PL-80-0078	WOC,GOA,BSA	1
SPAIN			
CARVISO UNO SMALL STERN TRAWLER	SP-80-0004	NWA	1
PEIXE DO MAR SIDE TRAWLER	SP-80-0005	NWA	1
RIBERA DEL ORBIGO SIDE TRAWLER	SP-80-0006	NWA	1
ANUSKA SIDE TRAWLER	SP-80-0012	NWA	1
AREA COVA SIDE TRAWLER	SP-80-0013	NWA	1
CONBAROYA II MEDIUM STERN TRAWLER	SP-80-0015	NWA	1
TORALLA MEDIUM STERN TRAWLER	SP-80-0016	NWA	1
PESCAPUERTA PRIMERO SIDE TRAWLER	SP-80-0019	NWA	1
PESCAPUERTA TERCERO MEDIUM STERN TRAWLER	SP-80-0020	NWA	1
PLAYA DE MOGOR MEDIUM STERN TRAWLER	SP-80-0021	NWA	1
XEITOSINO MEDIUM STERN TRAWLER	SP-80-0022	NWA	1
PUENTE MINOR MEDIUM STERN TRAWLER	SP-80-0023	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
MADROA SMALL STERN TRAWLER	SP-80-0024	NWA	1
CHICHA TOUZA MEDIUM STERN TRAWLER	SP-80-0025	NWA	1
PUXEIROS SIDE TRAWLER	SP-80-0028	NWA	1
MONTE FURADO MEDIUM STERN TRAWLER	SP-80-0029	NWA	1
CANTON DE CORA MEDIUM STERN TRAWLER	SP-80-0030	NWA	1
CORBA MEDIUM STERN TRAWLER	SP-80-0031	NWA	1
PESCAMARO UNO MEDIUM STERN TRAWLER	SP-80-0034	NWA	1
LAXE DOS PICOS MEDIUM STERN TRAWLER	SP-80-0035	NWA	1
ORBALLO MEDIUM STERN TRAWLER	SP-80-0036	NWA	1
TITO MARQUEZ MEDIUM STERN TRAWLER	SP-80-0038	NWA	1
VIXIADOR MEDIUM STERN TRAWLER	SP-80-0039	NWA	1
MOUTA MEDIUM STERN TRAWLER	SP-80-0040	NWA	1
ALTAMAR SIDE TRAWLER	SP-80-0042	NWA	1
NUSKA MEDIUM STERN TRAWLER	SP-80-0043	NWA	1
PERCA MEDIUM STERN TRAWLER	SP-80-0045	NWA	1
FRAGANA MEDIUM STERN TRAWLER	SP-80-0046	NWA	1
SPAIN			
CONBAROYA III MEDIUM STERN TRAWLER	SP-80-0047	NWA	1
NOGUEROSA SIDE TRAWLER	SP-80-0048	NWA	1
VILLA DE MARIN MEDIUM STERN TRAWLER	SP-80-0051	NWA	1
PUENTE TORALLA SMALL STERN TRAWLER	SP-80-0052	NWA	1
ZAMANES SIDE TRAWLER	SP-80-0053	NWA	1
MAR DE GALILEA SMALL STERN TRAWLER	SP-80-0055	NWA	1
KANTXOPE MEDIUM STERN TRAWLER	SP-80-0056	NWA	1
ANA MARIA GANDON MEDIUM STERN TRAWLER	SP-80-0057	NWA	1
SUEMAR UNO MEDIUM STERN TRAWLER	SP-80-0059	NWA	1
GLACIAR SIDE TRAWLER	SP-80-0061	NWA	1
EGUNSENTIA MEDIUM STERN TRAWLER	SP-80-0062	NWA	1
IZARRA MEDIUM STERN TRAWLER	SP-80-0064	NWA	1
RIO VERDUGO MEDIUM STERN TRAWLER	SP-80-0065	NWA	1
PINEIRO CORREA MEDIUM STERN TRAWLER	SP-80-0066	NWA	1
ALTEAMAR UNO MEDIUM STERN TRAWLER	SP-80-0067	NWA	1
MANAMO SMALL STERN TRAWLER	SP-80-0068	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
CAPITAN JORGE SEGUNDO SIDE TRAWLER	SP-80-0069	NWA	1
PEGAGO TERCERO MEDIUM STERN TRAWLER	SP-80-0070	NWA	1
M. GALLARDO MONTESINOS MEDIUM STERN TRAWLER	SP-80-0071	NWA	1
MAPOSA QUINTO MEDIUM STERN TRAWLER	SP-80-0072	NWA	1
MAYI CUATRO MEDIUM STERN TRAWLER	SP-80-0073	NWA	1
PUENTE DE GONDOMAR MEDIUM STERN TRAWLER	SP-80-0077	NWA	1
VILACHAN SMALL STERN TRAWLER	SP-80-0078	NWA	1
PENALBA SIDE TRAWLER	SP-80-0079	NWA	1
FLIPPER MEDIUM STERN TRAWLER	SP-80-0080	NWA	1
PUERTO DE ARRECIFE SIDE TRAWLER	SP-80-0081	NWA	1
ITXAS TXORI SIDE TRAWLER	SP-80-0082	NWA	1
PEVEGASA SEGUNDO MEDIUM STERN TRAWLER	SP-80-0083	NWA	1
VIEIRASA DOS SIDE TRAWLER	SP-80-0084	NWA	1
MAPOSA SEXTO SIDE TRAWLER	SP-80-0085	NWA	1
PORLAMAR SMALL STERN TRAWLER	SP-80-0086	NWA	1
MARUMA SMALL STERN TRAWLER	SP-80-0088	NWA	1
SPAIN			
JUANCHO SIDE TRAWLER	SP-80-0089	NWA	1
ANCORA D'OURO MEDIUM STERN TRAWLER	SP-80-0090	NWA	1
CIUDAD DE CRISTAL SIDE TRAWLER	SP-80-0092	NWA	1
FARPESCA CUARTO MEDIUM STERN TRAWLER	SP-80-0093	NWA	1
JOSE PUERTA PRADO SIDE TRAWLER	SP-80-0094	NWA	1
LA FLOR DE ABRIL SIDE TRAWLER	SP-80-0095	NWA	1
MAR DE ALTEA 1 SIDE TRAWLER	SP-80-0096	NWA	1
PEGAGO SEGUNDO SIDE TRAWLER	SP-80-0098	NWA	1
PUENTE DE LA RAMALLOSA SIDE TRAWLER	SP-80-0100	NWA	1
VALLE DE ASUA SIDE TRAWLER	SP-80-0102	NWA	1
VIEIRASA IV SIDE TRAWLER	SP-80-0103	NWA	1
XARABAL SIDE TRAWLER	SP-80-0104	NWA	1
FREIRE LOPEZ MEDIUM STERN TRAWLER	SP-80-0106	NWA	1
MANUEL NORES MEDIUM STERN TRAWLER	SP-80-0107	NWA	1
PEIXINO MEDIUM STERN TRAWLER	SP-80-0108	NWA	1
PUENTE LOURIDO MEDIUM STERN TRAWLER	SP-80-0109	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
UR ERTZA MEDIUM STERN TRAWLER	SP-80-0110	NWA	1
CUDILLERO MEDIUM STERN TRAWLER	SP-80-0111	NWA	1
PESCAPUERTA SEGUNDO MEDIUM STERN TRAWLER	SP-80-0112	NWA	1
PLAYA DE PESMAR MEDIUM STERN TRAWLER	SP-80-0113	NWA	1
TASARTE MEDIUM STERN TRAWLER	SP-80-0114	NWA	1
ALVEDRO SIDE TRAWLER	SP-80-0116	NWA	1
ANDES MEDIUM STERN TRAWLER	SP-80-0117	NWA	1
ANGUIACHO MEDIUM STERN TRAWLER	SP-80-0118	NWA	1
SRIEDER SIDE TRAWLER	SP-80-0119	NWA	1
ARNOYA MEDIUM STERN TRAWLER	SP-80-0120	NWA	1
BIBEY MEDIUM STERN TRAWLER	SP-80-0122	NWA	1
CAPITAN EMILIO SIDE TRAWLER	SP-80-0123	NWA	1
CRUNA MEDIUM STERN TRAWLER	SP-80-0124	NWA	1
DANTZARI MEDIUM STERN TRAWLER	SP-80-0125	NWA	1
ISLA GRACIOSA MEDIUM STERN TRAWLER	SP-80-0127	NWA	1
ISLA MONTANA CLARA MEDIUM STERN TRAWLER	SP-80-0128	NWA	1
MACURO SMALL STERN TRAWLER	SP-80-0130	NWA	1
MARIA TERESA RODRIGUEZ MEDIUM STERN TRAWLER	SP-80-0131	NWA	1
MARRECA UNO SIDE TRAWLER	SP-80-0132	NWA	1
NACHE SIDE TRAWLER	SP-80-0133	NWA	1
OTZARI SIDE TRAWLER	SP-80-0134	NWA	1
PEVEGASA SIDE TRAWLER	SP-80-0135	NWA	1
PLAYA DE CADIZ MEDIUM STERN TRAWLER	SP-80-0136	NWA	1
PLAYA DE MENDUINA SMALL STERN TRAWLER	SP-80-0137	NWA	1
PUENTE SAN TELMO MEDIUM STERN TRAWLER	SP-80-0139	NWA	1
RIO DAS PEDRAS SMALL STERN TRAWLER	SP-80-0141	NWA	1
RIO NEIRA SMALL STERN TRAWLER	SP-80-0142	NWA	1
SUEMAR DOS MEDIUM STERN TRAWLER	SP-80-0143	NWA	1
TARPON SMALL STERN TRAWLER	SP-80-0144	NWA	1
VILLA ANA SIDE TRAWLER	SP-80-0145	NWA	1
CARVISO DOS SMALL STERN TRAWLER	SP-80-0146	NWA	1
TOULA LARGE STERN TRAWLER	SP-80-0147	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
PUNTA DE ROBALEIRA SMALL STERN TRAWLER	SP-80-0148	NWA	1
TAIWAN			
SEA LIGHT MEDIUM STERN TRAWLER	TW-80-0001	BSA	1
HIGHLY NO. 301 MEDIUM STERN TRAWLER	TW-80-0002	BSA,SMT	1
HIGHLY NO. 302 MEDIUM STERN TRAWLER	TW-80-0003	BSA,SMT	1
GOLDEN DRAGON NO. 1 LARGE STERN TRAWLER	TW-80-0004	BSA	1
FENG BANG NO. 62 LONGLINE FISHING VESSEL	TW-80-0011	GOA	1
TONG HONG NO. 3 LONGLINE FISHING VESSEL	TW-80-0013	BSA,GOA	1
TONG HONG NO. 2 LONGLINE FISHING VESSEL	TW-80-0014	BSA,GOA	1
TONG HONG NO. 6 LONGLINE FISHING VESSEL	TW-80-0020	BSA,GOA	1
U.S.S.R.			
NADEZHDINSK LARGE STERN TRAWLER	UR-80-0002	BSA,GOA,WOC	1
SHTURMANY ELAGIN LARGE STERN TRAWLER	UR-80-0011	BSA,GOA,WOC	1
MYS LAZAREVA LARGE STERN TRAWLER	UR-80-0013	BSA,GOA,WOC	1
ARMENIA LARGE STERN TRAWLER	UR-80-0016	BSA,GOA,WOC	1
KATANGL LARGE STERN TRAWLER	UR-80-0018	BSA,GOA,WOC	1
U.S.S.R.			
MYS YUDINA LARGE STERN TRAWLER	UR-80-0025	BSA,GOA,WOC	1
SURAZH MEDIUM STERN TRAWLER	UR-80-0029	BSA,GOA,WOC	1
SEBEZH MEDIUM STERN TRAWLER	UR-80-0033	BSA,GOA,WOC	1
PRIOZERSK LARGE STERN TRAWLER	UR-80-0038	BSA,GOA,WOC	1
PYATIDESYATILETIE USSR FACTORY SHIP	UR-80-0054	BSA,GOA,WOC	3
VASILIY CHERNYSHEV FACTORY SHIP	UR-80-0057	WOC,BSA,GOA	3
PASSIONARIYA LARGE STERN TRAWLER	UR-80-0060	BSA,GOA,WOC	1
NOVAYA ERA LARGE STERN TRAWLER	UR-80-0065	BSA,GOA,WOC	1
KAMCHATSKAYA PRAVDA LARGE STERN TRAWLER	UR-80-0066	BSA,GOA,WOC	1
TIRASPOL LARGE STERN TRAWLER	UR-80-0070	BSA,GOA,WOC	1
MYS OBRUCHEVA LARGE STERN TRAWLER	UR-80-0075	BSA,GOA,WOC	1
KIZIR LARGE STERN TRAWLER	UR-80-0081	BSA,GOA,WOC	1
KLYUCHEVSKOY LARGE STERN TRAWLER	UR-80-0082	BSA,GOA,WOC	1
15 SYEZD PROFSOYUZOV LARGE STERN TRAWLER	UR-80-0087	BSA,GOA,WOC	1
MYS GROTOVYI LARGE STERN TRAWLER	UR-80-0092	BSA,GOA,WOC	1
KULUNDA LARGE STERN TRAWLER	UR-80-0093	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
AGATOVY LARGE STERN TRAWLER	UR-80-0094	BSA,GOA,WOC	1
KOLUVAN LARGE STERN TRAWLER	UR-80-0095	BSA,GOA,WOC	1
IVAN SEREDA LARGE STERN TRAWLER	UR-80-0099	BSA,GOA,WOC	1
TAISHET LARGE STERN TRAWLER	UR-80-0102	BSA,GOA,WOC	1
PRIAMURYE LARGE STERN TRAWLER	UR-80-0108	BSA,GOA,WOC	1
KALITVA LARGE STERN TRAWLER	UR-80-0113	BSA,GOA,WOC	1
IVAN CHERNOPYATKO LARGE STERN TRAWLER	UR-80-0115	BSA,GOA,WOC	1
KAZATIN LARGE STERN TRAWLER	UR-80-0116	BSA,GOA,WOC	1
KREMEN LARGE STERN TRAWLER	UR-80-0161	BSA,GOA,WOC	1
NIKOLAY OSTROVSKIY LARGE STERN TRAWLER	UR-80-0164	BSA,GOA,WOC	1
MYS TAIMYR LARGE STERN TRAWLER	UR-80-0166	BSA,GOA,WOC	1
MYS SKALISTYI LARGE STERN TRAWLER	UR-80-0168	BSA,GOA,WOC	1
TURKUL LARGE STERN TRAWLER	UR-80-0172	BSA,GOA,WOC	1
MYS GAMOVA LARGE STERN TRAWLER	UR-80-0173	BSA,GOA,WOC	1
MYS LOPATKA LARGE STERN TRAWLER	UR-80-0174	BSA,GOA,WOC	1
MYS GROZNY LARGE STERN TRAWLER	UR-80-0185	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
MYS PROKOFJEVA LARGE STERN TRAWLER	UR-80-0186	BSA,GOA,WOC	1
BELKINO LARGE STERN TRAWLER	UR-80-0195	BSA,GOA,WOC	1
MYS VAIGACH LARGE STERN TRAWLER	UR-80-0196	BSA,GOA,WOC	1
UGOLNY LARGE STERN TRAWLER	UR-80-0197	BSA,GOA,WOC	1
FYODOR KRAINOV LARGE STERN TRAWLER	UR-80-0206	BSA,GOA,WOC	1
ALEKSANDROVSK LARGE STERN TRAWLER	UR-80-0207	BSA,GOA,WOC	1
MYS KUZNETSOVA LARGE STERN TRAWLER	UR-80-0211	BSA,GOA,WOC	1
PROPAGANDIST LARGE STERN TRAWLER	UR-80-0220	BSA,GOA,WOC	1
DRUZHBA USSR - GDR LARGE STERN TRAWLER	UR-80-0221	BSA,GOA,WOC	1
PRAVOVED LARGE STERN TRAWLER	UR-80-0222	BSA,GOA,WOC	1
OZERNYE KLYUCHI LARGE STERN TRAWLER	UR-80-0223	BSA,GOA,WOC	1
POGRANICHNIK STRELNIKOV LARGE STERN TRAWLER	UR-80-0225	BSA,GOA,WOC	1
MYS SENYAVINA LARGE STERN TRAWLER	UR-80-0227	BSA,GOA,WOC	1
MYS CHAIKOVSKOGO LARGE STERN TRAWLER	UR-80-0229	BSA,GOA,WOC	1
LESOGORSK LARGE STERN TRAWLER	UR-80-0230	BSA,GOA,WOC	1
KAMYSHIN LARGE STERN TRAWLER	UR-80-0231	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
ALEXEI MAKHALIN LARGE STERN TRAWLER	UR-80-0232	BSA,GOA,WOC	1
SOYUZ - 5 LARGE STERN TRAWLER	UR-80-0235	BSA,GOA,WOC	1
MARK RESHETNIKOV LARGE STERN TRAWLER	UR-80-0236	BSA,GOA,WOC	1
SULAK FACTORY SHIP	UR-80-0238	BSA,GOA,WOC	2
KARSKOE MORE CARGO/TRANSPORT VESSEL	UR-80-0246	BSA,GOA,WOC	3
OKHOTSKOE MORE CARGO/TRANSPORT VESSEL	UR-80-0252	BSA,GOA,WOC	3
OSTROV LISJANSKOGO CARGO/TRANSPORT VESSEL	UR-80-0254	BSA,GOA,WOC	3
OSTROV KARAGINSKIY CARGO/TRANSPORT VESSEL	UR-80-0255	BSA,GOA,WOC	3
OSTROV SHMIDTA CARGO/TRANSPORT VESSEL	UR-80-0256	BSA,GOA,WOC	3
OSTROV SHOKALSKOGO CARGO/TRANSPORT VESSEL	UR-80-0257	BSA,GOA,WOC	3
OSTROV USHAKOVA CARGO/TRANSPORT VESSEL	UR-80-0258	BSA,GOA,WOC	3
ALTAJSKIE GORY CARGO/TRANSPORT VESSEL	UR-80-0259	BSA,GOA,WOC	3
KAMCHATSKIE GORY CARGO/TRANSPORT VESSEL	UR-80-0260	BSA,GOA,WOC	3
SAKHALINSKIE GORY CARGO/TRANSPORT VESSEL	UR-80-0261	BSA,GOA,WOC	3
SAJANSKIE GORY CARGO/TRANSPORT VESSEL	UR-80-0262	BSA,GOA,WOC	3
ARKHIP KUINDGI CARGO/TRANSPORT VESSEL	UR-80-0263	BSA,GOA,WOC	3
U.S.S.R.			
ALMAZNY CARGO/TRANSPORT VESSEL	UR-80-0264	BSA,GOA,WOC	3
VASILIY VERESHCHAGIN CARGO/TRANSPORT VESSEL	UR-80-0265	BSA,GOA,WOC	3
VASILIY PEROV CARGO/TRANSPORT VESSEL	UR-80-0266	BSA,GOA,WOC	3
GRANITNY CARGO/TRANSPORT VESSEL	UR-80-0268	BSA,GOA,WOC	1
GORETS CARGO/TRANSPORT VESSEL	UR-80-0269	BSA,GOA,WOC	3
ZOLOTOY ROG CARGO/TRANSPORT VESSEL	UR-80-0270	BSA,GOA,WOC	3
IVAN KRAMSKOY CARGO/TRANSPORT VESSEL	UR-80-0271	BSA,GOA,WOC	3
SIBIR CARGO/TRANSPORT VESSEL	UR-80-0275	BSA,GOA,WOC	3
KHUDOZHNIK VRUBEL CARGO/TRANSPORT VESSEL	UR-80-0276	BSA,GOA,WOC	3
KHUDOZNIK S. GERASIMOV CARGO/TRANSPORT VESSEL	UR-80-0277	BSA,GOA,WOC	3
KHUDOZHNIK DEYNEKA CARGO/TRANSPORT VESSEL	UR-80-0278	BSA,GOA,WOC	3
OMSK TANKER FUEL/WATER	UR-80-0296	BSA,GOA,WOC	3
SURGUTNEFT TANKER FUEL/WATER	UR-80-0297	BSA,GOA,WOC	3
SIBIRNEFT TANKER FUEL/WATER	UR-80-0298	BSA,GOA,WOC	3
RECHITSA CARGO/TRANSPORT VESSEL	UR-80-0303	BSA,GOA,WOC	3
KOMSOMOLETS UKRAINY TANKER FUEL/WATER	UR-80-0304	BSA,GOA,WOC	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
SLAVGOROD TANKER FUEL/WATER	UR-80-0306	BSA,GOA,WOC	3
EGORJEVSK TANKER FUEL/WATER	UR-80-0307	BSA,GOA,WOC	3
MOSKALVO TANKER FUEL/WATER	UR-80-0308	BSA,GOA,WOC	3
ZVEZDA RYBAKA PATROL VESSEL (CARGO)	UR-80-0370	BSA,GOA,WOC	3
NEVER PATROL VESSEL (CARGO)	UR-80-0516	BSA,GOA,WOC	3
MYS YELAGINA LARGE STERN TRAWLER	UR-80-0543	BSA,GOA,WOC	1
MYS SVOBODNY LARGE STERN TRAWLER	UR-80-0544	BSA,GOA,WOC	1
URGAL LARGE STERN TRAWLER	UR-80-0555	BSA,GOA,WOC	1
TAJIKISTAN LARGE STERN TRAWLER	UR-80-0557	BSA,GOA,WOC	1
SOVGAVANSKIY KOMSOMOLETS LARGE STERN TRAWLER	UR-80-0560	BSA,GOA,WOC	1
PISATEL LARGE STERN TRAWLER	UR-80-0561	BSA,GOA,WOC	1
MYS OSIPOVA LARGE STERN TRAWLER	UR-80-0565	BSA,GOA,WOC	1
DIOKL PATROL VESSEL (CARGO)	UR-80-0612	BSA,GOA,WOC	3
SANGAR MEDIUM STERN TRAWLER	UR-80-0616	BSA,GOA,WOC	1
18 SIEZD VLKSM LARGE STERN TRAWLER	UR-80-0617	BSA,GOA,WOC	1
FLOTINSPEKTSIJA - 01 PATROL VESSEL (CARGO)	UR-80-0619	BSA,GOA,WOC	3
U.S.S.R.			
ARZAMAS LARGE STERN TRAWLER	UR-80-0620	BSA,GOA	1
ILYA VOLYNKIN LARGE STERN TRAWLER	UR-80-0621	BSA,GOA,WOC	1
ILLARION RYABIKOV LARGE STERN TRAWLER	UR-80-0622	BSA,GOA,WOC	1
MYS KRYLOVA LARGE STERN TRAWLER	UR-80-0624	BSA,GOA,WOC	1
NIKOLAY ZAYTSEV LARGE STERN TRAWLER	UR-80-0625	BSA,GOA,WOC	1
POLEVOD LARGE STERN TRAWLER	UR-80-0626	BSA,GOA,WOC	1
POSYET LARGE STERN TRAWLER	UR-80-0627	BSA,GOA,WOC	1
SVETLODOLINSK MEDIUM STERN TRAWLER	UR-80-0629	BSA,GOA,WOC	1
YUNOST LARGE STERN TRAWLER	UR-80-0632	BSA,GOA,WOC	1
ZELENOGRAD LARGE STERN TRAWLER	UR-80-0634	BSA,GOA,WOC	1
JUGANSK TANKER FUEL/WATER	UR-80-0637	BSA,GOA,WOC	3
FLOTINSPEKTSIJA 05 CARGO/TRANSPORT VESSEL	UR-80-0677	BSA,GOA,WOC	3
IUZHNOMORSK LARGE STERN TRAWLER	UR-80-0701	BSA,GOA,WOC	1
ZABAJKALJE CARGO/TRANSPORT VESSEL	UR-80-0702	BSA,GOA,WOC	3
PAUDZA LARGE STERN TRAWLER	UR-80-0704	BSA,GOA,WOC	1
SOVETSKIYE PROFSOYUSY LARGE STERN TRAWLER	UR-80-0705	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
AKHILLES LARGE STERN TRAWLER	UR-80-0706	BSA,GOA,WOC	1
BORIS TSINDELIS LARGE STERN TRAWLER	UR-80-0707	BSA,GOA,WOC	1
BAKAYEVO LARGE STERN TRAWLER	UR-80-0708	BSA,GOA,WOC	1
GEYA LARGE STERN TRAWLER	UR-80-0709	BSA,GOA,WOC	1
KHRUSTRLNYY LARGE STERN TRAWLER	UR-80-0710	BSA,GOA,WOC	1
MYS KURILSKIY LARGE STERN TRAWLER	UR-80-0711	BSA,GOA,WOC	1
MYS KRONOTSKY LARGE STERN TRAWLER	UR-80-0712	BSA,GOA,WOC	1
MRAMORNYY LARGE STERN TRAWLER	UR-80-0713	BSA,GOA,WOC	1
NAKHODKA LARGE STERN TRAWLER	UR-80-0714	BSA,GOA,WOC	1
PLANERIST LARGE STERN TRAWLER	UR-80-0715	BSA,GOA,WOC	1
RUBINOVYY LARGE STERN TRAWLER	UR-80-0716	BSA,GOA,WOC	1
SHTRALZUNDSKY KORABEL LARGE STERN TRAWLER	UR-80-0717	BSA,GOA	1
SREDNEURALSKY LARGE STERN TRAWLER	UR-80-0718	BSA,GOA,WOC	1
STAROBELSKY LARGE STERN TRAWLER	UR-80-0719	BSA,GOA,WOC	1
XVI SYEZD PROFSOYUZOV LARGE STERN TRAWLER	UR-80-0720	BSA,GOA,WOC	1
OREL PATROL VESSEL (CARGO)	UR-80-0721	BSA,GOA,WOC	3
U.S.S.R.			
OKHANEFT TANKER FUEL/WATER	UR-80-0722	BSA,GOA,WOC	3
PIRITOVYY CARGO/TRANSPORT VESSEL	UR-80-0723	BSA,GOA,WOC	3
SNOROVISTYY PATROL VESSEL (CARGO)	UR-80-0724	BSA,GOA,WOC	3
UST- KUT TANKER FUEL/WATER	UR-80-0725	BSA,GOA,WOC	3

[FR Doc. 80-90 Filed 1-3-80; 8:45 am]
BILLING CODE 4710-09-C

DEPARTMENT OF THE TREASURY

Customs Service

Wool Top From Australia; Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Australia has not given benefits that constitute bounties or grants on the manufacture, production or exportation of wool top. A final determination will be made no later than March 17, 1980, as provided by Section 102(a)(2) of the Trade Agreements Act of 1979, effective January 1, 1980. Interested persons are invited to comment on this action.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Stephen Nyschot, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229; telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: On September 21, 1979 a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the **Federal Register** (44 FR 54801–54802). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Australia upon the manufacture, production or exportation of wool top constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act").

For purposes of this notice, the product concerned is wool top, item number 307.50, Tariff Schedules of the United States Annotated, defined as wool fibers processed beyond the washed, scoured or carbonized conditions but not spun. Wool top constitutes the first stage in the manufacture or worsted type wools.

An investigation was conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)). Based upon this investigation it is preliminarily determined that no practice of the Government of Australia provides benefits constituting bounties or grants within the meaning of section 303 of the Act to manufacturers, producers or exporters of wool top.

However, the two programs under investigation give cash grants based upon a company's export activity and the benefits from such programs would be bounties or grants under the law should they be received by exporters of wool top. In this case, neither of these programs bestowed significant benefits upon manufacturers, producers, or exporters of wool top during the investigatory period. These programs are:

(1) The Export Expansion Grants Act of 1978. Under this program, qualified exporters of certain types of merchandise receive a cash grant based upon the increase in the value of their exports in the grant year as compared to their export performance in the previous 3 years. No exporters of wool top to the U.S. have received grants under this program.

(2) The Export Market Development Grants Act of 1979. This program gives exporters cash rebates for certain expenditures incurred in the research and development of new markets for Australian products. One company which exports wool top to the U.S. received a grant. The benefit from this payment (0.1 percent *ad valorem*) is within the range of *de minimis* and therefore not countervailable in the instant case.

The Government of Australia will be requested to alert the Department of Commerce, which will administer the countervailing duty law beginning January 1, 1980, should any exporters of wool top to the U.S. receive benefits from either of these programs until their scheduled expiration on June 30, 1982.

Accordingly, it is preliminarily determined that no bounties or grants within the meaning of section 303 of the Act, are being paid or bestowed, directly or indirectly, upon the manufacture, production or exportation of wool top from Australia.

In accordance with section 102(a)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), a final determination will be made no later than March 17, 1980.

Before a final determination is made, consideration will be given to relevant data, views, or arguments submitted in writing with respect to this preliminary decision.

Submissions on or after January 1, 1980, should be addressed to the Assistant Secretary for Trade Administration, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. Submissions should be received no later than February 4, 1980. Any request to

present oral views should accompany such submission and a copy of all submissions should be delivered to counsel that has heretofore represented any party to these proceedings.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order No. 101-5, May 16, 1979, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 158.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,

General Counsel of the Treasury.

Dated: December 28, 1979.

[FR Doc. 80-311 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-22-M

Portable Electric Typewriters From Japan; Antidumping: Withholding of Appraisement Notice

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that portable electric typewriters from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921. (Sales at less than fair value usually occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries, or the constructed value of the merchandise.) Appraisement for the purpose of determining proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: January 4, 1980.

FOR FURTHER INFORMATION CONTACT: Steven S. Lim, Operations Officer, Trade Analysis Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202) 566-5492.

SUPPLEMENTARY INFORMATION: On April 9, 1979, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Smith-Corona Group, Consumer Products Division SCM Corporation, New Canaan, Connecticut, alleging that portable electric typewriters from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et. seq.*) ("the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the **Federal Register** of May 18, 1979 (44 FR 29191). A notice of "Extension of Antidumping Investigatory Period" was published in the **Federal Register** on November 15, 1979 (44 FR 65853).

For purposes of this notice, portable electric typewriters are provided for in item 676.0510, Tariff Schedules of the United States Annotated.

Tentative Determination of Sales at Less Than Fair Value

On the basis of information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price or exporter's sales price, as the case may be, of portable electric typewriters from Japan is less, or likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

Statement of Reasons on Which This Determination Is Based

a. *Scope of the Investigation.* It appears that virtually all imports of the subject merchandise from Japan during the investigatory period (November 1, 1978, through April 30, 1979) were manufactured by Nakajima All Co., Ltd., Silver Seiko Co. Ltd., and Brother Industries, Ltd. Therefore, the investigation was limited to these manufacturers.

b. *Basis of Comparison.* For purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the adjusted home market price of such or similar merchandise on all shipments by Nakajima All Company. The proper bases of comparison appear to be between purchase price or exporter's sales price, as the case may be, and the adjusted home market price of such or similar merchandise on shipments by Silver Seiko Co. and Brother Industries, Ltd. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used for those shipments to the U.S. where the sales to the United States were made to unrelated customers prior to the exportation of the merchandise.

Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163), was used for those sales by Silver Seiko and Brother Industries which were made to U.S. firms related to those manufacturers within the meaning of section 207 of the Act (19 U.S.C. 166).

Home market price, as defined in § 153.2, Customs Regulations (19 CFR 153.2), was used for fair value purposes since such or similar merchandise appears to have been sold in the home market in sufficient quantities to provide an adequate basis for comparison.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning shipments to the United States and home market sales during the period November 1, 1978, through April 30, 1979.

c. *Purchase Price.* For purposes of this tentative determination, purchase price has been calculated on the basis of the f.o.b. packed price to the United States, with deductions, where applicable, for inland freight, handling, commissions, shipping, and loading charges.

d. *Exporter's Sales Price.* For the purpose of this tentative determination, exporter's sales price was calculated on the basis of the selling price to unrelated U.S. dealers, with deductions, where applicable, for Japanese inland freight, shipping, ocean freight, brokerage, U.S. inland freight, insurance, commissions, freight-out (transportation), co-op advertising, overbilling, warranty costs, financing expenses, accrual advertising, bad debt allowance, handling, selling expenses, and direct and indirect advertising, as appropriate.

e. *Home Market Price.* For the purposes of this tentative determination, home market price has been calculated on the basis of the weighted-average price to unrelated purchasers. Adjustments were made, where applicable, for inland freight, rebates, promotional discounts, give-away, warranty costs, service costs, selling expenses, direct advertising, interest costs, and differences in packing. Adjustments were also made for differences in merchandise sold in the two markets, as appropriate, in accordance with § 153.11, Customs Regulations (19 CFR 153.11).

A claim by Nakajima All for an adjustment based on factory overhead costs has been denied because it has not been shown that such costs are directly related to the sales under investigation, as required by § 153.10(b), Customs Regulations (19 CFR 153.10(b)).

In the case of Silver Seiko, a claimed adjustment for differences in level of trade, under § 153.15, Customs Regulations (19 CFR 153.15), was not allowed. The submitted information indicated that there were sales in both markets at the same levels of trade, i.e., customers in both markets purchased either at wholesale or retail level.

In addition, certain advertising expenses claimed by Silver Seiko were not allowed at this stage due to insufficient information. It was not shown that such advertising was attributable to later sales by purchasers, as required by § 153.10(b), Customs Regulations (19 CFR 153.10(b)).

f. *Results of Fair Value Comparisons.* Using the above criteria, purchase price or the exporter's sales price, as the case may be, appears to be lower than the home market price of such or similar merchandise. Comparisons were made on about 86 percent of portable electric typewriters which were shipped and/or sold to the United States by Nakajima All, Silver Seiko, and Brother Industries during the period of investigation.

Margins were tentatively found on 93 percent of sales compared. The weighted-average margin on the basis of all sales compared is 44.50 percent. Weighted-average margins found with respect to the companies under investigation, computed over all sales compared, were 4.36 percent for Nakajima All; 47.34 percent for Silver Seiko; and 62.99 percent for Brother Industries.

Accordingly, Customs officers are being directed to withhold appraisement of portable electric typewriters from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

Under the terms of section 102(b)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 1671 note), a final determination will be made not later than March 17, 1980.

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views, should be prepared in time to be received not later than January 21, 1980. Such requests must be accompanied by a statement outlining the issues wished to be discussed. These issues may be discussed in greater detail in a written brief. If prepared prior to January 1, 1980, such requests should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229; if prepared subsequently, they should be addressed to the Assistant Secretary for Trade Administration, Department of Commerce, Washington, D.C. 20230.

All written views or arguments should likewise be addressed to the Commissioner of Customs or the Assistant Secretary for Trade Administration, as appropriate, in time to be received in his office no later than February 4, 1980. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and for respondents are also requested to serve all written submissions on all other counsel, including non-confidential summaries or approximated presentations of all confidential information.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective January 4, 1980.

Withholding of appraisement shall cease to be effective 6 months from the date of publication (July 5, 1980), unless previously revoked.

Robert H. Mundheim,

General Counsel of the Treasury.

December 28, 1979.

[FR Doc. 80-314 Filed 1-3-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 3
Friday, January 4, 1980

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
Commodity Futures Trading Commission	1
Educational Research, National Council	11
Environmental Quality Council	2
Federal Election Commission	3
Federal Maritime Commission	4
Federal Mine Safety and Health Review Commission	5
International Trade Commission	6
National Credit Union Administration	7
Postal Service	9, 10
Securities and Exchange Commission	8

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 8, 1980.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey, 254–6314.

[S–2–80 Filed 1–2–80; 11:17 am]
BILLING CODE 6351–01–M

2

January 2, 1979.

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: Thursday, January 10, 1980, 11:30 a.m.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Briefing on status of agencies' NEPA procedures.
3. Briefing on implementation of the amendments to the Endangered Species Act.

CONTACT PERSON FOR MORE INFORMATION:
John F. Shea, III, (202) 395–4616.

[S–8–80 Filed 1–2–80; 3:58 pm]
BILLING CODE 3125–01–M

3

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, January 8, 1980 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Personnel. FOIA Appeal.

DATE AND TIME: Thursday, January 10, 1980 at 10 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval minutes.
Certification.
Advisory opinions: Draft AO 1979–66, Hubert Beatty, Treasurer, Associated General Contractors of America PAC Draft AO 1979–68, Arnold Kanter, Illinois Medical Political Action Committee. Draft AO 1979–70, Charles L. Bucy, LTV Corp, Active Citizenship Campaign. Draft AO 1979–73, John E. Nolan, Jr., Kennedy for President Committee. Draft AO 1979–74, James E. Sharp. Emerson for Congress Exploratory Committee. Draft AO 1979–78, Daniel P. Moynihan, U.S. Senate.
Request for approval of computerized report of receipts and expenditures.
Expedited compliance procedures.
Modification of public notice to banks to be issued by the Comptroller of the Currency (Agenda Document #79–325) to comport with HR 5010.
1980 election and related matters, suspension of public financing eligibility.
Audit advisory panel.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred S. Eiland, Public Information Officer, Telephone: 202–523–4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S–6–80 Filed 1–2–80; 3:31 pm]
BILLING CODE 6715–01–M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: January 11, 1980, 10 a.m.

PLACE: Hearing Room One—1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Identification of Controlled Carriers.
2. Matson Navigation Company 5.67 percent bunker surcharge reduction.
3. Docket No. 79–51: Promulgation of Environmental Rules in Accordance with the National Environmental Policy Act and the Council on Environmental Quality's Regulations—Proposed final rules.
4. Proposed revision of General Order 4.
5. Docket No. 78–46: Financial Exhibits and Schedules of Carriers in the Domestic Offshore Trades—Consideration of final rules.
6. Docket No. 77–13: First International Development Corporation v. Ship's Overseas Services, Inc.—Consideration of request for oral argument and possible consideration of record.

Portions Closed to the Public

1. Settlement agreement between Commission and Sea-Land Service, Inc.

CONTACT PERSON FOR MORE INFORMATION:
Francis C. Hurney, Secretary, (202) 523–5725.

[S–5–80 Filed 1–2–80; 3:10 pm]
BILLING CODE 6730–01–M

5

December 31, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., January 8, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:
The Commission will consider and act upon the following:

1. Cleveland Cliffs Iron Company, VINC 79–68–M, and VINC 79–240–PM (Petition for Discretionary Review)
2. Maben Energy Corporation, WEVA 79–123–R (Petition for Discretionary Review)
3. Old Ben Coal Company, VINC 79–119 (Request for stay pending judicial review)

CONTACT PERSON FOR MORE INFORMATION:
Jean Ellen, 202–653–5632.

[S–4–80 Filed 1–2–80; 2:11 pm]
BILLING CODE 6820–12–M

6

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Friday, January 11, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:
Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 C.F.R. 201.36(b)(2) and (6), Commissioners Alberger, Moore, and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Discussion of nominations for the SES Candidate Development Program.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

[S-3-80 Filed 1-2-80; 11:29 am]
BILLING CODE 7020-02-M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, January 9, 1980.

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. Preliminary review of Section 701.21-6(a) of the NCUA Rules and Regulations which defines "service charges" associated with a loan transaction.
3. Preliminary review of deregulation of Section 701.21-(c) of the NCUA Rules and Regulations which places restrictions on the Board of Directors in establishing interest rates within the usury limits of the Federal Credit Union Act.
4. Applications for charters, amendments to charters, bylaw amendments, mergers, conversions and insurance as may be pending at that time.

RECESS: 10 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, January 9, 1980.

PLACE: 1776 G Street, N.W., Washington, D.C., Board Room, 7th Floor.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Response to proposed regulation on contractor compliance with affirmative action programs. Closed pursuant to exemptions (9)(B) and (10).
2. Alternative courses of action to deal with impact of current economic conditions on individual credit unions. Closed pursuant to exemption (9)(B).
3. Proposal to enter into a contract for the purchase of computer system. Closed pursuant to exemptions (4) and (9)(B).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).
5. 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 exemptions (8) and (9)(A)(ii).
6. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
7. State Credit Union insurance applications. Closed pursuant to exemption (9)(A)(ii).
8. Mergers. Closed pursuant to exemptions (8) and (9)(A)(ii).

CONTACT PERSON FOR MORE INFORMATION:
Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-7-80 Filed 1-2-80; 3:31 pm]
BILLING CODE 7535-01-M

8

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, December 26, 1979.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at a closed meeting scheduled for Thursday, January 3, 1980, immediately following the 9:30 a.m. open meeting.

Administrative proceeding of an enforcement nature.

Commissioners Loomis, Evans, and Pollack determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted, or postponed, please contact: Paul Lowenstein at (202) 272-2092.

December 28, 1979.

[S-1-80 Filed 1-2-80; 11:17 am]
BILLING CODE 8010-01-M

9

POSTAL SERVICE

Correction

In the **Federal Register** of December 28, 1979, 44 FR 76917, the Board of Governors of the Postal Service published a notice pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. § 552b) of its intention to hold meetings in Oklahoma City, Oklahoma on January 7 and January 8, 1980. The notice that was published gave incorrect room numbers in the Management Sectional Center where the meetings will be held and an incorrect address for the Management Sectional Center. The correct room numbers and address follow:

The meeting scheduled for 3:30 PM, Monday, January 7, 1980, will be held in Room 205 of the Management Sectional Center.

The meeting scheduled for 9:00 AM, Tuesday, January 8, 1980, will be held in Room 405 of the Management Sectional Center.

The correct address of the Management Sectional Center is 320 South West 5th Street, Oklahoma City, Oklahoma.

Louis A. Cox,
Secretary.

[FR Doc. S-10-80 Filed 1-3-80; 8:57 a.m.]
BILLING CODE 7710-12-M

10

POSTAL SERVICE

Correction

In the **Federal Register** of December 28, 1979, 44 FR 76918, the Committee on Postal Rates of the Board of Governors of the Postal Service, pursuant to the Bylaws of the Board (39 CFR 5.2, 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), published a notice of its intention to hold a meeting on Tuesday, January 8, 1980 in the Management Sectional Center, Oklahoma City, Oklahoma. The address for the Management Sectional Center published in the **Federal Register** is incorrect. The correct address of the Management Sectional Center is 320 South West 5th Street, Oklahoma City, Oklahoma.

Louis A. Cox,
Secretary.

[S-11-80 Filed 1-3-80; 8:57 am]
BILLING CODE 7710-12-M

11

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

Previous announcement of future meeting dates: (44 FR 24244 dated April 24, 1979).

The National Council on Educational Research hereby gives notice that its meeting tentatively scheduled for January 10-11, 1980, has been *rescheduled* for February 7, 1980, from 9:00 a.m. to 4:00 p.m. at the NIE offices.

The agenda for the February meeting will be published in the **Federal Register** at a later date.

Notice is also given that the March meeting has been tentatively scheduled for March 14, 1980. Other meetings in 1980 will be announced at a later date.

PERSON TO CONTACT FOR MORE INFORMATION:

Ella L. Jones, Administrative Coordinator, Telephone: 202/254–7900.

Peter H. Gerber,

Chief, Policy & Administrative Coordination, National Council on Educational Research.

[S-12-80 Filed 1-3-80; 11:00 am]

BILLING CODE 4110-39-M

Reader Aids

Federal Register

Vol. 45, No. 3

Friday, January 4, 1980

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, JANUARY

1-756.....2
757-988.....3
989-1410.....4

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
11269 (Amended by EO 12188).....989
11539 (Amended by EO 12188).....989
11651 (Amended by EO 12188).....989
11703 (Amended by EO 12188).....989
11846 (Amended by EO 12188).....989
11858 (Amended by EO 12188).....989
12096 (Revoked by EO 12188).....989
12187.....3
12188.....989
Memorandums:
December 14, 1979 (Amended by EO 12188).....989
December 27, 1979.....1
January 2, 1980.....759
Proclamations:
4710.....757

4 CFR

Proposed Rules:
404.....48
421.....1038

5 CFR

Ch. XIV.....761
175.....995
213.....5
334.....995
771.....5
831.....996
Proposed Rules:
335.....1040
351.....1040
432.....1040
752.....1040
771.....1040
831.....1041

6 CFR

705.....966
706.....966
707.....966

7 CFR

27.....761
210.....996, 999
235.....999
245.....999
724.....1001
907.....762
910.....1001
971.....10
1864.....1002
1942.....1002
1951.....1002
1955.....1002
Proposed Rules:
210.....1041
235.....1041
1421.....1042
2852.....1046
2853.....1049

9 CFR

75.....1002
92.....1003

10 CFR

211.....12
Proposed Rules:
211.....799
212.....799
430.....1298

12 CFR

4 (2 documents).....12, 13
18.....15
23.....13
720.....17

14 CFR

39.....762, 763
71.....300, 764, 765
73.....300, 765
75.....300, 765
97.....765
1209.....1006
Proposed Rules:
Ch. I.....799

15 CFR

302.....767
377.....1007
Proposed Rules:
806.....1049

16 CFR

13.....1011
438.....1011

17 CFR

211.....20

18 CFR

201.....767
204.....767
282.....21, 767
Proposed Rules:
141.....48
260.....48
282.....1081

19 CFR

143.....1012

153.....1013
159.....25, 1013

20 CFR

614.....1014
615.....797, 1015
676.....1016
725.....27, 1017

21 CFR

178.....1018
182.....1019
522.....1019
558.....1020
Proposed Rules:
172.....1085
452.....1085

22 CFR

525.....28

23 CFR

Proposed Rules:
625.....982
655.....982
663.....952

24 CFR

Proposed Rules:
570.....802
885.....802
888.....802

27 CFR

Proposed Rules:
5.....50

29 CFR

1613.....29, 780
Proposed Rules:
32.....1392

31 CFR

240.....1020

32 CFR

Proposed Rules:
651.....1086

32A CFR

Ch. VI.....30

36 CFR

222.....30
1226.....780
Proposed Rules:
222.....1108

38 CFR

21.....30
Proposed Rules:
21.....803

40 CFR

52.....780–782, 1022, 1024
201.....1252
Proposed Rules:
Ch. I.....52
52.....52, 1108
201.....1109
401.....803
410.....53, 806
425.....53
429 (2 documents).....53
446.....912
447.....928
454.....53

41 CFR

9–7.....942
109–1.....943
109–60.....943
Proposed Rules:
24–1.....1109

42 CFR

Proposed Rules:
2.....53

43 CFR

29.....1026
31.....783
Proposed Rules:
17.....976

45 CFR

640.....39

46 CFR

Proposed Rules:
540.....806

49 CFR

1.....783
580.....784
1033.....42, 43, 784, 785
1127.....43
Proposed Rules:
571.....807
575.....807
1127.....55
1201.....809
1241.....809
1301.....56

50 CFR

33.....1026, 1027
611.....785, 1028
652.....786
671.....785
Proposed Rules:
13.....809
22.....809
23.....1110
611.....56
651.....1112

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

AGRICULTURE DEPARTMENT

Food Safety and Quality Service—

69613 12–4–79 / Standards for grades of fruit preserves or jams

ENVIROMENTAL PROTECTION AGENCY

69928 12–5–79 / Ohio air quality implementation plans; approval and promulgation

WATER RESOURCES COUNCIL

69921 12–5–79 / Procedures for compliance with the National Environmental Policy Act

Rules Going Into Effect Sunday, January 6, 1980

CONSUMER PRODUCT SAFETY COMMISSION

1428 1–6–77 / Architectural glazing material used in doors and assemblies intended to retard the passage of fire; safety standards

List of Public Laws

Last Listing January 3, 1980

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. 4943 / Pub. L. 96–163 Granting the consent of Congress to the compact between the States of New York and New Jersey providing for the coordination, facilitation, promotion, preservation, and protection of trade and commerce in and through the Port of New York District through the financing and effectuation of industrial development projects. (Dec. 28, 1979; 93 Stat. 1242) Price $1.25.

S. 673 / Pub. L. 96–164 Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980. (Dec. 29, 1979; 93 Stat. 1259) Price $.75.

H.R. 600 / Pub. L. 96–165 To incorporate United Service Organizations, Incorporated. (Dec. 29, 1979; 93 Stat. 1267) Price $.75.

H.R. 5015 / Pub. L. 96–166 "Federal Physcians Comparability Allowance Amendments of 1979". (Dec. 29, 1979; 93 Stat. 1273) Price $.75.

H.R. 5224 / Pub. L. 96–167 To continue through May 31, 1981, the existing prohibition on the issuance of fringe benefit regulations, and for other purposes. (Dec. 29, 1979; 93 Stat. 1275) Price $.75.

H.J. Res. 462 / Pub. L. 96–168 Expressing the sense of Congress concerning the White House Preservation Fund. (Dec. 29, 1979; 93 Stat. 1280) Price $.75.

H.R. 5079 / Pub. L. 96–169 To provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tennessee, in 1982, and for other purposes. (Dec. 29, 1979; 93 Stat. 1281) Price $.75.

H.R. 3343 / Pub. L. 96–170 To permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws. (Dec. 29, 1979; 93 Stat. 1284) Price $.75.

H.R. 3948 / Pub. L. 96–171 To require a study of the desirability of mandatory age retirement for certain pilots, and for other purposes. (Dec. 29, 1979; 93 Stat. 1285) Price $.75.

H.R. 2771 / Pub. L. 96–172 To change the name of the Palmetto Bend Reservoir on the Navidad River in Texas to Lake Texana. (Dec. 29, 1979; 93 Stat. 1286) Price $.75.

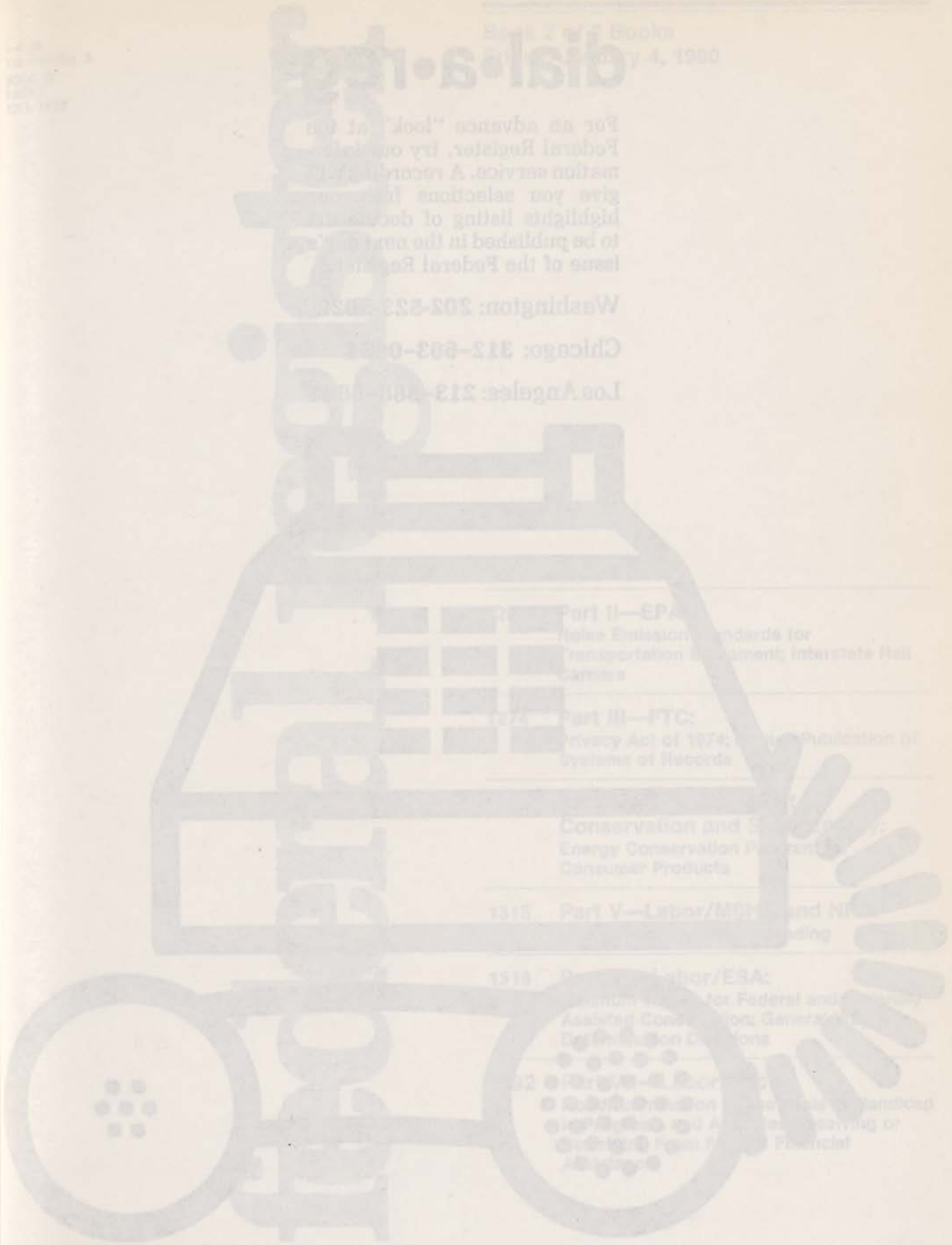
H.R. 5025 / Pub. L. 96–173 To amend title 10, United States Code, to provide that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for such disability under CHAMPUS solely because such person is eligible for care and treatment for such disability in Veterans' Administration facilities. (Dec. 29, 1979; 93 Stat. 1287) Price $.75.

H.R. 5174 / Pub. L. 96–174 To amend section 209 of title 18, United States Code. (Dec. 29, 1979; 93 Stat. 1288) Price $.75.

H.R. 595 / Pub. L. 96–175 "Strategic and Critical Materials Transaction Authorization Act of 1979". (Dec. 29, 1979; 93 Stat. 1289) Price $.75.

H.R. 5523 / Pub. L. 96-176 To establish an improved program for extra long staple cotton. (Dec. 31, 1979; 93 Stat. 1290) Price $.75.

H.R. 2727 / Pub. L. 96-177 To modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes. (Dec. 31, 1979; 93 Stat. 1291) Price $.75.



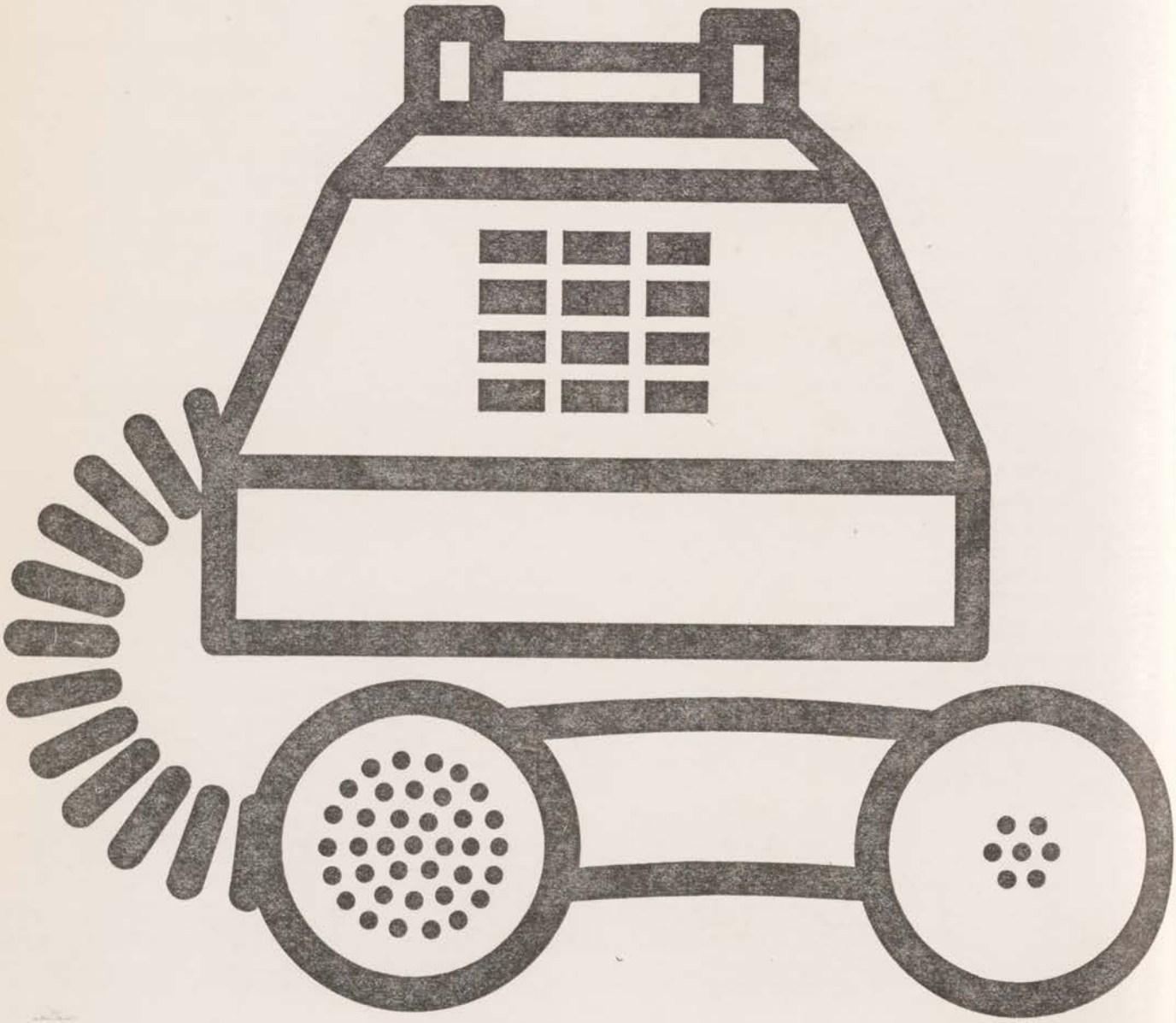
dial•a•reg

For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

Chicago: **312-663-0884**

Los Angeles: **213-688-6694**



1-4-80
Vol. 45—No. 3
BOOK 2:
PAGES
1251-1410

federal register

Book 2 of 2 Books
Friday, January 4, 1980

1252 **Part II—EPA:**
Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

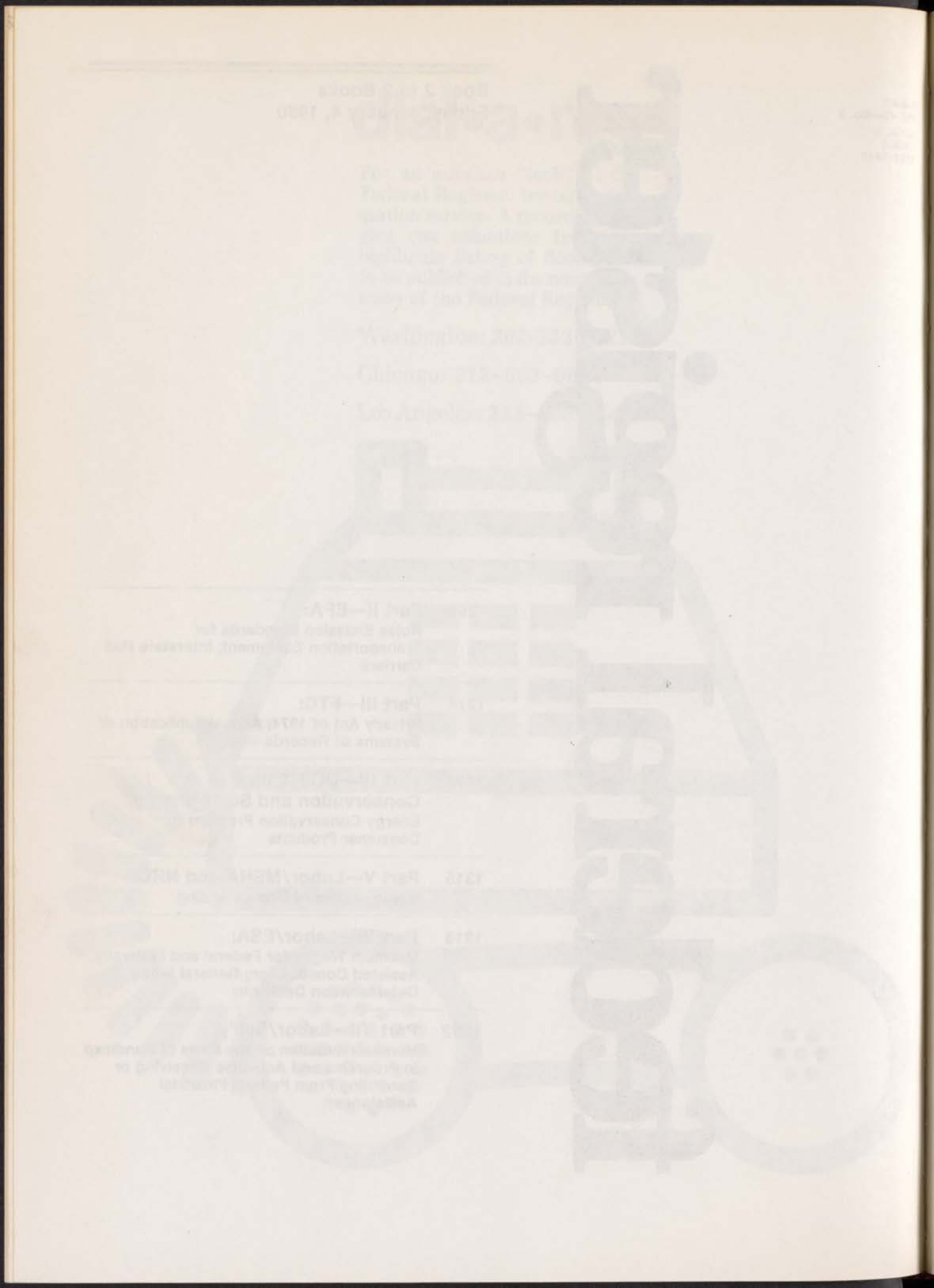
1274 **Part III—FTC:**
Privacy Act of 1974; Annual Publication of Systems of Records

1298 **Part IV—DOE/Office of Conservation and Solar Energy:**
Energy Conservation Program for Consumer Products

1315 **Part V—Labor/MSHA and NRC:**
Memorandum of Understanding

1318 **Part VI—Labor/ESA:**
Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

1392 **Part VII—Labor/Sec'y:**
Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance



federal register

Friday
January 4, 1980

Part II

Environmental Protection Agency

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 201

[FRL 1361-3]

Noise Emission Standards for Transportation Equipment; Interstate Rail Carriers

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 17, 1979, the Environmental Protection Agency published in the **Federal Register** (44 FR 22960) proposed noise emission limits for facilities and equipment of interstate rail carriers.

The purpose of this notice is to establish final noise emission standards for four railyard noise sources. This final rulemaking is promulgated pursuant to Section 17 of the Noise Control Act of 1972, 42 U.S.C. 4916.

We have chosen to regulate only specific major railyard noise sources in this rulemaking. Additional study and assessment necessary to address the complex issues associated with the proposed property line noise standard will be completed by the Agency prior to final promulgation of that standard. The Agency is reopening the formal comment period for the previously proposed property line noise standards in order to facilitate this analysis. (Sections 201.17 and 201.30–201.33)

DATES: The effective date of this rule is January 15, 1984. Comments regarding the previously proposed property line noise standard will be accepted until 4:30 PM, April 4, 1980

ADDRESS: Written comments on the proposed property line standard should be addressed to: Rail Carrier Docket ONAC 80-01, Standards and Regulations Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rose, Standards and Regulations Division (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460, Phone: (202) 557-7666.

SUPPLEMENTARY INFORMATION:

1.0 Background Information

The U.S. Environmenal Protection Agency issued, on December 31, 1975, a noise emission regulation for locomotives and railcars operated by interstate rail carriers (41 FR 2184). In developing that regulation EPA considered broadening the scope of the regulation to include facilities and additional equipment. Because of the wide disparity in perceived severity of noise problems found at differing rail facilities, we decided that railroad facility and equipment noise, other than that produced by locomotives and railcars, was best controlled by measures which did not require national uniformity of treatment. Further, we believed that the health and welfare of the Nation's population being jeopardized by railroad facility and equipment noise, other than locomotive and railcars, was best served by specific controls at the state and local level and not by federal regulations, which would have to address railroad noise on a national, and therefore on a more general, basis. Where the federal government establishes standards for railroad facilities and equipment, state and local noise control ordinances ordinarily are preempted unless they are identical to the federal standards. For this reasons, we decided that is was best to leave state and local authorities free to address site-specific problems on a case-by-case basis, without unnecessary federal hindrance.

The Association of American Railroads (AAR) challenged the regulation on the ground that it did not include sufficiently comprehensive standards for railroad equipment and facilities under Section 17 of the Noise Control Act of 1972. It did not, therefore, provide the rail carriers with adequate federal preemption of potentially conflicting state and local noise ordinances as intended by the Act. The U.S. Court of Appeals for the District of Columbia Circuit ruled that EPA must substantially broaden the scope of its regulation affecting rail carrier facilities and equipment, Association of American Railroads v. Costle, 562 F. 2d 131 (D.C. Cir. 1977). On April 17, 1979, EPA proposed additional rules in response to this court order (44 FR 22960). The proposed standards were developed in terms of typical or average situations. Consequently, the uniform national standards proposed were a compromise, only partially controlling railroad facility and equipment noise throughout the country. The primary factor limiting more effective federal noise control is the very substantial cost incurred when more stringent noise levels are applied on a nationwide basis to all railyards and equipment. Our health and welfare analysis indicated that there would be an appreciable number of people in the nation who would still suffer significant adverse effects of railroad noise even after such a rule was in effect. Further, because of the preemptive nature of the federal regulation, states and localities would find it difficult to provide further relief to their citizens in most of these cases.

The notice of proposed rulemaking (NPRM) was published on April 17, 1979, with a public comment period of 45 days. EPA extended the comment period by an additional 30 days, to July 2, 1979. Our review and analysis of the comments received, especially those regarding the availability of technology, costs associated with the property line standard, and the L_{dn} noise descriptor, have led us to divide our final regulation into two parts, each to be issued separately.

The first part, and the subject of this rulemaking, concerns the immediate promulgation of noise emission limits for four railyard sources. These include two equipment sources, active retarders and locomotive load cell test stands, and one railyard operation, car coupling, as well as switcher locomotive noise, which is covered by amending section 201.11 and 201.12 of the Rail Carrier Noise Emission Regulation (40 CFR Part 201).

The second part, the property line standard, will establish federal regulations limiting other noise emitted from railyard facilities which are not covered by the source standards. This two-phased approach will allow EPA to satisfy the first part of the court order, which requires promulgation of a source standard final rule by January 23, 1980. This two phase approach allows more time to resolve the complex issues raised by the public comments concerning the property line standard.

2.0 Regulation

2.1 Introduction

Specific source standards for locomotive load cell test stands and switcher locomotives were not proposed by the Agency in the notice of proposed rulemaking. Both of these sources were, however, identified as specific sources contributing to the property line noise level of railyards, and specific technologies and attendant costs were identified for controlling these sources in order to obtain the level of noise control necessary to meet the proposed rule. Comments were received relative to the specific technologies and costs estimated by the Agency to bring these sources into compliance with the proposed rule. These comments have been fully considered in developing the recommendation for a final specific source standard for each of these pieces of railroad equipment.

The amended portion of the Rail Carrier Noise Emission Regulation establishes noise standards for

stationary and moving switcher locomotives. Switcher locomotives are in compliance with §§ 201.11(c) and 201.12(c) in a particular railyard facility, if the A-weighted sound level from stationary switcher locomotives or any combination of stationary switcher locomotives and other locomotives does not exceed 65 dB at a residential or commercial receiving property. If this level is exceeded, all switcher locomotives in the railyard facility must meet the noise standards specified in §§ 201.11 and 201.12 of this regulation. Similarly, where the A-weighted sound level at the receiving property is 65 dB or less the locomotive load cell test stand is deemed to be in compliance. If the sound level from the locomotive load cell test stand exceeds 65 dB at the receiving property then that locomotive load cell test stand shall not exceed 78 dB measured at 30 meters (100 feet).

The remaining two noise standards apply to the respective source emissions as measured on receiving property. The latter is defined [1] to include only residential or commercial property. The proposed regulation required the railyards to apply noise reduction technologies and techniques to all types of land use classifications except undeveloped land. "Land use" as used in this regulation is not considered to be synonymous with "zoning" and should not be considered to be zoning.

These regulations reflect the degree of noise reduction achievable through the application of best available technology on a national basis taking into account the cost of compliance and the time provided for compliance. For this reason, the maximum allowable sound levels specified for each source standard are not uniform and vary according to the availability and cost of abatement technologies or techniques for the given source. For the purpose of determining the availability of technologies or techniques and costs of applying those technologies or techniques used in developing the final source regulations, the Agency considered the following: the use of local absorptive noise barriers around sources, reflective walls at the facility boundary, exhaust silencers on switcher locomotives, and for car coupling, controlling the operation of rolling stock or its location relative to adjacent receiving property. For example, noise barriers can be constructed in close proximity to the source, or at the railroad facility boundary, or both in combination, as appropriate to the situation. Additionally, barriers used to abate noise at one source would likely reduce the noise not only from that source, but also from other railroad sources, including locomotives and trains. Because these are performance, not design standards, the railroads have total flexibility to apply whatever noise control approaches are most attractive in terms of cost or other considerations, as long as the required noise levels are met.

The noise measurements required by the regulation to determine compliance with the noise levels can be accomplished in most instances by a single individual with the use of a direct reading sound level meter and a wristwatch.

To determine compliance with the retarder and car coupling standards, the measurements are to be made on receiving property. The quantity to be determined for intermittent single-event sounds (retarder and car coupling noises) is the energy-averaged maximum sound level.

For the nearly steady-state sounds, locomotive load cell test stands and switcher locomotives, the quantity to be determined is the level of the specific source sound level observed as separately identifiable from other noise sources.

By amending § 201.11 the Agency is no longer requiring locomotives to be connected to load cells when undergoing stationary tests in the idle throttle setting. This is a technical clarification of the Agency's original intent. The noise from a locomotive in the idle mode can be measured more conveniently and accurately without being connected to a load cell. The Agency further amends § 201.11 (a), (b) and (c) to require "slow" meter instrument response characteristic rather than "fast" for determining compliance with the noise emission standards of § 201.11. Because locomotives operate at steady-state conditions during compliance testing with the stationary locomotive standard in section 201.11, noise measurements made with an instrument on "slow" meter response are essentially equivalent to measurements made on "fast" meter response. An exception to this equivalence is a limited number of apparently highly random peak readings of 1 to 2 dB above the steady-state sound level which occur when using "fast" meter response and do not occur when using "slow" meter response. On further review, the Agency has determined that the random peak noise values are of such a random nature, and are sufficiently infrequent as not to constitute a reason for deterring use of the "slow" meter response characteristic which is procedurally easier to use for compliance testing.

All limits established in this rulemaking are effective January 15, 1984 (approximately 48 months after final promulgation) with the exception of the technical clarification amendments of § 201.11 which are effective upon promulgation of this regulation. Prior to that date state and local ordinances applicable to these railroad equipment and facilities are not federally preempted. The proposed regulation provided for three years (36 months) from final promulgation for the industry to comply with the noise standards. However, legislative amendments in the Congressional process at the time of the drafting of this final rule require that no final regulation issued under this Section be made effective earlier than 4 years (48 months) after publication. The Congressional intent is to provide this additional 12 months' compliance period for Congressional review of the final rule. Thus, the Congress would have the opportunity to act to change the EPA rule during that first 12 months of the four-year period, prior to the industry's having to undertake compliance actions that would involve financial expenditures. The four-year lead time also allows the railroad industry the flexibility of not having to commit financial resources for compliance until after the property line standard is promulgated in January 1981. Although specific sources may be in compliance with the source standards, it may be necessary to apply additional abatement technologies or techniques for compliance with the forthcoming comprehensive property line standard.

If land use changes occur around a railyard after promulgation of this rule, requiring noise abatement application in order to meet the requirements of this regulation, a four-year compliance period is provided from the time of the land use change.

[1] "Receiving property" means any residential or commercial property that receives the sound from railroad facility operations that is used for any of the purposes described in the following standard land use codes (ref. *Standard Land Use Coding Manual*, U.S. DOT/FHWA, reprinted March 1977): for residential land use, 1, Residential; 651, Medical and other Health Services; 68, Educational Services; 691, Religious Activities; and 711, Cultural Activities; for Commercial land use: 53–59, Retail Trade; 61–64, Finance, Insurance, Real Estate, Personal, Business and Repair Services; 652–659, Legal and other professional services; 671, 672 and 673, Governmental Services; 692 and 699, Welfare, Charitable and Other Miscellaneous Services; 712 and 719, Nature exhibitions and other Cultural Activities; 721, 723, and 729, Entertainment, Public, and Other Public Assembly; and 74–79, Recreational, Resort, Park and other Cultural Activities.

2.2. Standards

A. Nearly Steady-State Noise Standards

The noise sources included in these standards are locomotive load cell test stands and switcher locomotives measured at 30 meters (100 feet) from the respective source. However, these standards need be met only if the A-weighted sound level from either of these sources at a specific railyard facility is greater than 65 dB measured at a receiving property location. Thus, the standard requires abatement only where people are benefited.

1. Locomotive Load Cell Test Stands

The Agency has identified locomotive load cell test stands as a major contributor to excessive noise emission from rail facilities. Testing of engines by connecting them to load cell test stands, simulating up to full engine load, is required periodically to assure satisfactory engine performance. During these tests, locomotive engines are run continuously at high throttle settings resulting in noise levels often in excess of 90 dB at 30 meters (100 feet).

The abatement of locomotive load cell test stand noise was described by the Agency as a necessary part of the receiving property line standard in the proposed regulation. EPA believed that the noise from such operations could be dealt with reasonably by relocating locomotive load cell testing away from noise sensitive receiving areas close to the railroad facility boundary, or by enclosure of the test facility from which the noise was emitted. The Agency feels it appropriate to include locomotive load cell test stands in the final rule as a specific source standard because they are important sources of railyard facility noise and abatement technology is available at a reasonable cost for reducing their noise level.

After reviewing comments on the proposed rule, available abatement technologies and techniques, and cost data, the Agency has modified its technology and costing assessment approach to reducing noise from locomotive load cell test operations. EPA cost and benefit studies show that total enclosure of test stands is generally less attractive than the use of 150 foot (length) by 25 foot (height) absorptive barrier walls around the facility and the locomotive being tested. Thus, EPA believes that the standard for locomotive load cell test stands may be met with an absorbing barrier designed to typically give 15 dB noise reduction at 30 meters (100 feet).

The Agency does not intend that railyards apply noise reduction technologies or techniques to control noise emitted from locomotive load cell test stands except where noise reduction is deemed necessary to protect receiving property. Therefore, EPA has instituted a two part compliance procedure. The standard will limit locomotive load cell test stand noise to an A-weighted sound level of 78 dB when measured at 30 meters (100 feet) perpendicular to the centerline of the locomotive load cell track, and centered on the geometric center of the locomotive under test. If the noise level from this source measured at any receiving property measurement location does not exceed 65 dB, then the locomotive load cell test stand is deemed to be in compliance. If the measurement exceeds 65 dB, then that locomotive load cell test stand must meet the prescribed standard, which limits locomotive load cell test stand noise to an A-weighted sound level of 78 dB at 30 meters (100 feet) when measured as prescribed in Subpart C of this part (See Table 2.1).

Certain locomotive load cell test stands may not be able to comply with the measurement conditions specified in § 201.23(a) in that measurement at 30 meters (100 feet) is impossible. In these situations, the A-weighted sound level from the locomotive load cell test stand must not exceed 65 dB when measured at a receiving property measurement location more than 120 meters (400 feet) from the geometric center of the locomotive being tested and in accordance with Subpart C of the regulation.

The 65 dB standard at 120 meters (400 feet) is consistent with the 78 dB standard at 30 meters (100 feet). If the (validated L_{eq}) A-weighted sound level at 120 meters (400 feet) exceeds 65 dB at 30 meters (100 feet), the maximum A-weighted sound level would be greater than 78 dB, because of two factors:

(1) There is a minimum change in level of 12 dB between the 30 and 120 meter (100 and 400 feet) locations, due to the inverse-square propagation loss (6 dB per distance doubling) that occurs for all point sources and other air and ground absorption propagation losses, and

(2) There is an additional difference of at least 1 dB between the L_{eq} (specified as the noise level to be measured at receiving property locations) and the L_{max} (specified as the noise level to be measured at the 30 meter (100 feet) distance).

Subpart C identifies the measurement procedure for steady state noise levels of a locomotive load cell test stand at receiving property and at 30 meters (100 feet). If ambient noises are not constant, the locomotive load cell test stand steady state level can be determined, but if ambient levels are a constant steady state level above that of the locomotive load cell test stand, then the noise level of that locomotive load cell test stand may not be measurable at the receiving property, but it would be measurable at 30 meters (100 feet) or more than 120 meters (400 feet).

Table 2.1.—*Locomotive Load Cell Test Stand Standard*

Effective date	Standard, L_A
Jan. 15, 1984	78 dB at 30 meters (100 feet).

2. Switcher Locomotive Noise

Switcher locomotive noise is one of the most prominent forms of railyard noise. This locomotive noise is of two types: moving point source noise as the locomotive is involved in switching operations, and stationary point source noise as the locomotive is parked but is allowed to remain idling and not involved in any active operation.

In the proposed regulation switcher locomotives were considered a significant noise source contributing to the noise crossing the property line. Abatement of the noise they produced was included in the Agency's derivation of the overall property line standard as proposed. Because the switcher locomotive is one of the most important sources of railyard facility noise and since there is technology available to reduce its noise level at a reasonable cost the Agency has chosen to address switcher locomotives with a separate source standard and has regulated this source by an amendment to the Rail Carrier Noise Emission Regulation.

An available technology for meeting the switcher locomotive noise emission limits is exhaust silencing of the engine noise. The Agency's original proposal (39 FR 24580) required the retrofit of that part of the entire locomotive (road haul and switcher) fleet used in railyards. The Agency has chosen to include only the switcher locomotives at this time because of arguments by the industry that the retrofit costs for all locomotives used at any time in a railyard would be excessive and that it would be difficult to isolate those road locomotives used in railyard duty.

The Agency does not intend that switcher locomotives, as defined, be retrofitted except in those railyards where noise reduction is deemed necessary. Rather, the compliance procedure the Agency has developed involves taking initial measurements at receiving property locations to determine whether abatement is

necessary. If the adjusted average A-weighted sound level of the stationary switcher locomotives or combination of stationary switcher locomotives and other locomotives does not exceed 65 dB, switcher locomotives are deemed to be in compliance with the regulation. If the level exceeds 65 dB, then every switcher locomotive in that railyard must meet the standard. This standard, by amending §§ 201.11 and 201.12, requires that switcher locomotives manufactured prior to December 31, 1979 to emit no more than an A-weighted sound level of 87 dB at any throttle setting except idle, when operated singly connected to a load cell, and no more than an A-weighted sound level of 70 dB at idle when measured at a point 30 meters (100 feet) from the geometric center of the locomotive along a line that is both perpendicular to the centerline of the track and originates at the locomotive geometric center. For switcher locomotives manufactured prior to December 31, 1979, the standard will limit noise emissions of these locomotives to 90 dB when moving at any time or under any condition of grade, load, acceleration or deceleration, measured at 30 meters (100 feet) from the centerline of any section of track which exhibits less than a two degree curve (or a radius of curvature greater than 873 meters) (See Table 2.2). Sections 201.11 and 201.12 promulgated on December 31, 1975 already require all locomotives manufactured after December 31, 1979 to meet these same limits. All measurements must be made as prescribed in Subpart C of this part. EPA studies indicate that no switcher locomotive retrofit at all will be required for many railyards.

Table 2.2.—*Switcher Locomotive Standard*

Effective date	Standard, L_A
	Stationary switcher locomotive
Jan. 15, 1984	87 dB at any throttle setting except idle, at 30 meters (100 feet).
Jan. 15, 1984	70 dB at idle, at 30 meters (100 feet).
	Moving switcher locomotive
Jan. 15, 1984	90 dB at 30 meters (100 feet).

B. Short Duration Noise Source Standards

The noise sources included in these standards are active retarders and car coupling operations. The standards promulgated for these noise sources are adjusted average maximum A-weighted sound levels of 83 dB for retarders and 92 dB for car coupling operations, as measured at any receiving property measurement location.

1. Retarders

The Agency's analysis indicates that retarders are one of the major sources of extremely annoying noise emissions from hump type railyards. After January 15, 1984, the noise from active retarders will be limited to an adjusted average maximum A-weighted sound level of 83 dB, measured as prescribed in Subpart C of this part at any receiving property measurement location (see Table 2.3).

Technology is available at reasonable cost for reducing the noise from retarders. For purposes of identifying available technology which could be applied by rail carriers for abatement of retarder noise, the Agency believes that the application of absorptive noise barriers on both sides of the master retarders where noise adversely affects residential or commercial land use, and reflective barriers at the facility boundary line where it is necessary to reduce retarder noise, will permit compliance with the standard at reasonable costs. For example, a master retarder barrier parallel to the track and extending at least 12 feet above the retarder and 75 feet to each side from the geometric center of the retarder, and containing appropriate absorptive material appears in the majority of instances to permit the standard to be met. A facility boundary barrier placed in the general vicinity of the facility boundary, located for maximum benefit on receiving property, 15 feet high and long enough to prevent line-of-sight between any receiving property measurement location and any retarder, should in most cases provide sufficient abatement to meet the retarder noise standard. An additional option available to the railyard is the use of barriers around the group retarders, either individually or collectively, in various configurations and at various angles to the group retarders, to meet the receiving property standard. The Agency expects about 3 out of 4 humpyards will need to take noise control actions to meet the standard for retarders.

Table 2.3.—*Retarder Noise Standard*

Effective date	Standard, L_A
Jan. 15, 1984	83 dB at receiving property.

2. Car Coupling

The Agency has identified car coupling impacts as a major contributor to noise from rail facilities. This noise is particularly annoying to people, because it is an impulsive noise involving extremely high sound levels occurring at random intervals.

The proposed car coupling standard was 95 dB measured 30 meters (100 feet) from the coupling incident, with an exception provision for those couplings with sound levels greater than 95 dB for which the railroad could show that coupling occurred at speeds of four miles per hour or less. The basis for choosing this level was that the majority of railroads stated to the Agency that four miles per hour was their operating rule or recommended practice. There is substantial evidence, however, that railroads do not, as a matter of course, comply with their own published operating rules or recommended practices. Because we must presume that the railroads would comply with such a coupling speed limit if it were a federal rule, the Agency assessed the potential adverse operational impacts of the proposed rule on the railroads. There is some evidence that train movements could be adversely affected if rail carriers were to comply fully with the proposed rule on a nationwide basis, causing delays in product deliveries. Because of this the Agency has made the final rule less stringent. The rule requires that after January 15, 1984, the adjusted average maximum A-weighted sound level for car coupling operations not exceed 92 dB at any receiving property measurement location when measured according to Subpart C of this part (see Table 2.4). Data available to the Agency, as part of the docket and background studies indicate that this standard can be complied with if car coupling speeds are no greater than eight miles per hour. The Agency believes that the standard can be met at almost all railyards with no change in operations, thus avoiding further technology applications or additional costs.

The final standard clarifies the proposed measurement procedures by providing for measurement on receiving property and allowing an energy average of 30 car impacts during at least a one hour period. The exception provision has been changed so that if it is demonstrated that the standard is exceeded when representative cars are coupled at similar locations at speeds that do not exceed eight miles per hour, car coupling is deemed to be in compliance with the standard. The rail carrier has the burden of demonstrating the applicability of this exception. One method of demonstrating the applicability of this exception is to measure the noise impact from couplings using cars, loads, and locations

representative of the coupling operation where the standard was exceeded.

Table 2.4.—*Car Coupling Noise Standard*

Effective date	Standard, L_A
Jan. 15, 1984	92 dB at receiving property.

2.3. Deferment of Property Line Standard

The Agency has decided not to promulgate a receiving railyard property line standard in this rulemaking, but to wait for further assessment of the extensive comments received on this proposed standard. The Court has agreed to this approach, the EPA will issue the property line in accordance with the court order. The regulation will include the control of a wide variety of rail equipment and facilities associated with yard activity that is not specifically covered by the four source standards.

3.0 Public Participation

EPA had originally established a 45 day comment period for this rule. The review period was lengthened by EPA's granting a 30-day comment period extension on May 30, 1979, in response to a written request by the Association of American Railroads (AAR).

Because the review period was relatively short, a special effort was made to put the proposed regulation promptly before the public and encourage the submission of comments. This was accomplished through a massive direct mailing of the proposed regulation and related documents, such as the Act, the court decision, and seven other documents, written specifically to stimulate public participation. Mailings were made to over 1700 selected organizations and individuals, including those in the industry, the Congress, state and local governments, labor, public interest, news media, and many private citizens.

A press release was included in the mailing packages or sent separately, so that most recipients, including the news media, had the information within one day of the appearance of the proposed regulation in the **Federal Register**. In Addition to the direct mailing, a number of briefings were conducted immediately before and after publication in the **Federal Register**.

4.0 Docket Analysis

The Agency received 159 written comments which were placed in our official docket. A brief summary of these comments appears below. A more detailed summary of the comments and of the Agency's response appears in the Background Document to this regulation.

4.1 Summary

Of the 159 official docket entries, the respondent source mix was as follows: 30% private citizens, 22% city/county governments, 20% state agencies, 13% industry, 10% federal governments and agencies, 5% associations.

Numerous respondents addressed conceptual issues in their submissions. Strong concerns with the property line standard and the L_{dn} descriptor were voiced by some commenters in all categories. State and local entities argued that the proposed property line standard was too lenient to benefit their citizens, too complex and costly to be enforced adequately, as well as lacking non-degradation provisions and thereby allowing increased noise in currently relatively quiet railyards. Industry comments urged that the proposed standards were unreasonably stringent, considering the cost of compliance and effectiveness of abatement technologies and techniques. Additionally, they criticized both the use of L_{dn} as the appropriate descriptor and EPA's estimate of the health and welfare benefits. Arguments were made for a more precise delineation of receiving land use classes, as well as for elimination of the property line concept in favor of source standards alone.

Questions on the technical aspects of the regulation were also raised by many respondents. Specific questions dealt with the adequacy, effectiveness, and cost of the yard noise level standard and the individual source standards. Faulty, inappropriate, and inaccurate measurement procedures were alleged.

Doubt was expressed concerning the effectiveness of various abatement technologies suggested as available for complying with the regulation. Most industry sources claimed that EPA had overestimated the degree of quieting that was achievable with the techniques described.

Many respondents addressed the costs associated with the regulatory package. State and local commenters were particularly concerned with the costs required for state or local enforcement of standards, including manpower, equipment, training, and technical consultant costs. The railroad industry asserted that EPA either omitted or underestimated the costs associated with equipment, yard, and system-wide operational changes. They highlighted the possible additional costs to them if new technology or more stringent yard or noise source levels were required.

Comments not falling into these three major categories addressed a variety of topics, including the need for a federal enforcement program in the regulation, opposition to preemption of state and local regulation, the lack of land use planning provisions in the regulation, the exclusion of regulations on warning devices, the need for an extended comment period and more public participation, and health and welfare concerns.

Taking into account the wide range of views, concerns and interests of the commenters and their submissions, EPA believes that this final rule is responsive. Since commenters were especially critical of the property line portion of the rule, the Agency has separated the rulemaking into two parts, promulgating source standards as part one, and allowing more time to address the property line standard as part two. Additionally, EPA has responded to the commenters by requiring noise abatement only when necessary to protect receiving property; by simplifying the measurement procedure; and by adjusting compliance requirements through a reevaluation of costs and technology estimates and assumptions.

4.2 Analysis

A. Retarder Noise Standard

EPA originally proposed a retarder noise standard that would have required retarder noise to be abated to an A-weighted sound level of 90 dB at a distance of 30 meters (100 feet) from the centerline of the retarder track. The proposed standard would have required compliance for all active retarders.

Commenters outside of the railroad industry agreed with EPA, that retarder noise must be abated, particularly where receiving property abuts railyards. However, many of this group were concerned that to determine compliance with the standard at 30 meters (100 feet) from the source, measurements must be made within the railyard property in many instances.

The majority of substantive public comments on the retarder noise standard were submitted by the railroad industry. Railroad industry respondents questioned the effectiveness of noise barriers as a noise abatement technique. Assuming the use of barriers for abatement, however, they argued that EPA cost estimates were extremely low because the Agency had underestimated material and labor costs and excluded down time costs in the calculations. They stated that adoption of this standard would require that barriers be unnecessarily constructed around every

retarder, which would create exorbitant implementation costs.

Rail industry respondents further claimed that barriers could not be constructed around approximately 50% of the group retarders as a result of close trackage and other geographic factors. Also, they expressed concern as to safety and maintenance problems associated with barriers surrounding group retarders.

Some respondents observed that not all retarders are parallel to the railyard property line, but may actually point at an angle to receiving property in such a way as to render barriers parallel to the retarders of limited effectiveness.

Although the final regulation takes these situations into consideration, it does not deviate greatly from the proposed regulation. However, EPA has changed the measurement methodology, which is now applicable only at receiving property measurement locations. Where there is no adversely affected receiving property, no noise abatement by rail carriers is required. The rail carriers now have the option of placing barriers, if that is the selected abatement approach, at greater distances from the retarders than originally contemplated. This change minimizes the cost to the industry while maximizing the benefit to receiving property adversely affected by retarder noise. The new receiving property approach to measurement location may necessitate the use of barriers which are longer or higher or at an angle other than parallel to the retarder in some situations, or located at the facility boundary rather than at the retarder to achieve the specified noise level limits, but this approach avoids the problems of close trackage and other geographic factors which were the most serious problems with the proposed standard. In addition, because EPA has changed the measurement procedures, the total number of barriers needed for abatement is greatly reduced, since the railroad need only install barriers where they are most effective and are necessary to protect receiving property.

EPA believes that the application of absorptive barriers around master retarders, and reflective barrier walls at the railroad facility boundary where necessary to protect receiving property, constitutes technologies or techniques available to comply with the noise levels set by this regulation. The costs of this abatement approach are comparable to the costs set forth in the proposed regulation and are considered by the Agency to be acceptable.

B. Car Coupling Standard

EPA originally proposed a car coupling regulation based on a four mile per hour limit and the noise emission level associated with that speed. This was consistent with what was believed to be the industry's practice as reflected in operating rules and guidelines of individual companies and in the guidelines of the Association of American Railroads (AAR).

The AAR and several individual railroad carriers voiced strong objections to this standard. They observed that the technology has not been developed to achieve the four mile per hour car coupling speed and that many car couplings actually occur at much higher speeds than four miles per hour. They argued that car coupling speed is directly related to the judgment of the brakemen and certain external forces, e.g., weather conditions, conditions of retarders, weight of car, type of car, contents of car.

Several industry respondents expressed concern over the possible safety implication of coupling at lower speeds. Operational considerations were a major topic for comment. For the proposed rule EPA had assumed that railroads adhered to their published and stipulated operating rules or that, at least, most rail carriers attempted to comply with industry recommended practice. However, the railroad industry stated that in practice the companies often cannot adhere to these rules. They contend, with supporting data, that in actuality many couplings occur at much higher speeds than four miles per hour. Some argued that if they were forced to slow down to four miles per hour, the flow of rail traffic would be impeded. Major operational changes would be needed to accommodate this changed flow rate. The AAR claimed that this would result in estimated costs of $10 billion while bringing railroad traffic to a near standstill.

Other comments indicated that in order to minimize freight damage, coupling speeds no higher than eight miles per hour are desirable.

State and local governments and numerous other commenters found the enforcement aspect of the proposed coupling standard apparently too difficult to implement using a speed measure. They raised the question of how satisfactory compliance determinations can be made in active railyards during operations, particularly as the measurements made include coupling speed as well as the coupling noise generated. Several commenters were critical of the number of measurements required to determine compliance. As a result, the Agency has refined the measurement methodology to allow the measurement to take place at a receiving property location rather than 30 meters (100 feet) from the point of coupling. Further, at least 30 consecutive car coupling impact sounds are required for a period of not less than 60 minutes nor more than 240 minutes.

EPA has completed a further review of the actual car coupling practices of the industry, notwithstanding the railroads' own written operating rules and guidelines. As indicated by industry commenters, a large percentage of the time cars are actually coupled at speeds greater than 4 miles per hour, although most cars appear to be coupled at less than 8 miles per hour. Since elements of the industry assert that a four mile per hour speed limit requirement would seriously hamper railyard traffic flow, the speed parameter method of determining compliance has been amended. After careful review and evaluation, EPA feels it must establish a noise standard for this source on what is close to a lowest common denominator basis. Consequently, the Agency has substituted an equivalent noise level standard for cars coupling at eight miles per hour which appears more representative of industry operational practice than its published statements. This standard will not affect the coupling operations of all yards, but will control the case of excessive coupling speed which is unduly disturbing to the residents adjacent to these yards. A significantly lower decibel level (and consequently lower coupling speed) could be possible at many yards without any significant disruption of operations. However, in writing a national rule, the Agency found it had to write a rule which could be met by almost all yards to avoid exceedingly high compliance costs.

There remains considerable conflicting information regarding railroad car coupling speeds. Most major railroads have indicated in writing that their policy is to couple rail cars at 4 miles per hour or less (see Background Document, Appendix H). Other information including a large quantity of data on actual car coupling speeds during routine railyard operation indicated that in practice rail cars are coupled at speeds over 4 miles per hour a large portion of the time. This area of potential car coupling noise control will continue to be investigated.

EPA recognizes that the noise level generated at 8 miles per hour is high. However, based on the car coupling speed data available to the Agency at this time a standard reflecting lesser

speeds could result in some operational slowdowns which might result in national railroad system shutdowns and high cost impact. The Agency encourages further industry attempts to reduce car coupling speed. In selective cases where communities are adversely affected by car impact noise it would appear that the railroad concerned might well voluntarily reduce coupling speed without any disruptive effect on its operations or on those of the rail system.

C. Refrigerator Car Standard

EPA proposed a refrigerator rail car standard of 78 A-weighted decibels measured at 7 meters (23 feet) perpendicular to the centerline of the car. Abatement techniques the Agency identified as being available were muffler improvement, noise insulation, and fan modifications. The railroad industry was expected to incur minimal costs in applying these noise abatement technologies.

The major criticisms and issues raised in comments on the proposed refrigerator car standard were: (a) The baseline noise levels used in developing the proposed standard appear to be unrealistically low. (b) The present noise levels for refrigerator cars already represent the application of best available technology. (c) The technology used for quieting truck-mounted refrigerator car noise is unproven and inappropriate for railroad refrigerator cars. Proposed technological modifications for noise abatement purposes would not be effective in reducing refrigerator car noise to the proposed levels. Improvements which could properly abate refrigerator car noise would require more extensive system redesign or equipment modification at large costs to the industry. (d) EPA erred, both when estimating the simplicity and when estimating the moderate cost of meeting the standard. (e) The trend in transport of perishable goods has shifted away from mechanical refrigeration rail cars and these cars are now rarely manufactured.

Numerous respondents suggested solutions to the noise problems created by parked refrigerator cars, among which were the use of disconnects from the diesel generator system and a reconnect to an electrical AC line source, and relocating these cars away from boundary lines adjoining residential and commercial areas when their refrigeration equipment is in operation.

EPA had decided not to promulgate a source standard for refrigerator cars at this time, in part to allow time to evaluate the effect of their declining use. Their function is being replaced by containers on flat cars (COFC) and truck-mounted (trailer) refrigerator units on flat cars (TOFC), which were not addressed by EPA in the proposed rules. Further, the Agency was not able to evaluate fully at this time the potential for more significant noise reduction through technology applications. The Agency expects to respond to these comments in its promulgation scheduled for January 1981.

D. Locomotive Load Cell Test Stand Standard

The proposed regulation included locomotive load cell test stand noise abatement as a part of the property line standard. Available abatement technology for these facilities constituted relocation of locomotive load cell test stands away from receiving property lines, or total enclosure of these facilities.

The railroad industry commented that the load cells for conducting tests are generally located near repair facilities, and that relocation of the load cell test sites would be impractical as an alternative abatement technique. It was claimed that load cell relocations would result in substantial costs, losses in productivity, and a decrease in efficiency due to increased requirements for both manpower and locomotive movements to and from the repair facilities.

After reviewing available abatement technology, techniques, and cost data, EPA has modified its assessment and now believes that the application of absorptive barrier walls will serve as well as, or better than, the relocation or total enclosure approaches. For costing purposes EPA has assumed the use of 150 foot (length) by 25 foot (height) absorptive barrier walls around the test facilities and locomotives being tested, which EPA technology analysis showed were more attractive than total enclosure of test stands.

E. Switcher Locomotives

In the proposed rulemaking, EPA did not propose a specific source standard for switcher locomotives. Rather, switchers were identified as a noise source likely to require noise abatement in order that the industry meet the proposed L_{dn} receiving property line standard that limited noise from all railroad noise sources collectively.

The railroad industry took strong exception to EPA's recommended procedures for engine shutdown when not in use, parked locomotive relocation, and muffler installation for reducing noise from switch engines and idling locomotives.

The industry asserted that to reduce noise by measures such as engine shutdown or locomotive relocation is impractical and infeasible. Shutdown was claimed to bring about a high risk of damage from hydraulic lock on engine start up, while relocation was seen as feasible only in special limited circumstances. It was also claimed that muffler technology alone could not reduce the noise from switch engines an average of 3 dB at idle and 4 dB at higher throttle ratings, as EPA had estimated.

EPA considered these comments in arriving at this final regulation and believes that switcher locomotive noise emission levels should be addressed specifically. Further, the Agency believes that technology is available to control switcher locomotive noise emissions at an acceptable cost.

Switcher locomotives are deemed to be in compliance with the standard if the sound level from stationary switcher locomotives or combinations of stationary switcher and other locomotives does not exceed an A-weighted sound level of 65 dB at a receiving property. If the noise level from locomotives measured at a receiving property location(s) exceeds this level, all switcher locomotives must meet the specified noise standard, which requires switchers not to exceed specific noise levels measured at 30 meters (100 feet) under various operating modes.

Additionally, the Agency has eliminated the requirement that locomotives be connected to a load cell when undergoing a stationary test for the idle throttle setting.

F. Measurement Methodology

The proposed regulations specified noise levels at the perimeter of the railyard to be monitored by Type 1 instrumentation. The procedure would require that all noise not associated with the railyard, such as passing rail traffic, be excluded. Respondents argued that Type 2 meters should be adequate and that the requirement to factor out "extraneous" noise would require either modeling or a noise expert, or perhaps both. The proposed regulations did not include estimates of funds for state and local equipment/personnel acquisition. Hence, some respondents concluded that the requirement in the regulation for Type 1 sound meter use would impose undue costs on the enforcing body.

EPA's analysis has shown that railyard sounds are substantially different from those associated with highways or airports. Acoustically, the latter facilities have relatively

homogeneous noise sources. Quantification of sound emitted by railyards is much more difficult than quantification of highway or airport noise because railyards have many different types of noise sources, some possessing impulsive and high frequency characteristics.

Examination of Type 1 (precision) and Type 2 (general purpose) sound level meters as specified in the American National Standards Institute's standard for sound level meters, ANSI S 1.4–1971, has convinced the Agency that either the Type 1 or Type 2 sound level meter is appropriate as a measurement tool for railyard standards, if appropriate adjustments are made for use of Type 2 instrumentation. In many cases the effectiveness of enforcement efforts may be enhanced by the use of the more precise Type 1 equipment. The adjustments for use of Type 2 instrumentation for each of the source standards are shown in Table 4.1.

With respect to the standard for retarders, Type 1 sound level meters are especially appropriate, since a very large (4 dB) adjustment is necessary if Type 2 meters are used.

Table 4.1.—*Adjustments to Levels for Type 2 Sound Level Meter Usage*

Measurement section in regulation	Source	Decibels [1]
201.24	Locomotives	0
	Rail car	0
	Locomotive load cell test stand	0
201.26	Retarder	4
	Car coupling	2
201.27	Locomotive load	0
	Cell test stand stationary locomotive	0

[1] Amount of correction to be subtracted from measured level (dB).

This rule establishes specific source standards but avoids the technical problems of selectively excluding some noise sources such as through trains from the measurement.

G. *Health and Welfare*

Health and welfare aspects of the proposed regulation also received attention by public commenters. It was suggested that the proposed standards were not sufficiently stringent to provide adequate protection to people exposed to noise from railroad operations.

The proposed federal emission standards were higher (allow a greater level of noise from operations) than some state and local regulations now in effect. Respondents were concerned that the federal standards would (1) preempt the state and local standards and lead to degradation of state and local regulations currently in force, and (2) allow rail operations to be established in areas of presently little or no activity and to emit noise up to the levels allowed by the proposed federal regulations.

The industry questioned the health and welfare impacts of the proposed regulation. They suggested that EPA's railyard noise impact model may considerably overestimate the Equivalent Noise Impact (ENI, which is a method to account for the extent and severity of noise impact) due to the use of an "average" population density around the yards which does not account for the lower densities the AAR would expect near the yard boundaries (i.e., in industrial and commercial areas) in the higher noise regions. EPA anticipated this potential problem in the proposed regulation and conducted analyses using available data during the model development to estimate the possible error. EPA counted the population around the 120 sample railyards on which the model is partly based. The population data obtained in many cases indicated very high local average population densities around large railyards where residential land uses were mixed with industrial and commercial land uses. If the model "squeezed" the people back into the residential land uses rather than averaging, this would have the effect of reducing the area of impact with the given population, resulting in a higher population density and thus no net change in ENI. Furthermore, an analysis of ENI for actual population density distributions around seven hump yards (using data from the 1975 Background Document), as compared to the ENI results using an average density, indicated that on the average if EPA did overestimate, it was on the order of less than five percent. At the same time, EPA's use of ENI substantially underestimates noise impact because it addresses only residential exposures rather than exposure of people in all land use environments, particularly in sensitive land uses, such as hospitals, schools, and churches.

The railroad industry was also concerned that the railyard noise impact model was technically incorrect in the method of aggregating ENI. However, under the assumptions of the analyses, EPA believes the model is technically correct. The key assumptions are that certain stationary sources are grouped in a relatively small area, that moving sources are on the same line, and that the source groups are sufficiently separated so that the $L_{dn}=55$ contours from any group do not overlap the next nearest group. There are insufficient data on railyard operations and noise source locations or interactions to compute connected L_{dn} contours around the typical railyards.

Anticipating that there could be complex noise overlap patterns from various noise sources in railyards, EPA conducted two types of analyses to determine the potential error. Analytical models were used to calculate the variation in ENI as two separate point sources and two separate line sources were merged in various degrees of overlap, from two completely separated sources to a combined source of twice the noise energy of a single source. The results indicated that the ENI for two superimposed sources of equal strength was equal to the sum of the ENI from two completely separated sources. However, at intermediate degrees of overlap of two sources, the average difference between ENI for the separated sources vs. overlapped noise patterns was about 15 percent. Also, the railyard noise impact model was programmed to compare the results using the regular source groups (4 to 5 source groups at each type of yard) to the results of completely separating all types of sources (4 to 11 sources). The case of completely separated sources resulted in an 18 percent increase in total ENI compared to the 4 to 5 source group case. These analyses provide a reasonably good bound on the "error," which is less than 18 percent, since the length of the railyards precludes any significant overlapping of noise patterns from more than any two source groups. Once again, the result is an underestimate of impact.

H. *Costs and Economics*

Although the Agency has provided in Table 5.2 some cost comparative information, we feel that a meaningful cost comparison is not feasible. First, each of the rules is different as to its scope; i.e., the proposed rule encompassed a property line standard and three source standards (active retarders, refrigerator cars and car coupling) and the final rule four source standards (active retarders, car coupling, load cell test stands and switcher locomotives), the latter two being primary noise sources in the proposed property line standard. Second, the technologies and alternatives available to achieve abatement to meet the final standards are different. Third, the Agency feels that the cost estimates provided by the industry in response to the proposal significantly inflated the costs or portrayed a worst case situation.

A number of commenters took issue with the EPA's assessment of the costs

of compliance and economic impacts associated with the proposed property line and individual source standards.

The railroad industry in general took exception to EPA's estimates of the capital, operating, and maintenance costs, and the potential costs associated with various operational changes or opportunity costs which might occur. These latter costs would be due to installation of noise control devices, the rescheduling and rearrangement of railroad operations, or the potential redesign of the yards in order to meet the proposed rules. The curtailment of nighttime operations, the reduction of car coupling speeds, the need for shutdown of idling locomotives, and the potential track clearance problems associated with the installation of barriers around active retarders were heavily criticized. Another major assertion was that an additional 450 road locomotives would have to be purchased to replace a portion of the existing road fleet which would have to be retrofitted and dedicated to yard service in order to meet the proposed rules. Industry estimates of compliance costs were approximately ten times greater than those estimated by the EPA for the total capital costs of the regulation. Annualized costs similarly were estimated by the railroad industry to be 7.5 times greater than the EPA estimates.

Because of the time constraints the Agency is not in a position to resolve fully all cost discrepancies. For example, estimates received from industry and state and local agencies relative to the costs of absorptive barriers required to meet the retarder standard ranged from $50 to more than $200 per linear foot for materials and installation, while the original EPA estimate was $75 per linear foot. Additional review has indicated to the Agency that barrier costs of $100 to $162 per linear foot, depending on height, for materials and installation represent the best "average" cost to use for regulatory purposes.

Since the proposed rule required all master, group, intermediate, and tangent point retarders to comply with the standard, barriers were to be required around each such retarder.

As a result of the potential operational costs associated with a source standard requiring barriers around all active retarders, EPA has decided to base its active retarder standard on a receiving properly not-to-exceed limit, to allow the industry the flexibility to choose its abatement procedures to mitigate or eliminate the various potential operational opportunity costs involved. It is anticipated that the industry will be able to comply with the receiving property retarder standard by using combinations of absorptive barriers around most master retarders, some group retarders (if located very near the railroad property line), and reflective walls at railyard boundaries adjacent to receiving property. This approach could eliminate the need for placing absorptive barriers around each active retarder.

Additionally, bankrupt firms or financially distressed firms were concerned that they would be unable to raise the required capital to purchase and install the requisite noise abatement equipment. Concerns were also expressed that the industry would not be able to pass through the noise abatement costs via rate increases because of trucking and waterborne competition, ICC rate regulations, and associated federal inflationary guidelines. Another concern of the weak and bankrupt firms was that because of their low profit margins, they could not take advantage of investment tax credits to offset the noise abatement expenditures.

State and local agencies were concerned that the complexity of the measurement techniques involved in determining compliance would impose costs in excess of those estimated by the EPA. These costs involved the need for purchase of new noise measurement equipment and costs associated with extensive training of existing personnel and the hiring of engineers and technicians. Some state and local agencies provided capital and operating cost estimates for source abatement techniques that were substantially lower than those of the railroad industry and also somewhat lower than EPA's estimates.

Several federal agencies commented on the costs and economic impacts associated with the proposed rules. Concerns were expressed that the proposed rules were not cost-effective because the costs of compliance for industrial uses were not justified by the potential benefits involved. An additional concern was that the incremental benefits achieved by lowering the property line standard for hump yards to an L_{dn} value of 65 dB were not justified by the extra costs involved. On the other hand, several commenters argued that imposing a nationally uniform property line and individual source standards should be limited to worst case situations to avoid excessive cost. EPA recognizes that regulations adequate to protect public health and welfare would require more stringent property line and source levels which would of necessity be more costly.

5.0 Impact of the Regulation

5.1 Health and Welfare Impact

The impact of the final source standards on the health and welfare of the nation's population can be examined by first measuring the exposure levels and total number of persons subjected to railyard noise that may jeopardize their health and welfare, prior to the institution of source standards, and second, the reduction in the extent and severity of harmful railyard noise after the source standards become effective.

The Agency has identified an outdoor L_{dn} value of 55 dB as the noise level protective of public health and welfare with an adequate margin of safety. It is estimated by EPA that between 6.5 and 10.0 million people in the United States are currently exposed to day-night average sound levels in excess of 55 dB resulting from railyards.[2] Compliance with the final source standards will result in approximately a 10–15% reduction in impact, considering both extent and severity.

The total number of persons affected by railyard noise is a function of the penetration of noise into the community and the number of people in proximity to railyard property. The Agency has chosen to consider only residential and commercial property in formulating the final source standards. Given the extensive intermingling of land uses surrounding railyards as demonstrated by aerial photography, EPA believes that a regulation based on noise emissions received on residential and commercial property should provide significant protection for other land uses.

5.2 Cost Impact

The estimated cost of this final source standard regulation was developed using the following sequential procedure:

1. Determination of the noise sources located in railroads which need to be abated.

2. Identification of the various noise abatement techniques and technologies that can be applied to each noise source.

3. Estimation of noise abatement resulting from each abatement technique or technology, based on available data.

4. Calculation of the cost of each abatement technique or technology.

[2] This figure is based on an assumption of a background ambient noise level of $L_{dn} = 55$ dB. The ambient noise is assumed to add to railyard noise levels, but the railyard noise is still dominant.

5. Calculation of the total cost of the abatement technique or technology selected.

6. Comparison of costs and noise reduction benefits of the abatement technique or technology selected. Computations are made from individual unit costs to establish total capital cost, operation and maintenance cost, and uniform annualized cost.

Table 5.1 presents the estimated cost by noise source for compliance with this regulation.

Table 5.1.—*Cost Estimates for Noise Abatement of Railyard Source Standards*

Noise sources	Control techniques/ technologies	Unit cost range	In thousands of dollars		
			Capital costs	O&M costs	Uniformed annualized costs
Active retarders	Barrier sets	$100–$162/ft	40.1	0.9	3.5
Switcher locomotives	Exhaust Silencers	$7,275–$12,500.	54.6	6.4	17.2
Locomotive load cell test stands	Barrier sets	$325/ft	14.0	1.1	2.4
Car coupling	Speed control	NA	NA	NA	NA
Measurement	Instrumentation	$10,000	1.0	1.4	1.2
Totals			109.7	9.8	24.3

NA=Cost on a national basis has been determined to be minimal relative to other noise source and abatement costs of this rulemaking.

After making the necessary adjustment for the effective date of this final regulation, the total capital investment by the railroad industry for compliance with the rulemaking is estimated to be approximately $110 million. The total industry-wide uniform annualized cost of compliance is estimated to be approximately $24 million. Cost estimates for installing active retarder barriers and for retrofitting of switcher locomotive exhaust silencers incorporate sufficient downtime cost to accomplish the modifications required, which is part of the total compliance cost of the particular standard. The car coupling standard is associated with a speed in excess of that cited as the standard operating practice within the railroad industry.

To assess further the estimated cost of the four source specific regulations compared with the proposed rule, the Agency carefully reviewed the cost impact comments received in the docket. Table 5.2 illustrates comparisons of costs examined in determining the final rule.

Table 5.2.—*Estimated Costs of Implementing Regulation*

[Annualized costs $ × 10⁶][1]

	EPA estimates of proposed regulation	Industry estimates of proposed regulation	EPA estimates of final regulation
Active retarders[2]	$3.0	$38.0	$6.0
Car coupling[3]	(6)	10,000.0	(7)
Switcher locomotives[4]	3.6	144.3	23.9
Locomotive load[5] cell test stands	4.0	20.1	3.3

[1] Annualized costs include capital investment, operating and maintenance costs, and costs of operational changes.

[2] EPA's proposed regulation assumed installation of barriers on both sides of each master and group retarder (all active retarders). EPA assumed no costs for operational changes due to problems of installation of retarder barriers. AAR asserts that clearance problems exist at approximately one-half of the retarder locations requiring (a) track and retarder relocation, (b) rewiring of retarders and switchers, (c) extra downtime, and (d) purchase of additional real estate to maintain existing car capacity. The final regulation assumes installation of absorptive noise control barriers on both sides of all master retarders which affect residential or commercial land use, and reflective barriers at the facility boundary line where necessary to reduce noise from group and tangential retarders.

[3] EPA's proposed car coupling standard was estimated by the Agency to be a no cost rule, given that the 4 mph limit was believed to be consistent with industry-published policy on car coupling speed. Industry representatives, however, claimed that imposition of a 4 mph speed limit would impede the flow of rail traffic, necessitating major operational changes. The Agency's final regulation is reflective of an 8 mph speed limit. The cost on a national basis is expected to be minimal relative to other noise source and abatement aspects of this rulemaking.

[4] The proposed regulation assumed a mix of retrofit of the entire road haul and switcher locomotive fleet used in railyard duty, and incremental cost of installation on new switcher locomotives. EPA neither assumed out of service costs of retrofit switcher engines nor assigned operational change costs involving the extra quieting of road locomotives and the purchase of new road locomotives. The industry cost estimates assumed the GM/EMD retrofit cost figures as the basis for their estimates (See Background Document). For costing purposes in the final rule EPA assumed switcher locomotives must be retrofitted only in those railyards near residential or commercial land uses.

[5] EPA's proposed regulation assumed construction of a simple enclosure performing no function other than noise reduction. Industry costs are based upon a more elaborate facility with heating, cooling, lighting, and ventilation adequate to allow the facility to be used for other purposes. The final regulation estimates are based on construction of 150'×25' absorptive barrier walls around the facility and the locomotive being tested.

[6] No cost.

[7] Minimal cost.

5.3 *Economic Impact*

An analysis of the economic impact of the noise regulations is included as part of the Background Document. It was based on the railroad industry's current financial and operating structure and its recent competitive history. Potentially important intermodal competition was not considered because the regulation of noise emission from other modes of transportation should offset the impact of these regulations on the railroad industry; i.e., while the noise regulations will increase railroads' costs, similar regulations now affect new medium and heavy duty trucks, so that a significant shift among competing modes is probably unlikely as a result of this regulation. In addition, the greater energy efficiency of rail transport may lead to increased demand for rail freight transportation services, further mitigating any adverse costs of the noise regulations.

The total capital expenditure (Initial capital costs plus out-of-service costs) required to comply with this regulation for residential and commercial receiving property is estimated to be $109.7 million. In 1978, Class I and Class II railroads invested $2,776 million in capital expenditures. Thus, the projected investment in the noise abatement technologies and techniques amounts to 4.0 percent of the industry's total capital expenditure in 1978. If the regulation were to be fully enforced and complied with only at residential receiving property lines, capital expenditures of only $90.7 million would be required, or 3.3 percent of total 1978 capital expenditures. These represent fairly large outlays relative to normal capital expenditures.

Several factors suggest that the magnitude of these capital expenditures relative to normal capital expenditures could increase some firms' difficulties in securing the necessary financing. Large capital expenditures are needed simply to maintain existing roads and to replace aging rolling stock. The firms' first priority is in maintaining these revenue producing components of their capital stock. As a result of inadequate cash flow and low rates of return relative to other industries, some railroads may find it difficult to finance capital expenditures for noise abatement technologies, as well as for other non-federally required actions, either internally or from external capital markets. However, it does not appear that these difficulties will preclude any firm from complying.

The general procedure for estimating impacts was first to calculate a weighted average demand price elasticity for each Class I railroad's range of commodities hauled. Next, a weighted total cost of compliance was

calculated for each railroad based on the average cost of compliance per yard, with costs allocated by railroad according to the number of yards requiring investment in quieting technologies or techniques operated by each railroad. The short-run impact on each railroad was computed assuming no price increase; thus, increased costs were translated directly into reduced operating profits. Long-run impacts were computed assuming that the ICC would allow 100 percent of the costs to be passed on to customers in the form of rate increases. Existing literature suggests that average costs are relatively constant for railroads within the Class I category, so the average price increase was assumed to be equal to the average unit cost increase. Using this assumption, the percentage decrease in revenue ton-miles for each railroad in the long run was simply the percentage change in price multiplied by the weighted average price elasticity of demand.

The regulation is expected to have very little impact on the demand for rail freight transportation services. The weighted average demand price elasticity ranges between −.348 and −1.037. Based on annualized average capital and operating and maintenance costs, the cost per revenue ton-mile could increase approximately 0.1. This translates into a decrease in revenue ton-miles of between 0.04 percent and 0.15 percent. Based on a total of 858.1 billion ton-miles in 1978, ton-miles may decrease between 391 million and 1,279 million ton-miles. If other conditions, primarily fuel shortages or costs continue to worsen, even these small decreases will be compensated for as additional truck freight is diverted to the more fuel efficient rails.

Employment impacts were calculated assuming that labor-output ratios were constant for small changes in output. Thus, the percentage change in employment was simply the percentage change in output (measured in revenue ton-miles) multiplied by the labor-output ratio. The net reduction in railroad employment ranges between 236 and 777 jobs, and total U.S. railroad employment in 1978 was 471,516 people. Again, this figure was for the long-run impact; due to the small changes in employment predicted and the long-run adjustment framework, it is likely that employment reductions could be accomplished through normal attrition and that no disproportionately adverse impacts will be borne by railroad employees.

The question as to what the impact will be on individual railroads is also a particularly important one. The impact of the noise abatement regulations on the railroad industry as a whole appears to be very small, but some railroads will be more adversely affected than others. Conrail is of particular interest because of the large governmental subsidies it already receives. EPA's analysis suggests that Conrail's costs will rise by about 0.2 percent of total capital plus operating costs. The number of revenue ton-miles shipped by Conrail could fall between 0.6 and 0.2 percent if the full increase in costs is passed through as a price increase. After Conrail the railroad with the next largest deficit relative to operating revenues (excluding the Long Island since they primarily provide commuter service) which will be affected by the regulations is the Chicago, Milwaukee, St. Paul and Pacific. It is a smaller railroad, ranking 15th in terms of revenue ton-miles of the 49 Class I and Class II railroads studied. Its total costs could increase by 0.2 percent but its traffic could decrease by 0.09 to 0.28 percent.

Two of the railroads with the largest potential increase in costs relative to total capital plus operating costs are the Pittsburgh and Lake Erie, and Richmond, Fredericksburg and Potomac. For both, their costs could increase by as much as 1.0 percent (or as little as 0.4 or 0.3 percent, respectively). Both are small railroads, ranking 38th and 39th respectively in revenue ton-miles shipped in 1978. However, both should be better able to absorb increased costs in the short run than many of their competitors. The Pittsburgh and Lake Erie's net income as a percent of total operating revenue was 16.6 percent in 1978, and that of the Richmond, Fredericksburg and Potomac was 43.8 percent.

The major conclusion is that the noise abatement of these final source regulations should lead to only minor impacts in the rail freight transportation industry in the short run as well as in the long run after railroads have had the chance to pass through added costs. Employment impacts likewise will be extremely small with no reduction in jobs in some firms. Conrail may experience a reduction of as many as 215. However, even this reduction in employment amounts to less than 0.25 percent of Conrail's total labor force. These firm by firm projections are based on a statistical analytical analysis that does not account, for example, for other employment controls such as union contracts, or for increases in employment which could occur by railroads in complying with this regulation.

6.0 Enforcement

The Noise Control Act places primary enforcement responsibility with the Federal Railroad Administration (FRA) of the Department of Transportation. Specifically, Section 17 of the Act directs the Secretary of Transportation to promulgate regulations to ensure compliance with the EPA railroad noise standards. In addition, Section 17 directs the Secretary of Transportation to carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Safety Appliance Act, the Interstate Commerce Act, the Noise Control Act (as amended), and the Department of Transportation Act.

The FRA has indicated to EPA that it will promulgate compliance regulations, will conduct investigations to determine compliance, and use the FRA enforcement authorities and limited enforcement resources to enforce this regulation.

EPA believes that the FRA has adequate authority to enforce these regulations. While EPA has some concurrent authority to enforce, the Act clearly places the primary responsibility for enforcement with FRA, and EPA has not dedicated any resources to enforcement of these regulations.

EPA anticipates that the major enforcement activity will need to be conducted by state and local agencies if the regulation is to be effective. In fact, EPA has designed these regulations in a manner which will facilitate the adoption and enforcement of identical regulations by state and local governments.

7.0 Background Document

Information used as a basis for the final regulation has been compiled in a document entitled "Background Document for Final Interstate Rail Carrier Noise Emission Regulation: Source Standards." The document may be obtained from: U.S. Environmental Protection Agency, Public Information Center (PM–215), (Lobby West Tower Gallery No. 1), Waterside Mall, Washington, D.C. 20460, (202) 755–0717.

8.0 Evaluation Plan

The effectiveness and need for continuation of the provisions contained in this action will be reviewed no more than five years after the initial effective date of the final regulation. In particular, we will solicit comments from affected parties with regard to actual costs incurred and other burdens associated with compliance and will also review noise impact data in order to evaluate the regulation's effectiveness.

9.0 Reporting and Recordkeeping Requirements

This regulation should impose no significant new or additional reporting or recordkeeping requirements on affected parties. This regulation will be reviewed specifically with respect to reporting and recordkeeping requirements within five years of its effective date.

10.0 Regulatory Analysis

EPA has determined that this action is a "significant routine" regulation and therefore does not require a Regulatory Analysis under Executive Order 12044. However, in accordance with that Executive Order, we have prepared an economic analysis which is located in Section 6 of the Background Document (referenced in Section 7.0 of this Preamble).

11.0 Public Comment

At this time the Agency is reopening the public comment period on the proposed property line noise standards (44 FR 22960–22972) (Sections 201.17 and 201.30–201.33). Extensive comments were received on the property line standard, reflecting a variety of views. Further comment may now be submitted on any aspect of the proposed property line standards. Given the diversity of views already expressed, EPA particularly encourages and solicits further comment addressing arguments and information from comments on the proposed rule, including its applicability to particular land uses, such as residential, commercial, industrial, and agricultural.

The public comment period will close at 4:30 p.m. on April 4, 1980.

12.0 Environmental Impact Statement

The Agency has prepared an Environmental Impact Statement which presents the effect of the final regulation. This document may be obtained from EPA's Public Information Center (PM–215), (Lobby West Tower Gallery No. 1), Waterside Mall, Washington, D.C. 20460, (202) 755–0717.

This regulation is promulgated under the authority of Section 17 of the Noise Control Act of 1972 (42 U.S.C. 4916).

Dated: December 13, 1979.

Douglas M. Costle,

Administrator, U.S. Environmental Protection Agency.

Part 201 is being revised and amended as follows:

PART 201—NOISE EMISSION STANDARDS FOR TRANSPORTATION EQUIPMENT; INTERSTATE RAIL CARRIERS

Subpart A—General Provisions

Sec.

201.1 Definitions.

Subpart B—Interstate Rail Carrier Operations Standards

201.10 Applicability.
201.11 Standard for locomotive operation under stationary conditions.
201.12 Standard for locomotive operation under moving conditions.
201.13 Standard for rail car operations.
201.14 Standard for retarders.
201.15 Standard for car coupling operations.
201.16 Standard for locomotive load cell test stands.

Subpart C—Measurement Criteria

201.20 Applicability and purpose.
201.21 Quantities measured.
201.22 Measurement instrumentation.
201.23 Test site, weather conditions, and background noise criteria for measurement at a 30 meter (100 feet) distance of noise from locomotives, rail car operations, and locomotive load cell test stands.
201.24 Procedures for the measurement of noise from switcher locomotives, rail car operations, and locomotive load cell test stands, at a distance of 30 meters (100 feet).
201.25 Measurement location and weather conditions for measurement on receiving property of noise from retarders, car coupling, locomotive load cell test stands, and stationary locomotives.
201.26 Procedures for the measurement on receiving property of retarder and car coupling noise.
201.27 Procedures for: (1) determining applicability of the locomotive load cell test stand standard and switcher locomotive standard by measurement on a receiving property; (2) measurement of locomotive load cell test stands at more than 120 meters (400 feet) on a receiving property.
201.28 Demonstration of probable compliance with the standards for the measurement on receiving property of noise from retarders, car coupling, locomotive load cell test stands, and stationary locomotives.

Authority: Noise Control Act of 1972, sec. 17(a), 86 Stat. 1234 (42 U.S.C. 4916(a)).

Subpart A—General Provisions

§ 201.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Noise Control Act of 1972 (Pub. L. 92–574, 86 Stat. 1234).

(b) "Car Coupling Sound" means a sound which is heard and identified by the observer as that of car coupling impact, and that causes a sound level meter indicator (FAST) to register an increase of at least ten decibels above the level observed immediately before hearing the sound.

(c) "Carrier" means a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to the Interstate Commerce Act, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation.

(d) "Classification of Railroads" means the division of railroad industry operating companies by the Interstate Commerce Commission into three categories. As of 1978, Class I railroads must have annual revenues of $50 million or greater, Class II railroads must have annual revenues of between $10 and $50 million, and Class III railroads must have less than $10 million in annual revenues.

(e) "Commercial Property" means any property that is normally accessible to the public and that is used for any of the purposes described in the following standard land use codes (reference *Standard Land Use Coding Manual.* U.S. DOT/FHWA, reprinted March 1977): 53–59, Retail Trade; 61–64, Finance, Insurance, Real Estate, Personal, Business and Repair Services; 652–659, Legal and other professional services; 671, 672, and 673 Governmental Services; 692 and 699, Welfare, Charitable and Other Miscellaneous Services; 712 and 719, Nature exhibitions and other Cultural Activities; 721, 723, and 729, Entertainment, Public and other Public Assembly; and 74–79, Recreational, Resort, Park and other Cultural Activities.

(f) "dB(A)" is an abbreviation meaning A-weighted sound level in decibels, reference: 20 micropascals.

(g) "Day-night Sound Level" means the 24-hour time of day weighted equivalent sound level, in decibels, for any continuous 24-hour period, obtained after addition of ten decibels to sound levels produced in the hours from 10 p.m. to 7 a.m. (2200–0700). It is abbreviated as L_{dn}.

(h) "Decibel" means the unit measure of sound level calculated by taking ten times the common logarithm of the ratio of the magnitude of the particular sound pressure to the standard reference sound pressure of 20 micropascals and its derivatives. It is abbreviated as dB.

(i) "Energy Average Level" means a quantity calculated by taking ten times the common logarithm of the arithmetic average of the antilogs of one-tenth of each of the levels being averaged. The levels may be of any consistent type,

e.g. maximum sound levels, sound exposure levels, and day-night sound levels.

(j) "Energy Summation of Levels" means a quantity calculated by taking ten times the common logarithm of the sum of the antilogs of one-tenth of each of the levels being summed. The levels may be of any consistent type, e.g., day-night sound level or equivalent sound level.

(k) "Equivalent Sound Level" means the level, in decibels, of the mean-square A-weighted sound pressure during a stated time period, with reference to the square of the standard reference sound pressure of 20 micropascals. It is the level of the sound exposure divided by the time period and is abbreviated as L_{eq}.

(l) "Fast Meter Response" means that the "fast" response of the sound level meter shall be used. The fast dynamic response shall comply with the meter dynamic characteristics in paragraph 5.3 of the American National Standard Specification for Sound Level Meters. ANSI S1.4–1971. These publications are available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(m) "Idle" means that condition where all engines capable of providing motive power to the locomotive are set at the lowest operating throttle position; and where all auxiliary non-motive power engines are not operating.

(n) "Interstate Commerce" means the commerce between any place in a State and any place in another State, or between places in the same State through another State, whether such commerce moves wholly by rail or partly by rail and partly by motor vehicle, express, or water. This definition of "interstate commerce" for purposes of this regulation is similar to the definition of "interstate commerce" in section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)).

(o) "Load Cell" means a device external to the locomotive, of high electrical resistance, used in locomotive testing to simulate engine loading while the locomotive is stationary. (Electrical energy produced by the diesel generator is dissipated in the load cell resistors instead of the traction motors).

(p) "Locomotive" means for the purpose of this regulation, a self-propelled vehicle designed for and used on railroad tracks in the transport or rail cars, including self-propelled rail passenger vehicles.

(q) "Locomotive Load Cell Test Stand" means the load cell § 201.1(o) and associated structure, equipment, trackage and locomotive being tested.

(r) "Maximum Sound Level" means the greatest A-weighted sound level in decibels measured at fast meter response § 201.1(l) during the designated time interval or during the event. It is abbreviated as L_{max}.

(s) "Measurement Period" means a continuous period of time during which noise of railroad yard operations is assessed, the beginning and finishing times of which may be selected after completion of the measurements.

(t) "Rail Car" means a non-self-propelled vehicle designed for and used on railroad tracks.

(u) "Railroad" means all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

(v) "Receiving Property Measurement Location" means a location on receiving property that is on or beyond the railroad facility boundary and that meets the receiving property measurement location criteria of Subpart C.

(w) "Receiving Property" means any residential or commercial property that receives the sound from railroad facility operations, but that is not owned or operated by a railroad; except that occupied residences located on property owned or controlled by the railroad are included in the definition of "receiving property." For purposes of this definition railroad crew sleeping quarters located on property owned or controlled by the railroad are not considered as residences. If, subsequent to the publication date of these regulations, the use of any property that is currently not applicable to this regulation changes, and it is newly classified as either residential or commercial, it is not receiving property until four years have elapsed from the date of the actual change in use.

(x) "Residential Property" means any property that is used for any of the purposes described in the following standard land use codes (ref. *Standard Land Use Coding Manual.* U.S. DOT/FHWA Washington, D.C., reprinted March,1977): 1, Residential: 651, Medical and other Health Services; 68, Educational Services; 691, Religious Activities; and 711, Cultural Activities.

(y) "Retarder (Active)" means a device or system for decelerating rolling rail cars and controlling the degree of deceleration on a car by car basis.

(z) "Retarder Sound" means a sound which is heard and identified by the observer as that of a retarder, and that causes a sound level meter indicator at fast meter response § 201.1(l) to register an increase of at least ten decibels above the level observed immediately before hearing the sound.

(aa) "Sound Level" means the level, in decibels, measured by instrumentation which satisfies the requirements of American National Standard Specification for Sound Level Meters S1.4–1971 Type 1 (or S1A) or Type 2 if adjusted as shown in Table 1. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. For the purpose of these procedures the sound level is to be measured using the A-weighting of spectrum and the FAST dynamic averaging characteristics, unless designated otherwise. It is abbreviated as L_A.

(bb) "Sound Exposure Level" means the level in decibels calculated as ten times the common logarithm of time integral of squared A-weighted sound pressure over a given time period or event divided by the square of the standard reference sound pressure of 20 micropascals and a reference duration of one second.

(cc) "Sound Pressure Level" (in stated frequency band) means the level, in decibels, calculated as 20 times the common logarithm of the ratio of a sound pressure to the reference sound pressure of 20 micropascals.

(dd) "Special Purpose Equipment" means maintenance-of-way equipment which may be located on or operated from rail cars including: Ballast cribbing machines, ballast regulators, conditioners and scarifiers, bolt machines, brush cutters, compactors, concrete mixers, cranes and derricks, earth boring machines, electric welding machines, grinders, grouters, pile drivers, rail heaters, rail layers, sandblasters, snow plows, spike drivers, sprayers and other types of such maintenance-of-way equipment.

(ee) "Special Track Work" means track other than normal tie and ballast bolted or welded rail or containing devices such as retarders or switching mechanisms.

(ff) "Statistical Sound Level" means the level in decibels that is exceeded in a stated percentage (x) of the duration of the measurement period. It is abbreviated as L_x.

(gg) "Switcher Locomotive" means any locomotive designated as a switcher by the builder or reported to the ICC as a switcher by the operator-owning-railroad and including, but not limited to, all locomotives of the builder/model designations listed in Appendix A to this subpart.

(hh) "Warning Device" means a sound emitting device used to alert and warn people of the presence of railroad equipment.

Appendix A.—Switcher Locomotives

The following locomotives are considered to be "switcher locomotives" under the general definition of this regulation.

Type	Engine
General Electric Co.	
44 ton	8-D17000(2).
70 ton	6-CBFWL-6T.
95 ton	6-CBFWL-6T.
Electromotive Division (GMC)	
SC	8-201A.
NC	12-201A.
NC1	12-201A.
NC2	12-201A.
NW	12-201A.
NW1	12-201A.
NW1A	12-201A.
NW2	12-567.
NW2	12-567A.
NW3	12-567.
NW4	12-201A.
NW5	12-567B.
SW	8-201A/6-567.
SW1	6-567A/AC.
SW2	6-567.
SW3	6-567.
SW600	6-567C.
SW7 [1]	12-567A.
SW8	8-567B/BC.
SW900	8-567B.
SW9	12-567B/BC/C.
SW1200	12-567C.
SW1000	8-645E.
SW1001	8-645E.
SW1500	12-645E.
MP15	12-645E.
MP15AC	12-645E.
GMD1	12-567C.
RS1325	12-567C.
Transfer Switcher including "Cow and Calf"	
T	12-201A(2)
TR	12-567(2)
TR1	16-567(2)
TR2	12-567A(2)
TR3	12-567(3)
TR4	12-567A(2)
TR5	12-567B(2)
TR6	8-567B(2)
Baldwin	
VO-660	6-VO.
DS-446	6-606NA.
DS4475	8-750.
S-8	6-606.
VO-1000	8-VO.
DS-4410	8-608NA.
DS-4410	6-606SC.
S-12	6-606A.
DRS-4410 [1]	6-606SC.
DRS-12 [1]	6-606A.
Fairbanks Morse	
H-10-44	6-OP.
H-12-44	6-OP.
H-12-44TS	6-OP.
H-12-46 [1]	6-OP.
Lima	
750 hp.	6-Hamilton.
800 hp.	6-Hamilton.
1000 hp.	8-Hamilton.
1200 hp.	8-Hamilton.
LRS [1]	8-Hamilton.
TL [1]	8-Hamilton (2).
ALCO and MLW	
S1	6-539NA.
S2	6-539T.
S3	6-539NA.
S4	6-539T.
S5	6-251.
S6	6-251A,B.
S7	6-539.
S10	6-539.
S11	6-539.
S12	6-539T.
S13	6-251C.
RSD-1	6-539.
RSC-13	6-539.
RSC-24	12-244
ALCO and MLW	
RS1	6-539T.
RS2 [1]	12-244.
RS3 [1]	12-244.
RS10 [1]	12-244.
RSC-2 [1]	12-244.
RS3 [1]	12-244.
RSD-4 [1]	12-244.
RSD-5 [1]	12-244.
T6	6-251B.
C-415 [1]	8-251F.
M-420TR	12-251.

[1] These models may be found assigned to road service as well as switcher service, but are considered switcher locomotives for the purpose of this regulation.

Subpart B—Interstate Rail Carrier Operation Standards

§ 201.10 Applicability.

The provisions of this subpart apply to all rail cars and all locomotives, except steam locomotives, operated or controlled by carriers as defined in Subpart A of this part, except that §§ 201.11 (a), (b), and (c) do not apply to gas turbine-powered locomotives and to any locomotive type which cannot be connected by any standard method to a load cell. They apply to the total sound level emitted by rail cars and locomotives operated under the conditions specified, including the sound produced by refrigeration and air conditioning units which are an integral element of such equipment. The provisions of this subpart apply to all active retarders, all car coupling operations, all switcher locomotives, and all load cell test stands. These provisions do not apply to the sound emitted by a warning device, such as a horn, whistle or bell when operated for the purpose of safety. They do not apply to special purpose equipment which may be located on or operated from railcars; they do not apply to street, suburban or interurban electric railways unless operated as a part of a general railroad system of transportation. When land use changes after the publication date of this regulation from some other use to residential or commercial land use around a specific railyard facility, this regulation will become effective four (4) years from the date of that land use change.

§ 201.11 Standard for locomotive operation under stationary condition.

(a) Commencing December 31, 1976, no carrier subject to this regulation shall operate any locomotive to which this regulation is applicable, and of which manufacture is completed on or before December 31, 1979, which produces A-weighted sound levels in excess of 93 dB at any throttle setting except idle, when operated singly or when connected to a load cell, or in excess of 73 dB at idle when operated singly, and when measured in accordance with the criteria specified in Subpart C of this part with slow meter response at a point 30 meters (100 feet) from the geometric center of the locomotive along a line that is both perpendicular to the centerline of the track and originates at the locomotive geometric center.

(b) No carrier subject to this regulation shall operate any locomotive to which this regulation is applicable, and of which manufacture is completed after December 31, 1979, which produces A-weighted sound levels in excess of 87 dB at any throttle setting except idle, when operated singly or when connected to a load cell, or in excess of 70 dB at idle when operated singly, and when measured in accordance with the criteria specified in Subpart C of this part with slow meter response at a point 30 meters (100 feet) from the geometric center of the locomotive along a line that is both perpendicular to the centerline of the track and originates at the locomotive geometric center.

(c) Commencing January 15, 1984, no carrier subject to this regulation may operate any switcher locomotive to which this regulation is applicable, and of which manufacture is completed on or before December 31, 1979, which produces A-weighted sound levels in excess of 87 dB at any throttle setting except idle, when operated singly or when connected to a load cell, or in excess of 70 dB at idle, and when measured in accordance with the criteria specified in Subpart C of this part with slow meter response at a point 30 meters (100 feet) from the geometric center of the locomotive along a line that is both perpendicular to the centerline of the track and originates at the locomotive geometric center. All switcher locomotives that operate in a particular railroad facility are deemed to be in compliance with this standard if the A-weighted sound level from stationary switcher locomotives, singly or in combination with other stationary locomotives, does not exceed 65 dB when measured with slow meter response at any receiving property measurement location near that particular railyard facility and when measured in accordance wtih Subpart C of this regulation.

§ 201.12 Standard for locomotive operation under moving condition.

(a) Commencing December 31, 1976, no carrier subject to this regulation may operate any locomotive or combination of locomotives to which this regulation is applicable, and of which manufacture is completed on or before December 31, 1979, which produces A-weighted sound levels in excess of 96 dB when moving at any time or under any condition of

grade, load, acceleration, or deceleration, when measured in accordance with the criteria specified in Subpart C of this regulation with fast meter response at 30 meters (100 feet) from the centerline of any section of track having less than a two (2) degree curve (or a radius of curvature greater than 873 meters (2865 feet)).

(b) No carrier subject to this regulation may operate any locomotive or combination of locomotives to which this regulation is applicable, and of which manufacture is completed after December 31, 1979, which produce A-weighted sound levels in excess of 90 dB when moving at any time or under any condition of grade, load, acceleration, or deceleration, when measured in accordance with the criteria specified in Subpart C of this part with fast meter response at 30 meters (100 feet) from the centerline of any section of track having less than a two (2) degree curve (or a radius of curvature greater than 873 meters (2,865 feet)).

(c) Commencing January 15, 1984, no carrier subject to this regulation may operate any switcher locomotive or a combination of switcher locomotives to which this regulation is applicable, and of which manufacture is completed on or before December 31, 1979 which produce A-weighted sound levels in excess of 90 dB when moving at any time or under any condition of grade, load, acceleration or deceleration, and when measured in accordance with the criteria in Subpart C of this part with fast meter response at 30 meters (100 feet) from the centerline of any section of track having less than a two (2) degree curve (or a radius of curvature greater than 873 meters (2,865 feet)). All switcher locomotives that operate in a particular railroad facility are deemed to be in compliance with this standard if the A-weighted sound level from stationary switcher locomotives, singly or in combination with other stationary locomotives, does not exceed 65 dB when measured with fast meter response at any receiving property measurement location near that particular railyard facility and when measured in accordance with Subpart C of this regulation.

§ 201.13 Standard for rail operations.

Effective December 31, 1976, no carrier subject to this regulation shall operate any rail car or combination of rail cars which while in motion produce sound levels in excess of (1) 88 dB(A) at rail car speeds up to and including 75 km/hr (45 mph); or (2) 93 dB(A) at rail car speeds greater than 72 km/hr (45 mph); when measured in accordance with the criteria specified in Subpart C of this part with fast meter response at 30 meters (100) feet from the centerline of any section of track which is free of special track work or bridges or trestles and which exhibits less than a two (2) degree curve (or a radius of curvature greater than 873 meters (2,865 feet)).

§ 201.14 Standard for retarders.

Effective January 15, 1984, no carrier subject to this regulation shall operate retarders that exceed an adjusted average maximum A-weighted sound level of 83 dB at a receiving property measurement location, when measured with fast meter response in accordance with Subpart C of this part.

§ 201.15 Standard for car coupling operations.

Effective January 15, 1984, no carrier subject to this regulation shall conduct car coupling operations that exceed an adjusted average maximum A-weighted sound level of 92 dB at the receiving property measurement location, when measured with fast meter response in accordance with Subpart C of this part, except, such coupling will be found in compliance with this standard and the carrier will be considered in compliance, if the railroad demonstrates that the standard is exceeded at the receiving property measurement locations (where the standard was previously exceeded) when cars representative of those found to exceed the standard are coupled at similar locations at coupling speeds of eight miles per hour or less.

§ 201.16 Standard for locomotive load cell test stands.

(a) Effective January 15, 1984, no carrier subject to this reguation shall operate locomotive load cell test stands that exceed an A-weighted sound level of 78 dB when measured with slow meter response in accordance with Subpart C of this part excluding § 201.23 (b) and (c), at a point 30 meters (100 feet) from the geometric center of the locomotive undergoing test, along a line that is both perpendicular to the centerline of the track and originates at the locomotive geometric center, and in the direction most nearly towards the closest receiving property measurement location. All locomotive load cell test stands in a particular railroad facility are in compliance with this standard if the A-weighted sound level from the load cells does not exceed 65 dB at a receiving property measurement location near that particular railyard facility and when measured with fast meter response in accordance with Subpart C of this regulation.

(b) If the conditions of any part of § 201.23(a) cannot be met at a specific load cell test stand site, then the A-weighted sound level from that specific load cell test stand must not exceed 65 dB when measured with fast meter response at a receiving property measurement location more than 120 meters (400 feet) from the geometric center of the locomotive being tested and in accordance with Subpart C of this regulation.

Subpart C—Measurement Criteria

§ 201.20 Applicability and purpose.

The following criteria are applicable to and contain the necessary parameters and procedures for the measurement of the noise emission levels prescribed in the standards of Subpart B of this part. These criteria are specified in order to further clarify and define such standards. Equivalent measurement procedures may be used for establishing compliance with these regulations. Any equivalent measurement procedure, under any circumstance, shall not result in a more stringent noise control requirement than those specified in this regulation using the measurement procedures in Subpart C.

§ 201.21 Quantities measured.

The quantities to be measured under the test conditions described below, are the A-weighted sound levels for "fast" or "slow" meter response as defined in the American National Standard S1.4-1971.

§ 201.22 Measurement instrumentation.

(a) A sound level meter or alternate sound level measurement system that meets, as a minimum, all the requirements of American National Standard S1.4—1971 [1] for a Type 1 (or S1A) instrument must be used with the "fast" or "slow" meter response chacteristic as specified in Subpart B. To

[1] American National Standards are available from the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

insure Type 1 response, the manufacturer's instructions regarding mounting or orienting of the microphone, and positioning of the observer must be observed. In the event that a Type 1 (or S1A) instrument is not available for determining non-compliance with this regulation, the measurements may be made with a Type 2 (or S2A), but with the measured levels reduced by the following amount to account for possible measurement instrument errors pertaining to specific measurements and sources:

Table 1.—*Sound Level Corrections When Using a Type 2 (or S2A) Instrument*

Measurement section	Source	Decibels [1]
201.24	Locomotives	0
	Rail cars	0
	Locomotive load cell test stand	0
201.26	Retarder	4
	Car coupling	2
201.27	Locomotive load cell test stand.	0
	Stationary locomotive	0

[1] Amount of correction to be subtracted from measured level (dB).

(b) A microphone windscreen and an acoustic calibrator of the coupler type must be used as recommended by: (1) the manufacturer of the sound level meter or (2) the manufacturer of the microphone. The choice of both devices must be based on ensuring that Type 1 or Type 2 performance, as appropriate, is maintained for frequencies below 10,000 Hz.

§ 201.23 Test Site, weather conditions and background noise criteria for measurement at a 30 meter (100 feet) distance of the noise from locomotive and rail car operations and locomotive load cell test stands.

(a) The standard test site shall be such that the locomotive or train radiates sound into a free field over the ground plane. This condition may be considered fulfilled if the test site consists of an open space free of large, sound reflecting objects, such as barriers, hills, signboards, parked vehicles, locomotives or rail cars on adjacent tracks, bridges or buildings within the boundaries described by Figure 1, as well as conforms to the other requirements of this § 201.23.

(b) Within the complete test site, the top of at least one rail upon which the locomotive or train is located shall be visible (line of sight) from a position 1.2 meters (4 feet) above the ground at the microphone location, except as provided in paragraph (c) of this section.

(c) Ground cover such as vegetation, fenceposts, small trees, telephone poles, etc., shall be limited within the area in the test site between the vehicle under test and the measuring microphone such that 80 percent of the top of at least one rail along the entire test section of track be visible from a position 1.2 meters (4 feet) above the ground at the microphone location; except that no single obstruction shall account for more than 5 percent of the total allowable obstruction.

(d) The ground elevation at the microphone location shall be within plus 1.5 meters (5 feet) or minus 3.0 meters (10 feet) of the elevation of the top of the rail at the location in-line with the microphone.

(e) Within the test site, the track shall exhibit less than a 2 degree curve or a radius of curvature greater than 873 meters (2,865 feet). This paragraph shall not apply during a stationary test. The track shall be tie and ballast, free of special track work and bridges or trestles.

(f) Measurements shall not be made during precipitation.

(g) The maximum A-weighted fast response sound level observed at the test site immediately before and after the test shall be at least 10 dB(A) below the level measured during the test. For the locomotive and rail car pass-by tests this requirement applies before and after the train containing the rolling stock to be tested has passed. This background sound level measurement shall include the contribution from the operation of the load cell, if any, including load cell contribution during test.

(h) Noise measurements may only be made if the measured wind velocity is 19.3 km/hr (12 mph) or less. Gust wind measurements of up to 33.2 km/hr (20 mph) are allowed.

§ 201.24 Procedures for measurement at a 30 meter (100 feet) distance of the noise from locomotive and rail car operations and locomotive load cell test stands.

(a) *Microphone positions.* (1) The microphone shall be located within the test site according to the specifications given in the test procedures of paragraphs (b), (c) and (d) of this section, and shall be positioned 1.2 meters (4 feet) above the ground. It shall be oriented with respect to the source in accordance with the manufacturer's recommendations.

(2) The observer shall not stand between the microphone and the source whose sound level is being measured.

(b) *Stationary locomotive and locomotive load cell test stand tests.* (1) For stationary locomotive and locomotive load cell test stand tests, the microphone shall be positioned on a line perpendicular to the track at a point 30 meters (100 feet) from the track centerline at the longitudinal midpoint of the locomotive.

(2) The sound level meter shall be observed for thirty seconds after the test throttle setting is established to assure operating stability. The maximum sound level observed during that time shall be utilized for compliance purposes.

(3) Measurement of stationary locomotive and locomotive load cell test stand noise shall be made with all cooling fans operating.

(c) *Rail car pass-by test.* (1) For rail car pass-by tests, the microphone shall be positioned on a line perpendicular to the track 30 meters (100 feet) from the track centerline.

(2) Rail car noise measurements shall be made when the locomotives have passed a distance 152.4 meters (500 feet) or 10 rail cars beyond the point at the intersection of the track and the line which extends perpendicularly from the track to the microphone location, providing any other locomotives are also at least 152.4 meters (500 feet) or 10 rail car lengths away from the measuring point. The maximum sound level observed in this manner which exceeds the noise levels specified in § 201.13 shall be utilized for compliance purposes.

(3) Measurements shall be taken on reasonably well maintained tracks.

(4) Noise levels shall not be recorded if brake squeal is present during the test measurement.

(d) *Locomotive pass-by test.* (1) For locomotive pass-by tests, the microphone shall be positioned on a line perpendicular to the track at a point 30 meters (100 feet) from the track centerline.

(2) The noise level shall be measured as the locomotive approaches and passes by the microphone location. The maximum noise level observed during this period shall be utilized for compliance purposes.

(3) Measurements shall taken on reasonably well maintained tracks.

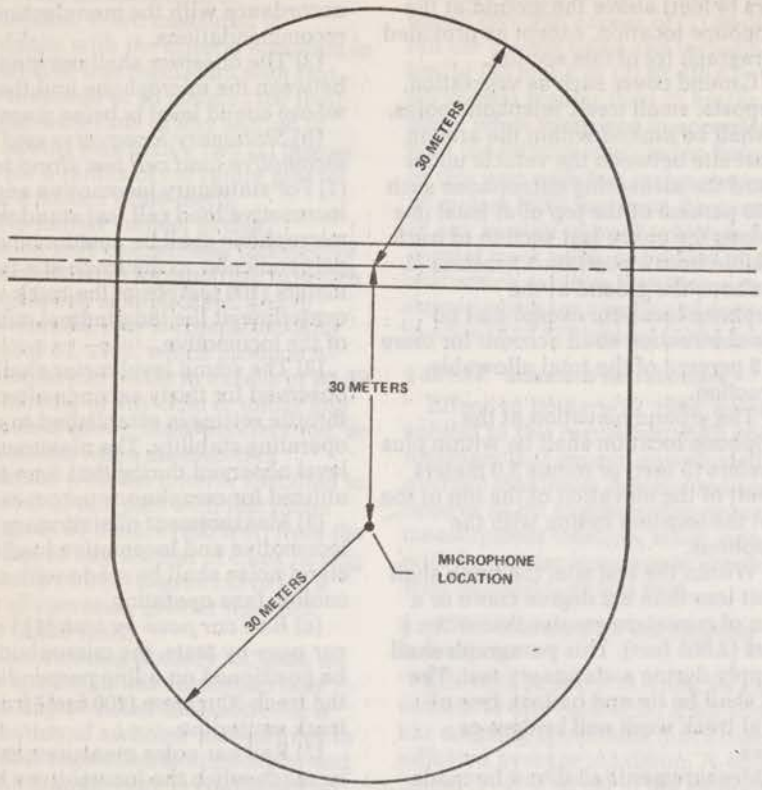


Figure 1. Test Site Clearance Requirement for Stationary Locomotive, Locomotive Pass-by, Rail Car Pass-by, and Locomotive Load Cell Test Stand Tests.

§ 201.25 Measurement location and weather conditions for measurement on receiving property of the noise of retarders, car coupling, locomotive load cell test stands, and stationary locomotives.

(a) Measurements must be conducted only at receiving property measurement locations.

(b) Measurement locations on receiving property must be selected such that no substantially vertical plane surface, other than a residential or commercial unit wall or facility boundary noise barrier, that exceeds 1.2 meters (4 feet) in height is located within 10 meters (33.3 feet) of the microphone and that no exterior wall of a residential or commercial structure is located within 2.0 meters (6.6 feet) of the microphone. If the residential structure is a farm home, measurements must be made 2.0 to 10.0 meters (6.6 to 33.3 feet) from any exterior wall.

(c) No measurement may be made when the average wind velocity during the period of measurement exceeds 19.3 km/hr (12 mph) or when the maximum wind gust velocity exceeds 32.2 km/hr (20 mph).

(d) No measurement may be taken when precipitation, e.g., rain, snow, sleet, or hail, is occurring.

§ 201.26 Procedures for the measurement on receiving property of retarder and car coupling noise.

(a) *Retarders.* (1) *Microphone:* The microphone must be located on the receiving property and positioned at a height between 1.2 and 1.5 meters (4 to 5 feet) above the ground. The microphone must be positioned with respect to the equipment in accordance with the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate. No person may stand between the microphone and the equipment being measured or be otherwise positioned relative to the microphone at variance with the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate.

(2) *Data:* The maximum A-weighted sound levels (FAST) for every retarder sound observed during the measurement period must be read from the indicator and recorded. At least 30 consecutive retarder sounds must be measured. The measurement period must be at least 60 minutes and not more than 240 minutes.

(3) *Adjusted average maximum A-weighted sound level:* The energy average level for the measured retarder sounds must be calculated to determine the value of the average maximum A-weighted sound level ($L_{ave\ max}$). This value is then adjusted by adding the adjustment (C) from Table 2 appropriate to the number of measurements divided by the duration of the measurement period (n/T), to obtain the adjusted average maximum A-weighted sound level ($L_{adj\ ave\ max}$) for retarders.

(b) *Car coupling impact.*

(1) *Microphone:* The microphone must be located on the receiving property and at a distance of at least 30 meters (100 feet) from the centerline of the nearest track on which car coupling occurs and its sound is measured (that is, either the microphone is located 30 meters (100 feet) from the nearest track on which couplings occur, or all sounds resulting from car coupling impacts that occur on tracks with centerlines located less than 30 meters (100 feet) from the microphone are disregarded). The microphone shall be positioned at a height between 1.2 and 1.5 meters (4 and 5 feet) above the ground, and it must be positioned with respect to the equipment in accordance with the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate. No person may stand between the microphone and the equipment being measured or be otherwise positioned relative to the microphone at variance with the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate.

(2) *Data:* The maximum A-weighted sound levels (FAST) for every car coupling impact sound observed during the measurement period must be read from the indicator and recorded. At least 30 consecutive car coupling impact sounds must be measured. The measurement period must be at least 60 minutes and not more than 240 minutes, and must be reported.

Table 2.—*Adjustment to* $L_{ave\ max}$ To Obtain $L_{adj\ ave\ max}$ for Retarders and Car Coupling Impacts [1]

$\frac{n}{T} = \frac{\text{number of measurements}}{\text{measurement duration (min)}}$	C = Adjustment in dB
0.111 to 0.141	−9
0.142 to 0.178	−8
0.179 to 0.224	−7
0.225 to 0.282	−6
0.283 to 0.355	−5
0.356 to 0.447	−4
0.448 to 0.562	−3
0.563 to 0.708	−2
0.709 to 0.891	−1
0.892 to 1.122	0
1.123 to 1.413	+1
1.414 to 1.778	+2
1.779 to 2.239	+3
2.240 to 2.818	+4
2.819 to 3.548	+5
3.549 to 4.467	+6

[1] $L_{adj\ ave\ max} = L_{ave\ max} + C$ in dB.

Values in Table 2 were calculated from [C = 10 log n/T] with intervals selected to round off values to the nearest whole decibel. The table may be extended or interpolated to finer interval gradations by using this defining equation.

(3) *Adjusted average maximum A-weighted sound level:* The energy average level for the measured car coupling sounds is calculated to determine the average maximum sound level ($L_{ave\ max}$). It is then adjusted by adding the adjustment (C) from Table 2 appropriate to the number of measurements divided by the duration of the measurement period (n/T), to obtain the adjusted average maximum A-weighted sound level ($L_{adj\ ave\ max}$) for car coupling impacts.

§ 201.27 Procedures for: (1) determining applicability of the locomotive load cell test stand standard and switcher locomotive standard by noise measurement on a receiving property; (2) measurement of locomotive load cell test stands more than 120 meters (400 feet) on a receiving property.

(a) *Microphone:* The microphone must be located at a receiving property measurement location and must be positioned at a height between 1.2 and 1.5 meters (4 and 5 feet) above the ground. Its position with respect to the equipment must be in accordance with the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate. No person may stand between the microphone and the equipment being measured or be otherwise positioned relative to the microphone at variance to the manufacturers' recommendations for Type 1 or Type 2 performance as appropriate.

(b) *Data:* (1) When there is evidence that at least one of these two types of nearly steady state sound sources is affecting the noise environment, the following measurements must be made. The purpose of these measurements is to determine the A-weighted L_{90} statistical sound level, which is to be used as described in subparagraph (c) below to determine the applicability of the source standards. Before this determination can be made, the measured L_{90} is to be "validated" by comparing the measured L_{10} and L_{99} statistical sound levels. If the difference between these levels is sufficiently small (4 dB or less), the

source(s) being measured is considered to be a nearly steady state source.

(2) Data shall be collected by measuring the instantaneous A-weighted sound level (SLOW) at a rate of at least once each 10 seconds for a measurement period of at least 15 minutes and until 100 measurements are obtained. The data may be taken manually by direct reading of the indicator at 10 second intervals (±1 second), or by attaching a statistical analyzer, graphic level recorder, or other equivalent device to the sound level meter for a more continuous recording of the instantaneous sound level.

(3) The data shall be analyzed to determine the levels exceeded 99%, 90%, and 10% of the time, i.e., L_{99}, L_{90}, and L_{10}, respectively. The value of L_{90} is considered a valid measure of the A-weighted sound level for the standards in § 201.16 only if the difference between L_{10} and L_{99} has a value of 4 dB or less. If a measured value of L_{90} is not valid for this purpose, measurements may be taken over a longer period to attempt to improve the certainty of the measurement and to validate L_{90}. If L_{90} is valid and is less than the level in applicable standards for these source types, the sources are in compliance. If the measured value of L_{90} is valid and exceeds the initial 65 dB requirement for any of the source types that appear to be affecting the noise environments, the evaluation according to the following subparagraph (c) is required.

(c) *Determination of Applicability of the Standard When L_{90} is Validated and is in Excess of One or More of the Source Standards:* The following procedures must be used to determine the compliance of the various source types when L_{90} is validated and in excess of one or more of the applicable standards.

(1) The principal direction of the nearly steady-state sound at the measurement location must be determined, if possible, by listening to the sound and localizing its apparent source(s). If the observer is clearly convinced by this localization process that the sound emanates only from one or both of these two sources, then:

(i) If only stationary locomotive(s), including at least one switcher locomotive, are present, the value of L_{90} is the value of the A-weighted sound level to be used in determining if the 65 dB requirement is exceeded and compliance with the standards in § 201.11(c) and § 201.12(c) is necessary.

(ii) If only a locomotive load cell test stand and the locomotive being tested are present and operating, the value of L_{90} is the value of the A-weighted sound level to be used in determining applicability of the standard in § 201.16.

(iii) If a locomotive load cell test stand(s) and the locomotive being tested are present and operating with stationary locomotive(s), including at least one switcher locomotive, the value L_{90} minus 3 dB is the value of the A-weighted sound level to be used in determining applicability of the standards in § 201.11(c), § 201.12(c) and § 201.16.

(iv) If a locomotive load cell test stand(s) and the locomotive being tested are present and operating, and a stationary locomotive(s) is present, and if the nearly steady-state sound level is observed to change by 10 dB, coincident with evidence of a change in operation of the locomotive load cell test stand but without apparent change in the location of stationary locomotives, another measurement of L_{90} must be made in accordance with paragraph (b) of this section. If this additional measure of L_{90} is validated and differs from the initial measure of L_{90} by an absolute value of 10 dB or more, then the higher value of L_{90} is the value of the A-weighted sound level to be used in determining applicability of the standard in § 201.16.

(2) In order to accomplish the comparison demonstration of (3) below, when one or more source types is found not to be in compliance with the applicable standard(s), documentation of noise source information shall be necessary. This will include, but not be limited to, the approximate location of all sources of each source type present and the microphone position on a diagram of the particular railroad facility, and the distances between the microphone location and each of the sources must be estimated and reported. Additionally, if other rail or non-rail noise sources are detected, they must be identified and similarly reported.

(3) If it can be demonstrated that the validated L_{90} is less than 5 dB greater than any L_{90} measured at the same receiving property location when the source types that were operating during the initial measurement(s) are either turned off or moved, such that they can no longer be detected, the initial value(s) of L_{90} must not be used for determining applicability to the standards. This demonstration must be made at a time of day comparable to that of the initial measurements and when all other conditions are acoustically similar to those reported in paragraph (c)(2) of this section.

§ 201.28 Testing by railroad to determine probable compliance with the standard.

(a) To determine whether it is probably complying with the regulation,

and therefore whether it should institute noise abatement, a railroad may take measurements on its own property at locations that:

(1) Are between the source and receiving property

(2) Derive no greater benefit from shielding and other noise reduction features that does the receiving property; and

(3) Otherwise meet the requirements of § 201.25.

(b) Measurements made for this purpose should be in accordance with the appropriate procedures in § 201.26 or § 201.27. If the resulting level is less than the level stated in the standard, then there is probably compliance with the standard.

(c) This procedure is set forth to assist the railroad in devising its compliance plan, not as a substantive requirement of the regulation.

[FR Doc. 80-5 Filed 1-30-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Friday
January 4, 1980

Part III

Federal Trade Commission

Privacy Act of 1974; Systems of Records; Annual Publication

FEDERAL TRADE COMMISSION

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: Federal Trade Commission.

ACTION: Annual publication of agency systems of records.

SUMMARY: Pursuant to 5 U.S.C. 552(e)(4) the Federal Trade Commission publishes the Notices for the systems of records currently maintained by the agency. Notices for eight systems previously published in the **Federal Register** have been withdrawn because the systems are longer subject to the Privacy Act reporting requirement. One new system of records has been established. It is FTC–53 Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List.

COMMENT DATE: Any interested party may submit written comments regarding the new FTC–53 system of records. To be considered, comments must be received on or before March 4, 1980.

Address comments to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Comments received will be available for public inspection at the above address from 9 a.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Brenda Hull, Office of General Counsel, (202) 523–3624.

SUPPLEMENTARY INFORMATION: For the reasons given below the Commission deletes the following systems of records:

FTC–5, Commission Minutes: These records are no longer retrievable by personal identifier.

FTC–6, Mail Order Rule Complaint Letters, Abstracts of: This system has been merged into FTC–2, Correspondence Control.

FTC–29, Litigation Information Management System for Investigations, Rulemaking and Adjudicatory Proceedings: This system has been merged into FTC–28 Investigational, Legal and Public Records.

FTC–38, Public Information Making List, Seattle Regional Office. This system has been revoked.

FTC–42, Basis Computerized System, Bureau of Competition: This system will not be implemented. It was announced in the **Federal Register** at 42 FR 47420 (1977).

FTC–43, Internal Assignment Tracking System, Office of General Counsel: This system will not be implemented. It was announced in the **Federal Register** at 42 FR 47420 (1977).

FTC–44, Assurances of Voluntary Compliance (AVC): These records are no longer maintained by the Federal Trade Commission. All old records are currently stored at the Federal Records Center, Suitland, Maryland.

FTC–47, Consumer Complaint/Inquiry Files, Chicago Regional Office. This system has been revoked.

FTC–48, Contacts by Persons Outside the Commission Relating to Investigations or Cases: These records are no longer retrievable by personal identifier.

FTC–50, Holders of Registered Identification Numbers: This system does not contain personal information on individuals.

The one new system proposed by the Agency, FTC–53 Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing Lists will contain comments from the public on the proposed Blue Cross/Blue Shield trade regulation rule. The proposed system will become effective March 4, 1980, unless the agency publishes a notice to the contrary.

By direction of the Commission dated December 18, 1979.

Carol M. Thomas,

Secretary.

FTC–1

SYSTEM NAME:

Biographies of Commissioners and Key Staff Members—FTC

SYSTEM LOCATION:

Office of Public Information–Room 496, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioners and key Federal Trade Commission Staff members (current).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, biographical data (such as education, employment, etc.), and in some cases a photograph and/or news release on the individual's appointment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Resource material for writing news releases and FTC publications, and for filling requests for information from members of the media; used by OPI staff members. (With concurrence of individual concerned, information is prepared in biographical sketch format for release to news media and general public upon request.)

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Written documents and glossy photographs in manila folders in lockable file cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Available to public.

RETENTION AND DISPOSAL:

Upon or shortly after departure from Commission, individual's biographical sketch and photograph are destroyed. Photos may be given to subject.

SYSTEM MANAGER(S) AND ADDRESS:

Public Information Assistant, Office of Public Information, Room 496, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual whose biography and/or picture is contained in the system.

FTC–2

SYSTEM NAME:

Correspondence Control System—FTC

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals formally requesting information from, or submitting complaints to, the Federal Trade Commission (including regional offices)

in writing; staff members assigned to respond to correspondence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Writer's name and address; nature of inquiry or complaint, including product and violation codes; name of staff members assigned to respond to letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by headquarters and regional office staff as a management tool for tracking correspondence coming into the Federal Trade Commission (including regional offices), including keeping abreast of assignments and response deadlines. Nonpersonal information is abstracted to provide statistical data on the number and types of correspondence to which the Commission responds.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another Federal, State, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Daily data temporarily held on Daconics' magnetic disc at FTC; data is then forwarded (daily) to Comnet for long-term storage on a Comnet magnetic disc.

RETRIEVABILITY: BY NAME.

SAFEGUARDS:

Access restricted to personnel whose responsibilities require access. Access to Comnet computer restricted to personnel who have knowlege of computer password.

RETENTION AND DISPOSAL:

Records are retained in Comnet computer for 6 months after response to correspondence has been made, then purged from system after nonpersonal data has been added to a statisicial accounting file. Retention beyond six months is possible if circumstances so require.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20560.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained; supervisors.

FTC–3

SYSTEM NAME:

Case/Project Tracking and Weekly Activity Reporting System—FTC

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Most FTC professional and semi-professional employees and some clerical employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, FTC ID number, organization, occupation category, all cases and projects assigned, and all case and project information both past and present.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Management and budgeting tool within Commission. Responses to congressional inquiries.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape.

RETRIEVABILITY:

By case, program, organization, individual (ID no. or name).

SAFEGUARDS:

Password. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Perpetual retention.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Data Processing and Information Systems Division, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual weekly activity reports.

FTC–4

SYSTEM NAME:

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Room 561, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information relating to traffic accidents and other incidents in which the FTC may be liable for property damage or loss or personal injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. Sec. 2671 et seq. Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. Sec. 241 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine whether the FTC should honor claims for personal injuries or loss or damage to property in incidents involving FTC employees. Referral to

Department of Justice, GSA, or other federal agency when the matter comes within the jurisdiction of such agency. Discussion and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in manila file folders in file cabinet.

RETRIEVABILITY:

The system is filed alphabetically by name of the FTC employee involved in each incident.

SAFEGUARDS:

The files are stored in an unlocked file cabinet in the Office of the Tort Claims Officer. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

The records are stored for 10 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information is obtained from claimant, FTC employee involved in incident, other FTC employees or other persons having knowledge of the circumstances, official police report (if any), and insurance company representing claimant (if any).

SYSTEM NAME:

. Congressional Correspondence Coordination Unit Records, Office of General Counsel-FTC.

SYSTEM LOCATION:

Congressional Correspondence Coordination Unit, Room 583, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, President and Vice President.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; title; any other personal information in letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local government agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Disclosure may be made to a congressional office, White House Correspondence Office and the Vice President's Correspondence Office from the record of an individual only when these offices make requests on behalf of the private citizen.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila folders.

RETRIEVABILITY:

Indexed by name of congressman, President and Vice President.

SAFEGUARDS:

Stored in lockable metal cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center at end of six years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel for Congressional Liaison, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Congressmen.

FTC–8

SYSTEM NAME:

Congressional Inquiry Files, Dallas Regional Office-FTC.

SYSTEM LOCATION:

Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Constituents who have written their congressional representative for aid in resolving consumer problems and members of Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains consumer letters, letters from member of Congress transmitting the complaint, FTC's acknowledgment of the complaint, and the FTC's reply to the congressional representative.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FTC Administrative Manual, 1–201.1; Federal Records Act, Section 506(a); GSA Regulations (Sec. 101–11.209–3); Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or

local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained generally on letterhead forms.

RETRIVABILITY:

Indexed by name of member of Congress.

SAFEGARDS:

Records are maintained in a file cabinet locked by key. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained for 6 months and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Federal Trade Commission, Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, members of Congress.

FTC-9

SYSTEM NAME:

Consultant Files, Division of National Advertising, Bureau of Consumer Protection-FTC

SYSTEM LOCATION:

Bureau of Consumer Protection, Federal Trade Commission, Star Building, Rm. 6414A, 1101 Pennsylvania Ave., N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants consisting of experts in various fields including medical and scientific.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, resume of employment, lists of publications in field, copies of application forms submitted to FTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Identification of medical doctors, scientists and other experts who are available on a consultant basis to advise professional staff members of Divisions of the Bureau of Consumer Protection. Used by staff members of the Divisions of the Bureau of Consumer Protection.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter-size files in regulation cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Secured as are other files by locking of office door at night. Building guard stationed at building entrance. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Divisions of Advertising Practices and Food and Drug Advertising, Federal Trade Commission, Star Building—Room 6414A, 1101 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

SYSTEM NAME:

Consumer and Industry Correspondence Files, Division of Credit Practices; Bureau of Consumer Protection-FTC

SYSTEM LOCATION:

Division of Credit Practices, 633 Indiana Avenue, N.W., Washington, D.C. 20580, Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumer and Industry Correspondents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act, Truth in Lending Act, Fair Credit Reporting Act, Equal Credit Reporting Act, Equal Credit Opportunity Act, Fair Credit Billing Act and Fair Debt Collection Practices Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when congressional office makes a request on behalf of a private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, on credit document coding forms, and on disc.

RETRIEVABILITY:

Folders are indexed by name—usually corporate name. Computer retrievability

of the credit document coding form by consumer name, industry name, statute, Equal Credit Opportunity Act categories and statutory violation section.

SAFEGUARDS:

Maintained in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Selected statutory correspondence maintained indefinitely; other materials retained for a minimum of 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Credit Practices, Bureau of Consumer Protection, 633 Indiana Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual.

FTC–11

SYSTEM NAME:

Consumer Complaint Files, Atlanta Regional Office-FTC

SYSTEM LOCATION:

Atlanta Regional Office, 1718 Peachtree Street, NW., Room 1000, Atlanta, Georgia 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of letters from individuals filing complaints as to unsatisfactory commercial transactions and practices of various firms, businesses and individuals. System also includes a complaint log identifying party complained of and individual complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in letter-size file folder.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Filed in metal file cabinet. Office locked when unattended. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for a minimum of one year and destroyed by delivering to and placing the material in local government-operated incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Atlanta Regional office, 1718 Peachtree Street, N.W., Room 1000, Atlanta, Georgia 30309.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

From individual members of the public and occasionally from other federal and state agencies.

FTC–12

SYSTEM NAME:

Consumer Complaint File, Dallas Regional Office-FTC

SYSTEM LOCATION:

Federal Trade Commission, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or requested information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and location of company complained about, violation, date complaint was received, correspondence number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify companies complained about, number of complaints received on a company and to identify problems in a particular industry. To respond to correspondence.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Referral to person, partnership, or corporation complained about when considered appropriate by Commission staff or by another Federal, State, or local governmental agency to whom matter has been referred.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed folders file numerically. Indexed stored on Daconics disc.

RETRIEVABILITY:

Retrieval is by violation code, product code, complaint's name, state, and the name of the company the complaint was filed against.

SAFEGUARDS:

Stored in lockable file cabinets and on Daconics disc. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are retained for 1 year in the Dallas Regional Office and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Federal Trade Commission, 2001 Bryan Tower, Suite 2665, Dallas Texas 75201.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual filing complaint.

FTC-13

SYSTEM NAME:

Consumer Complaint Files, Division of Marketing Abuses; Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Division of Marketing Abuses, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons associated with, affiliated with, or representing the businesses involved in the alleged practices. Persons affected by the business or its alleged practices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; transaction history with persons, partnerships or corporations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 5 of the Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local government agencies for appropriate acton when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders, on franchise coding forms, and on disc.

RETRIEVABILITY:

Indexed by name, company involved, alleged practice, names of persons associated with, affiliated with, or representing the business involved in the alleged practices, names of persons affected by the business or its alleged practices, source of contact, type of franchise, method of promotion, state of violation, product name, product category, source, victim, accession number, location number, types of violations, amount of initial fees.

SAFEGUARDS:

Filing cabinets in secure buildings, computer ID required to enter computer system, computer job control language required to activate data, computer password required to open file. Access to computer system and filing cabinets restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained until enforcement action is final and then removed to General Services Administration for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Marketing Abuses, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Consumer; federal, state or local enforcement agencies; private organizations (e.g., Better Business Bureaus, consumer hot lines) that received consumer complaint letters.

FTC-14

SYSTEM NAME:

Consumer Complaint Files, Los Angeles Regional Office-FTC

SYSTEM LOCATION:

Federal Trade Commission, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who submit complaints against companies, practices, individuals in the Los Angeles Office area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; information about the practices, activities, policies of organizations or individuals submitted by various complainants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any ageny to which the matter is referred.

Referral to person, partnership, or corporation complained about when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders

RETRIEVABILITY:

Indexed in log book by name of complainant.

SAFEGUARDS:

Stored in file cabinets. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Regional Director, Federal Trade Commission, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Consumers and business complainants.

FTC–15

SYSTEM NAME:

Applications for Reimbursement for Participation in Rulemaking Proceedings-FTC

SYSTEM LOCATION:

Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

Office of the Special Assistant for Public Participation, General Counsel—Room 579, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 18(h) of the Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED FOR THE SYSTEM, INCLUDING CATEGORIES OF USERS:

Used by the Officers presiding over rulemaking proceedings and the staff, the Deputy Director for Operations, Bureau of Consumer Protection, General Counsel, and the Assistant General Counsel for Legal Counsel, Office of Policy Planning and Evaluation and Executive Director Office in determining whether to compensate applicants for expenses to be incurred in participating in rulemaking proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All material submitted by applicants, related correspondence, and all determinations by the General Counsel are placed on the public record (1) in the rulemaking record and (2) in binders devoted solely to such applications.

STORAGE:

(1) Stored in binders on the public record in the Public Reference Room; (2) duplicate and related internal memoranda stored in file folders in Room 579.

RETRIEVABILITY:

Filed under title of rulemaking proceeding and indexed by name of applicant.

SAFEGUARD:

Maintained in lockable offices.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission (Address same as System Location), Special Assistant for Public Participation, Office of the General Counsel, Federal Trade Commission (Address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the title of the rulemaking proceeding.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual applicant and commenting third parties, if any.

FTC—16

SYSTEM NAME:

Consumer Complaint Letters, Seattle Regional Office—FTC

SYSTEM LOCATION:

Seattle Regional Office, Federal Trade Commission, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons who direct a consumer complaint or request for assistance or information to the Seattle Regional Office, FTC, or those forwarding a complaint from a consumer such as a member of the media or another federal, state or local agency; individuals against whom complaints are received.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address, nature of the consumer's complaint, the name and location of the party complained of, and the supporting documents where provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; FTC Operating Manual provides for processing of consumer complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained alphabetically by company name in file cabinet.

RETRIEVABILITY:

Alphabetically by name of company complained of.

SAFEGUARDS:

Files are maintained in folders in a file cabinet; responsibility of file clerk. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Seattle Regional Office, 2840 Federal Building, 915 Second Avenue, Seattle, Washington 98174.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Those consumers who have submitted a complaint or a request for assistance or information.

SYSTEM NAME:

Consumer Mailing List, Los Angeles Regional Office—FTC.

SYSTEM LOCATION:

Federal Trade Commission, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested publications from Los Angeles Regional Office and individuals who receive local Call for Comment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; mailing address; business title, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail Los Angeles Regional Office publications, FTC publications, and local Call for Comment to listed names. Used by Regional Office personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Daconics magnetic disc.

RETRIEVABILITY:

By name.

SAFEGUARDS: DACONICS DISC STORAGE. ACCESS RESTRICTED TO THOSE AGENCY PERSONNEL WHOSE RESPONSIBILITIES REQUIRE ACCESS.

RETENTION AND DISPOSAL:

By disc erasure when consumer no longer desires publications, or local Call for Comment. List is revised at least annually.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Room 13209, Los Angeles, California 90024.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvnia Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC—18

SYSTEM NAME:

Consumer Redress Lists, Compliance Division, Bureau of Consumer Protection—FTC

SYSTEM LOCATION:

Compliance Division, Bureau of Consumer Protection, Federal Trade Commission, 1726 M Street, Suite 1100, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers entitled to redress pursuant to Commission or court order.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and other information pertinent to identifying consumers qualifying for consumer redress in specific proceedings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

To identify consumers qualifying for consumer redress pursuant to Commission or court order. Used by Compliance Division personnel, other FTC personnel, and personnel of other federal agencies participating in proceedings involving consumer redress.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained until consumer redress is completed, then disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director for Compliance, Division of Compliance, Bureau of Consumer Protection, Federal Trade Commission, 1726 M Street, Suite 1100, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the firm or proceeding.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Affected consumers and other members of the public; persons, partnerships, or corporations subject to consumer redress orders.

SYSTEM NAME:

Correspondence With Compliance Division, Bureau of Consumer Protection, Concerning Parties Subject to Commission Orders—FTC

SYSTEM LOCATION:

Compliance Division, Bureau of Consumer Protection, Federal Trade

Commission, 1726 M Street, N.W., Suite 1100, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons corresponding with Compliance Division concerning parties subject to Commission orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to correspondence. To determine whether any further law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for appropriate action when the matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter may be referred.

Referral to person, partnerships, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom the matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manila file folders.

RETRIEVABILITY:

Indexed by name of the respondent within file of each compliance matter.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records maintained indefinitely in the Compliance Division or shipped to the Legal and Public Records Division of FTC for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director of Compliance (address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for persoanl information in this system to be obtained, a request must specify the name of the firm or proceeding.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals corresponding with Compliance Division.

FTC—20

SYSTEM NAME:

Employee Locator System—FTC

SYSTEM LOCATION:

Federal Trade Commission, Room 108, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; employee number; building code and room number, office telephone number; correspondence code; contact code; mail drop code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to produce Federal Trade Commission telephone book used by all agency personnel and mail locator listings used by mail room personnel; used by library staff to ascertain an employee's identification number for subsequent use in retrieving information from the Automated Serials Routing System (FTC–45).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc and tape.

RETRIEVABILITY:

By name or employee number.

SAFEGUARDS:

Access restricted to those agency personnel with knowledge of the computer password for the system.

RETENTION AND DISPOSAL:

Information is continuously updated; obsolete data is erased from system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities Management Section, Division of Administrative Services, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, administrative officers.

FTC—21

SYSTEM NAME:

Counseling Records-FTC

SYSTEM LOCATION:

Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Federal Trade Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Upward Mobility: Individual Development Plan and counseling notes; (b) Professional Training: Individual Development Plan and counseling notes; (c) Executive Development: Individual Development Plan and counseling notes; (d) Employee Relations: Counseling notes, unofficial memoranda about or given to employee concerning problem(s) which arise; (e) Debt Letters: Letters from creditors about debts owed by current employees and copies of employee responses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41; Executive Order 11348; EEO Act 1972; Executive Order 11478; Title 5 U.S.C. 735.207; Executive Order 9830; 5 U.S.C. Sec. 230.101; Federal Personnel Manual Chapter 250.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Upward Mobility, Professional Training and Executive Development—Used by program director or others whose official duties require such information to provide a record of employee goals and objectives and classes needed to attain those objectives and to maintain a record of courses taken.

Employee Relations and Debt—Used by Employee Relation Specialist or others whose official duties require such information. Information provides a record of counseling provided and resolution of problem(s). If the problem results in a disciplinary action, information in file may become part of an official record.

Referral to the Office of Personnel Management concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manila folders.

RETRIEVABILITY:

Records are indexed name.

SAFEGUARDS:

Records are stored in lockable metal filing cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Destroyed upon completion of the program (Upward Mobility, Professional and Executive Development Programs) or upon employee's separation from the agency (Employee Relations and Debt Counseling).

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual to whom the records pertain, supervisor, program manager, counselor.

FTC–22

SYSTEM NAME:

Disciplinary Action Investigatory Files—FTC

SYSTEM LOCATION:

Office of the Executive Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel, counsel for parties under investigatory or adjudicatory proceedings, and others participating in FTC matters, subject to investigation for possible improper or unethical conduct.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, current employment status, subject matter of investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Executive Order No. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of whether disciplinary action, including suspension or disbarment from practice before Commission, is warranted; could include transfer of information to Office of Personnel Management, to a court, or to a Bar Association. Used by agency personnel assigned to investigate and handle matter and by personnel of other agencies, court or Bar Association to whom matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in standard letter-size file cabinets, in Record Center Storage Containers, on microfilm or microfiche.

RETRIEVABILITY:

Indexed by individual name, company name, industry investigation title, file or docket number.

SAFEGUARDS:

Unlocked file cabinets with normal building security, record center storage and security. Access restricted to National Archives; remainder destroyed by shredding or burning. Docket records retained 5 years and then transferred to National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission (same address as in System Location).

NOTIFICATION PROCEDURE:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATAGEORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. Sec. 552a. See Section 4.13(m) of the Federal Trade Commission Rules of Practice, 16 C.F.R. Sec. 4.13(m).

FTC–23

SYSTEM NAME:

Financial Management System—FTC

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC personnel who travel or otherwise might be involved in reimbursement of expenses situations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name and employee number or social security number of person involved in travel or otherwise reimbursed for expenses conducted in performance of official duties of FTC. Information relating to travel expenses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 57.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH:

Identification and retrieval for use in financial reports of FTC. Recording information relating to expenses incurred by FTC personnel in performance of official duties.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Used by personnel of the Division of Budget and Finance.

STORAGE:

Computer hardcopy listing; computerized taped vendor file.

RETRIEVABILITY:

Indexed by name and employee number.

SAFEGUARDS:

Records are maintained in division files and computer file; access limited to Budget and Finance personnel.

RETENTION AND DISPOSAL:

Retained per GSA retention schedules, generally 3 years; then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Budget and Finance (same address as System Location).

NOTIFICATION PROCEDURE:

Records in this system are generally exempt from mandatory disclosure under 5 U.S.C. Sec. 552a(k)(2). However, some individual records may be disclosable, and access to them may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to U.S.C. Sec. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. Sec. 552a. See Section 4.13(m) of the Federal Trade Commission Rules of Practice, 16 C.F.R. Section 4.13(m).

FTC–24

SYSTEM NAME:

Financial Statements of Commissioners-elect-FTC

SYSTEM LOCATION:

Office of General Counsel, Rm. 568, Federal Trade Commission, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FTC Commissioners-elect.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial statements of Commissioners-elect: lists of personal property, stocks, bonds, indebtedness, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reviewed for adequacy of disclosure and potential conflict of interest purposes when a new Commissioner-elect requests assistance with his financial statements. Used by the General Counsel and his staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in a legal-size accordion folder.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in a wooden locked cabinet in GC's Secretary's office. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held since 1970. Retention indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–25

SYSTEM NAME:

General Correspondence Records—FTC

SYSTEM LOCATION:

Office of the Secretary, Correspondence Branch, Federal Trade Commission, Room 701, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers; individuals; public officials; company and corporation officers; attorneys; members of consumer groups, student groups, and committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters of complaint, inquiry, comment, petitions, and/or communications concerning FTC actions and activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to previous correspondence. To determine whether any law enforcement or other action by FTC may be warranted. Referral to other federal, state, or local governmental agencies for approporiate action when matter complained of or inquired about comes within the jurisdiction of such agency. Used by FTC employees and by personnel of any agency to which the matter is referred.

Referral to person, partnership, or corporation complained about, when considered appropriate by Commission staff or by another federal, state, or local governmental agency to whom matter has been referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size standard file cabinets.

RETRIEVABILITY:

Indexed by correspondent's name on computer printout.

SAFEGUARDS:

Unlocked file cabinets. Office security: blue seal locked doors. Access restricted to those agency personnel whose responsiblities require access.

RETENTION AND DISPOSAL:

Copies of correspondence and correspondent index are retained for 1 year from date of receipt by Correspondence Branch.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Correspondence Branch, Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC-26

SYSTEM NAME:

Applicant Files and General Personnel Records (Official Personnel Folder and records related thereto): Duplicate Personnel files and Automated Record–FTC

SYSTEM LOCATION:

Automated Records: Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

Duplicate Records: Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Atlanta Regional Office: 1718 Peachtree Street, N.W., Room 1000, Atlanta, Georgia 30309.

Boston Regional Office: 150 Causeway Street, Boston, Massachusetts 02114.

Chicago Regional Office: 55 East Monroe Street, Chicago, Illinois 60603.

Cleveland Regional Office: Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

Dallas Regional Office: 2001 Bryan Street, Suite 2665, Dallas, Texas 75201.

Denver Regional Office: 1405 Curtis Street, Suite 2900, Denver, Colorado 80202.

Los Angeles Regional Office: 13209 Federal Building, 11000 Wiltshire Boulevard, Los Angeles, California 90024.

New York Regional Office: 2243–EB Federal Building, 26 Federal Plaza, New York, New York 10007.

San Francisco Regional Office: 450 Golden Gate Avenue, San Francisco, California 94102.

Seattle Regional Office: 28th Floor, Federal Building, 915 Second Avenue, Seattle, Washington, 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Federal Trade Commission employees and applicants for vacancies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions determinations made about an individual while employed in the Federal service. These records contain information about an individual relating to birth date; social security number; veteran's preference; tenure; handicap; past and present job salaries, grades and position titles; position control information; letters of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reasignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; performance rating; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. Sections 1302, 2951, 4118, 4305, 4506, and Executive Order 10561, September 13, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or a record may be used:

a. By agency official for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualification of an individual.

b. By the Office of Personnel Management for purposes of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual's record.

c. By the district courts to render a decision when an agency has refused to release to current or former Federal employees a record under the Freedom of Information Act.

d. To provide information to a prospective employer of a Government employee or former Federal employee at the individual's request.

e. To provide data for the automated Center Personnel Data File (CPDF).

f. To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and Security Investigations Index on new hires, adverse actions, and terminations.

g. To provide statistical reports to Congress, agencies and the public on characteristics of the Federal work force.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

i. To request information from a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent

information, such as licenses, if necessary to obtain relevant information or other pertinent information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

j. To refer, where there is an indication of a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

k. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the related personnel management functions of manpower studies; may also be utilized to locate specific individuals for personnel research or other personnel management functions.

l. Disclosed to health insurance carriers or plans participating in Federal Employee's Health Benefits Program in support of a claim for health insurance benefits.

m. Disclosed to the Department of Labor; Veterans Administration; Department of Defense; Federal agencies which may have special civilian employee retirement programs; National, state, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under OPM's Bureau of Retirement, Insurance, and Occupational Health's or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such program.

n. Disclosed to educational institutions for training purposes.

o. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. Disclosed to officials of foreign governments for clearance before employee is assigned to that country.

q. Disclosed to Federal Employee's Group Life Insurance Program in support of an individual's claim for life insurance.

r. Disclosed to labor organizations in response to requests for names of employees and identifying information.

s. Disclosed to officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices and matters affecting working conditions.

t. Disclosed in response to a request for discovery or for appearance of a witness, if relevant to the subject matter involved in a pending judicial or administrative proceeding.

u. Disclosed for any routine use noted in the Office of Personnel Management Privacy Act Notice for this system of records. See 44 FR 30882 (1979).

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, and punched cards.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security number, or identification number.

SAFEGUARDS:

Duplicate records—Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Automated files—Restricted password to access data.

RETENTION AND DISPOSAL:

Duplicate files—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal Service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for 2 years or destroyed when an individual resigns, transfers, or is separated from the Federal Service. Automated files—Files of individuals are erased after they leave the FTC; only statistical turnover information is retained.

SYSTEM MANAGER(S) AND ADDRESS:

Duplicate file—Regional Director, Regional Office (see name and address of regional office listed in location above). Automated records—Director for Personnel, Division of Personnel, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied, except information provided by agency officials.

FTC-27

SYSTEM NAME:

Assignment Control System, Bureau of Consumer Protection—FTC.

SYSTEM LOCATION:

Federal Trade Commission, Bureau of Consumer Protection, 6th Street and Pennsylvania Ave., N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional staff of the Bureau of Consumer Protection.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control number, subject and status, staff attorney, Office of the Director liaison, staff deadline, Office of the Director liaison deadline, Office of the Director deadline, and completion date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Bureau Director, Deputy Directors, Regional Directors, Assistant Directors, and Assistants to the Director for management purposes and recording and tracking all internal assignments.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in the computer—IBM system.

RETRIEVABILITY:

By attorney name, control number and organization code.

SAFEGUARDS:

Distribution of reports restricted to agency personnel whose responsibility requires access.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Records Division, Bureau of Consumer Protection, Room 485, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Assignments under the responsibility of the Bureau of Consumer Protection amd information and instructions from the staff.

FTC-28

SYSTEM NAME:

Investigational, Legal, and Public Records—FTC.

SYSTEM LOCATION:

Records Division, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580 (Record Center, Suitland, Maryland).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents, proposed respondents, and others in Commission investigations and law enforcement proceedings; parties requesting formal advisory opinions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and some or all of the following: address; company affiliation; age; date of birth; place of birth; employment; financial, credit, and personal history background, in the records contained in this system. This system is composed of the following files: formal investigation files; docketed and consent matters; assurances of voluntary compliance; and advisory opinions, but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act and Executive Order No. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by Commission staff in investigative and adjudicative proceedings, enforcement actions, penalty proceedings, enforcement of compliance orders, issuance of complaints, negotiation of consent orders, issuance of cease and desist orders, and advisory opinions. Referral to federal, state, or local enforcement authorities for investigation and possible criminal prosecution, civil action or regulatory order. Used by Commission staff assigned to, reviewing, or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on standard legal- and letter-size paper; mag-card tapes; microfilm, microfiche.

RETRIEVABILITY:

Indexed by respondent or correspondent name; company name; industry investigation title; FTC internal 7-digit or 4-digit investigation number or complaint assigned number.

SAFEGUARDS:

Metal legal- and letter-size file cabinets; official records center containers; access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained at FTC offices for 5 years, after which transferred to National Archives and Federal Records Center, Suitland, Md. Investigatory files, except history portion, destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

Public records contained in this system are available upon request, as indicated below. Otherwise, records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable; access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual respondents or proposed respondents, company records, complainants, informants, witnesses or other third parties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. See Section 4.13(m) of the Federal Trade Commission Rules of Practice, 16 CFR 4.13(m).

FTC-30

SYSTEM NAME:

Consultant Files, Bureau of Competition-FTC.

SYSTEM LOCATION:

Federal Trade Commission, Bureau of Competition, Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants consisting of experts in various fields including economic and legal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, curriculum vitae, résumé of employment, lists and copies of publications in field, copies of application forms submitted to FTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For identification of background, previous publications, and current research work.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Letter- and/or legal-size files in regulation cabinet.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Secured as are other files by locking of office door at night. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained indefinitely for future reference.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Bureau of Competition, Room 944 Pennsylvania Bldg., 425 13th Street, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

SYSTEM NAME:

Payroll Processing System-Federal Trade Commission.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FTC personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

All payroll information on individual FTC employees including basic employment information, pay and deduction information, and leave and tax information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301; Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Salary and wage processing in accordance with applicable laws and regulations. Used by Division of Budget and Finance personnel and by other agency personnel whose responsibilities include salary and wage processing and evaluation. Referral of unemployment compensation information to State and local unemployment compensation boards.

Referral of information to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other information necessary for the OPM to carry out its governmentwide peronnel management functions.

Disclosures may be made to a congressionsl office from the record of an individual only when the congressional office makes the request on behalf of the priviate citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in comprehensive computer listing and tape and payroll file folders at the system location in Washington and on computer tape at the Treasury Department in San Francisco.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Maintained according to GSA/ Archives schedules of retention and disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Budget and Finance (address same as System location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Pay forms completed by individual on whom the records are maintained; personnel system.

FTC-32

SYSTEM NAME:

Payroll-Retirement Records—FTC.

SYSTEM LOCATION:

Division of Budget and Finance, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal Trade Commission personnel who qualify for Federal Retirement benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll information relating to retirement benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5301, 5501, 6101, 6301, 8301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Calculation of retirement benefits. Referred to succeeding employer of U.S. Government Agency or otherwise to Office of Personnel Management upon withdrawal of retirement from Federal Service.

Referral to the Office of Personnel Management (OPM) concerning pay, benefits, retirement deductions, and other information, for the OPM to carry out its government personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer tape at the Treasury Department in San Francisco, or on individual cards for those not included in the regular payroll system.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Held for length of service of employee while at FTC, information forwarded to next employing agency or OPM.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Budget and Finance, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Payroll system; personnel system.

FTC-33

SYSTEM NAME: PRELIMINARY INVESTIGATION FILES—FTC.

SYSTEM LOCATION:

Indiana Building, 633 Indiana Avenue NW.,
Washington, D.C. 20580.

Star Building,
1101 Pennsylvania Avenue NW.,
Washington, D.C. 20580.

Gelman Building,
2120 L Street NW.,
Washington, D.C. 20580.

Pennsylvania Building,
425 13th Street NW.,
Washington, D.C. 20580.

M Street Building,
1726 M Street NW.,
Washington, D.C. 20580.

Main Building,
6th Street & Pennsylvania Avenue NW.,
Washington, D.C. 20580.

Atlanta Regional Office,
1718 Peachtree Street NW.,
Atlanta, Georgia 30309.

Boston Regional Office,
150 Causeway Street,
Boston, Massachusetts 02114.

Chicago Regional Office,
55 East Monroe Street,
Chicago, Illinois 60603.

Cleveland Regional Office,
Suite 500, Mall Building,
118 Saint Clair Avenue,
Cleveland, Ohio 44114.

Dallas Regional Office,
2001 Bryan Street, Suite 2665,
Dallas, Texas 75201.

Denver Regional Office,
1405 Curtis Street,
Suite 2900,
Denver, Colorado 80202.

Los Angeles Regional Office,
13209 Federal Building,
11000 Wilshire Boulevard,
Los Angeles, California 90024.

New York Regional Office, 2243–EB Federal Building, 26 Federal Plaza, New York, New York 10007.

San Francisco Regional Office, 450 Golden Gate Ave., San Francisco, California 94102.

Seattle Regional Office, 28th Floor, Federal Building, 915 Second Avenue, Seattle, Washington 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents and correspondents in preliminary investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on individuals generally concerns relations or transactions with or knowledge about respondents, or general business and isolated personal information on individual respondents, and other items of information relating to the individual's involvement in the matter in question. This system is composed of files of preliminary investigations (investigations which have not yet become formal and assigned a 7-digit number), but is limited to those files from which personal information is retrieved by the name of an individual or other identifying particular assigned to the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INLCUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine whether a formal investigation or other action is appropriate. Referral to federal, state, or local enforcement authorities for investigation and possible criminal prosecution, civil action, or regulatory order. Used by Commission staff assigned to reviewing or supervising matter; used by Commission personnel with recordkeeping, managerial, and budgeting responsibilities; used by personnel of other agencies to whom a matter is referred.

Referral to experts, when considered appropriate by Commission staff.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in file folders and magnetic disc and tape.

RETRIEVABILITY:

Indexed by name of respondent or correspondent.

SAFEGUARDS:

Access to use of these records is limited to those agency personnel whose official duties require such access.

RETENTION AND DISPOSAL:

Records are transferred to the Records Division if the preliminary investigation becomes a formal investigation; otherwise records are retained by office that conducted the preliminary investigation. No disposal system at present. As of August 1978, the Commission discontinued the utilization of preliminary investigations. See FTC Operating Manual, Chapter 3.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Secretary or Regional Office. (See addresses listed in system location above.)

NOTIFICATION PROCEDURE:

Records in this system generally do not contain personal information about individuals and are generally exempt from mandatory disclosure under 5 U.S.C. 552a(k)(2). However, some personal information relating to individuals may be included and, if retrievable, may be disclosable; access to such information may be requested by mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. In order for personal information in this system to

be retrieved, a request must specify the name of the party subject to the investigation or adjudicatory proceeding. The request should also specify the Bureau (and Division, if possible) or Regional Office responsible for the investigation.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual respondent or proposed respondent, company records, complainants, informants, witnesses or other third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(2), records in this system generally are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of 5 U.S.C. 552a. See Section 4.13(m) of the Federal Trade Commission Rules of Practice, 16 CFR 4.13(m).

FTC–34

SYSTEM NAME:

Public Contact Report System, Atlanta Regional Office—FTC.

SYSTEM LOCATION:

Atlanta Regional Office, Room 1000, 1718 Peachtree Street, N.W., Atlanta, Ga. 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual members of the public who file complaints or request information either by telephone or in person concerning matters believed to be of interest or within the jurisdiction of the FTC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of completed form listing the name of the individual, name of the company about which the individual inquires or complains and the matter complained of.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Filed for future reference as to possible witnesses if company complained of should come under investigation by the FTC. Also may be used for reference to another office of the FTC or other federal agencies for law enforcement purposes when deemed appropriate. Used by Atlanta Regional Office personnel and by personnel of other FTC units or other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Public contact forms maintained in letter-size file folders.

RETRIEVABILITY:

Contact form filed alphabetically by name.

SAFEGUARDS:

Contact forms in standard file cabinet. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Retained for a minimum of one year and disposed of by delivery to and placing in a local government incinerator.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, 1718 Peachtree Street, N.W., Room 1000, Atlanta, Ga. 30309.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information obtained from the individual.

FTC–35

SYSTEM NAME:

Public Information Mailing List—FTC.

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, businesses and organizations which have indicated an interest in receiving FTC materials; selected news media and special interest groups (*i.e.*, organizations to be reached on specific FTC matters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains some or all of the following: name, title, company or organization, mailing address, occupation, and capacity/interest codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Producing address labels for mailing FTC materials by Office of Public Information and other Commission personnel.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage

RETRIEVABILITY:

Labels for individual addressees can be retrieved by name or computer-assigned identification number.

SAFEGUARDS:

Retrieval of records is restricted to Office of Public Information and computer support personnel who have knowledge of computer password.

RETENTION AND DISPOSAL:

Records are retained until a purge action occurs or a request to delete is received. A purge action occurs when an affirmative response to a purge inquiry is not received, and each list entry receives a purge inquiry annually. News media and special interest addresses are retained indefinitely or for a specified length of time unless removal from the list is requested by the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Information, Room 496, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual who wishes to receive FTC material, and FTC staff referring mailing list requests.

FTC-36

SYSTEM NAME:

Public Information Mailing Lists, Boston Regional Office—FTC.

SYSTEM LOCATION:

Boston Regional Office, Suite 1301, 150 Causeway Street, Boston, Mass. 02114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

News media personnel, heads of consumer organizations, Attorneys General and key staff, heads of business organizations, selected key individuals such as legislators, government leaders, professors, etc., concerned with consumerism.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, title, organization and address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used by staff for purposes of mailing or distributing press releases and other information materials.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a typed listing which is periodically updated.

RETRIEVABILITY:

Indexed by name and organization.

SYSTEM MANAGER(S) AND ADDRESS:

Public Information Office, Boston Regional Office, 150 Causeway St.-Suite 1301, Boston, Mass. 02114.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Boston Regional Office staff, the media, consumer organizations, materials and information supplied by the public, directories, and government officials.

FTC-37

SYSTEM NAME:

Individual Claims Submitted Pursuant to Consent Agreement in *Bachman* v. *Pertschuk,* CA No. 76-0079 (D.D.C. 1978).

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, Room 164, 6th Street & Pennsylvania Avenue, NW., Washington D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former FTC economists, accountants, attorneys, computer specialists, research analysts, and consumer protection specialists and applicants for those positions who file individual claims of discrimination pursuant to consent agreement in *Bachman* v. *Pertschuk.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Will be used by Administrator of *Bachman* agreement, his assistants, and the magistrate of U.S. District Court for District of Columbia in deciding claims presented.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In cabinet in locked office; held by attorney-advisor to Administrator of agreement.

RETRIEVABILITY:

By name of claimant.

SAFEGUARDS:

Available only to authorized individuals conducting inquiry into claims.

RETENTION AND DISPOSAL:

No disposal system at present.

SYSTEM MANAGER(S) AND ADDRESS:

Benjamin I. Berman, Office of the Secretary, Room 164, Federal Trade Commission, 6th Street & Pennsylvania Avenue NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Claimants' submissions, FTC personnel records.

FTC-39

SYSTEM NAME:

Staff Advisory Opinion Records—FTC.

SYSTEM LOCATION:

Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for advisory opinions under Sec. 1.1 of the Commission's Rules of Practice, 16 CFR 1.1.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of requester; business information; proposed courses of business action.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff and members of the public. To provide staff advice responsive to a request from a member of the public; to maintain record of advice given for use of the staff for preparation of future staff of Commission opinions and to coordinate and assure consistency of position; possible referral to other parts of the FTC or to appropriate Federal or State agencies for advice or where law enforcement action may be warranted; used by FTC personnel and other agencies to whom a matter is referred.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in binders in Public Reference Room. Available to the public.

RETRIEVABILITY:

Generally indexed by name of requesting party.

SAFEGUARDS:

Maintained in lockable office.

RETENTION AND DISPOSAL:

Maintained from 6–1–62; no present disposal program.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, NW., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual proprietorship, corporation, or other business organization, or counsel seeking or receiving a staff advisory opinion.

FTC–40

SYSTEM NAME:

Statement of Employment and Financial Interests-FTC

SYSTEM LOCATION:

Office of the Executive Director, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel required by FTC regulations to file statements of employment and financial interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, organization, statement of employment and financial interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 11222 and 5 CFR Part 735.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review of statement of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists, and if so, to insure that appropriate action is taken to remove conflict. Used by senior Commission employees and members of the General Counsel's Office.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on 8" x 10½" paper.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in a combination steel vault. Access restricted to those agency personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Room 426, Federal Trade Commission, Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–41

SYSTEM NAME:

Unofficial Personnel Records-FTC

SYSTEM LOCATION:

Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Indiana Building, 633 Indiana Avenue, N.W., Washington, D.C. 20580.

Star Building, 1101 Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Gelman Building, 2120 L Street, N.W., Washington, D.C. 20580.

Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20580.

M Street Building, 1726 M Street, N.W., Suite 1100, Washington, D.C. 20580.

Regional Offices:

Atlanta Regional Office, 1718 Peachtree Street, N.W., Atlanta, Georgia 30309.

Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114.

Chicago Regional Office, 55 East Monroe Street, Chicago, Illinois 60603.

Cleveland Regional Office, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114.

Dallas Regional Office, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201.

Denver Regional Office, Suite 2900, 1405 Curtis Street, Denver, Colorado 80202.

Los Angeles Regional Office, 13209 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024.

New York Regional Office, 2243–EB Federal Building, 26 Federal Plaza, New York, New York 10007.

San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.

Seattle Regional Office, 28th Floor Federal Building, 915 Second Avenue, Seattle, Washington 89174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Federal Trade Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records contains information or documents about the employment and work history of individual employees. The types of records maintained vary with each supervisor and Commission unit. Each supervisor my maintain some or all of the following records: written notes or memoranda on employee performance (*i.e.*, Attorney Evaluation Employment Forms), leave, work assignments, disciplinary problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C. Sections 4301–4308; Sections 6101–6106; Sections 6301–6326; Sections 7301–7352; Sections 7501–7533.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To be used by the employee's supervisor in evaluating performance,

preparing promotion and award recommendations, preparing informal or formal disciplinary actions, approving leave, making work assignments.

Referral to the Office of Personnnel Management concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its governmentwide personnel management functions.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of individuals on whom they are maintained.

SAFEGUARDS:

Access to and use of these records are limited to those whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained, Generally, records are destroyed when the employee no longer works in the Bureau or Office which compiled and maintained the information.

SYSTEM MANAGER(S) AND ADDRESS:

Employee supervisor, Federal Trade Commission.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOUCE CATEGORIES:

Individual to whom record pertains; supervisors of employee.

FTC–45

SYSTEM NAME:

Automated Serials Routing System (ASRS)—FTC.

SYSTEM LOCATION:

Library, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Readers of FTC Library periodicals wishing to be on the routing system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and location of reader, employee number, and name and number of periodical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To manage serials-routing among readers. Used by staff of FTC Library and other FTC employees with a need to use this system.

Disclosure may be made to a congressional office from the file of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On computer disc/tape.

RETRIEVABILITY:

By periodical number and employee number.

SAFEGUARDS:

Access limited to authorized users by means of password.

RETENTION AND DISPOSAL:

Records maintained as long as reader wishes to be on the routing sytem.

SYSTEM MANAGER(S) AND ADDRESS:

Librarian, Federal Trade Commission, (address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–46

SYSTEM NAME:

Clearance-to-participate Applications and the Commission's Responses Thereto—FTC.

SYSTEM LOCATION:

Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Copies of letters from former members or employees of the Commission requesting authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission while such former member or employee served with the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, current employment status, nature of any connection with the proceeding or investigation during service with the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Correspondence Branch staff to track processing of clearance request by Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Unlocked file cabinets.

RETRIEVABILITY:

Indexed by name of applicant or computer printout.

SAFEGUARDS:

Blue seal locked doors.

RETENTION AND DISPOSAL:

Maintained from 10–1–77; no present disposal program.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Correspondence Branch, Federal Trade Commission, Room 701, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–49

SYSTEM NAME:

Freedom of Information Act Requests and Appeals from Other Than Governmental Agencies and the Commission's Responses Thereto—FTC

SYSTEM LOCATION:

Records Divison, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.
Office of the General Counsel, Room 551, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Automated Records:

Comnet, 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing requests for access to information under the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, sometimes purpose of request, and intended use of information, and agreement to pay fees, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff of the Secretary's Office, General Counsel's Office, and Bureaus of the Commission to make recommendations and determinations in response to Freedom of Information Act requests and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Freedom of Information Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

Request and appeal letters, and agency responses thereto, are available to the public for inspection and copying.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

1. Copies of request and appeal letters, and agency responses thereto, are stored in binders in the Public Reference Room (available to the public). 2. Original request letters, copies of appeal letters (if any) and agency responses, and related internal memoranda, are stored in folders in lockable file cabinets in the Freedom of Information and Privacy Act Branches of the Information Division. 3. Original appeal letters, copies of request letters and agency responses, and related internal memoranda are stored in folers in lockable file cabinets in General Counsel's Office. Automated data stored on magnetic disc.

RETRIEVABILITY:

Generally indexed by name of requesting party.

SAFEGUARDS:

Maintained in lockable file cabinets in office.

RETENTION AND DISPOSAL:

Full grant response letters and files are destroyed after two (2) years. Denials and appeal files are destroyed four (4) years after final determineation by agency or three (3) years after final adjudication by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission, (address same as System Location).
Assistant General Counsel for Legal Counsel, Federal Trade Commission, (address same as System Location).
Director, Data Processing and Information Systems Division, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows: Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

FTC–51

SYSTEM NAME:

Privacy Act Requests and Appeals—FTC.

SYSTEM LOCATION:

Information Division, Office of the Secretary, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

Office of the General Counsel, Room 521, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons filing requests for access to, correction of, or an accounting of disclosures of personal information contained in system of records maintained by the Commission, pursuant to the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address; sometimes purpose of request; intended use of information; agreement to pay fees, if any; and nature of correction of information requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act; Privacy Act of 1974.

ROUTINE USES OF RECORD MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff of the Secretary's Office, General Counsel's Office, and Commissioners, to make recommendations and determinations in response to Privacy Act request and appeals. Referral to the Office of Management and Budget and to the Congress for annual reports required by the Privacy Act. Referral to federal enforcement authorities to assist with administrative processing and litigation.

Disclosure may be made to a congressional office from the record of an individual only when the congressional office makes the request on behalf of the private citizen.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Initial requests stored in lockable files in Secretary's Office. Appeals stored in lockable files in General Counsel's Office.

RETRIEVABILITY:

Indexed by request index number, date of request, and name of requester or appellant.

SAFEGUARDS:

Maintained in lockable offices. Access restricted to those agency personnel who responsibilities requires access.

RETENTION AND DISPOSAL:

Full grant correspondence and files are destroyed after two (2) years. Denials and appeal files are destroyed four (4) years after final determination by agency or three (3) years after final adjudication by courts, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Federal Trade Commission, (address same as System Location).

Assistant General Counsel for Legal Counsel, Federal Trade Commission (address same as System Location).

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows:

Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

FTC-52

SYSTEM NAME:

Equal Employment Opportunity Statistical Reporting System—FTC.

SYSTEM LOCATION:

Optimum Systems, Inc., 5615 Fishers Lane, Rockville, Maryland 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FTC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded minority group designations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Sections 1301, 3301, 7151, 7154, and Executive Order 10577, Nov. 22, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Equal Employment Opportunity Director in composite statistical form only, for analyses and reports within the Commission and to the Office of Personnel Management as required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic disc.

RETRIEVABILITY:

Minority group designations may be retrieved by name or group, or by cross-reference to title and grade information contained in FTC System 26, General Personnel Records (Official Personnel Folder and Records Related Thereto):

Duplicated Personnel Files and Automated Records.

SAFEGUARDS:

Access may be obtained only by written authorization of the Equal Employment Opportunity Director.

RETENTION AND DISPOSAL:

Coded information is erased when the individual ceases employment at the FTC.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Director, Federal Trade Commission, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows:

Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Visual identification of each employee by Division of Personnel staff and administrative officer in each regional office.

FTC-53

SYSTEM NAME:

Medical Participation in Control of Certain Open-Panel Medical Prepayment Plans Mailing List.

SYSTEM LOCATION:

Comnet, Inc., 5185 MacArthur Blvd., Washington, D.C. 20016.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals formally requesting information from the staff regarding the proposed rulemaking proceeding on Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans, and individuals from whom comments are sought.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; mailing address; business title, if any; type of comment or requests received, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Trade Commission Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to mail staff report and materials related to the rulemaking proceeding to interested individuals, and for tracking requests and comments received from such individuals.

If any individual requests that his Congressman obtain access to a record concerning that individual, disclosure may be made to the congressional office requesting such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disc packs.

RETRIEVABILITY:

By name and type of comment or request.

SAFEGUARDS:

Access restricted to personnel whose responsibilities require access.

RETENTION AND DISPOSAL:

Except insofar as individuals request that their names be deleted from the mailing list, records will be retained in the Comnet computer for the duration of the proposed rulemaking proceeding and related investigations. Disposal will be made upon demand or at the close of the proposed rulemaking and related investigations.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Bureau of Competition, Room 1038, Pennsylvania Building, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

NOTIFICATION PROCEDURE:

By mailing or delivering a written request bearing the individual's name, return address, and signature, addressed as follows:

Privacy Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

[FR Doc. 80-6 Filed 1-3-80; 8:45 am]

BILLING CODE 6750-01-M

federal register

Friday
January 4, 1980

Part IV

Department of Energy

Office of Conservation and Solar Energy

Energy Conservation Program for Consumer Products; Test Procedures for Furnaces and Public Hearings

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Proposed Rulemaking and Public Hearing Regarding Amendments to Test Procedures for Furnaces

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy hereby proposes to amend its test procedures for furnaces to include test procedures for pulse combustion and condensing furnaces and to include certain technical revisions. These test procedures are part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act. Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

DATES: Written comments in response to this notice by March 4, 1980; requests to speak at the public hearing by February 13, 1980; speakers to be notified by February 18, 1980; statements by 4:30 p.m., Febraury 22, 1980; hearing to be held on February 27, 1980, 9:30 a.m.

ADDRESSES: Written comments, requests to speak at the public hearing, and statements to: Department of Energy, Office of Conservation and Solar Applications, Docket #CAS–RM–79–104, Mail Stop 2221C, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585.

Public hearing to be held at: Department of Energy, Room 3000A, Federal Building, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy, Office of Conservation and Solar Applications, Division of Buildings and Community Systems, Consumer Products Efficiency Branch, Room 2248, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585 (202) 376–4814.

Carol A. Snipes (Hearing Procedures), U.S. Department of Energy, Office of Conservation and Solar Applications, 20 Massachusetts Avenue, N.W., Mail Stop 2221C, Washington, D.C. 20585 (202) 376–1651.

William J. Dennison, U.S. Department of Energy Office of General Counsel, 20 Massachusetts Avenue, N.W., Room 3238, Washington, D.C. 20585, (202) 376–4100.

SUPPLEMENTARY INFORMATION:

A. Background

On May 10, 1978 (43 FR 20147), the Department of Energy (DOE) published in the **Federal Register** final test procedures for furnaces, as part of DOE's energy conservation program for consumer products. This program was established pursuant to Title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163).[1] Section 323 (42 U.S.C. 6293) of the Act requires that standard methods of testing be prescribed for covered products. Test procedures for furnaces and other covered products appear at 10 CFR Part 430, Subpart B.

On May 29, 1979 (44 FR 30978), DOE published an advance notice of proposed rulemaking which invited interested persons to present written data, views and arguments with respect to the need for amending DOE's test procedures for furnaces in order to address any areas which interested persons felt should be expanded or changed, and to include in the test procedures two new furnace designs, pulse combustion furnaces and condensing furnaces.

DOE has learned that some manufacturers, through the experience of testing, have identified areas of concern in the test procedures which they feel should be expanded or changed. A number of such areas of concern have been the subject of applications for exception to DOE's Office of Hearings and Appeals (OHA) and the findings of OHA are available from the Public Docket Room, Room B210, 2000 M St., Washington, D.C. 20461, Monday through Friday, 1:00 P.M. to 5:00 P.M. On the basis of information submitted with applications to OHA, comments submitted in response to the advance notice, and other available information, DOE today is proposing to amend its test procedures for furnaces as discussed below.

B. Discussion

1. Condensing and pulse combustion furnaces

An application for exception from the furnace test procedures (Case Number DEE–2091) was filed with OHA by Hydrotherm, Inc., a manufacturer of furnaces. The application called DOE's attention to two new furnace design features whose energy consumption characteristics were determined by OHA not to be measured accurately by existing furnace test procedures. One feature uses a method of producing heat by a steady sequence of explosions instead of continuous flames used by other furnaces. The steady sequence of explosions is termed "pulse combustion." The other new design feature employs methods of recovering the latent heat of vaporization from the moisture content of the products of combustion, by condensing part of the water generated by burning the hydrogen present in fuels and then draining this condensate. Boilers and other furnaces which recover latent heat are termed "condensing furnaces." In other furnaces this heat is lost. DOE is today proposing test procedures to determine more accurately the energy consuming characteristics of pulse combustion and condensing furnaces. DOE believes that measures of energy consumption determined by the proposed test procedures can be used fairly to compare these two kinds of furnaces with other furnaces.

The proposed test procedures for pulse combustion and condensing furnaces were developed by the National Bureau of Standards (NBS) at the direction of DOE. NBS investigated two alternative procedures. One method, similar to existing DOE test procedures for other furnaces, requires the measurement of heat loss through the flue (flue-loss method) and is the method proposed today. The second method requires the measurement of the heat output of the furnace (input-output method). NBS found experimentally that the annual fuel utilization efficiency of condensing furnaces, as measured by the input-output method, would require measurement of the temperature and moisture content of combustion air and barometric pressure. In addition, in order to obtain repeatable test results by the input-output method these variables should be controlled to standard values. The accurate control of these variables would require an environmental chamber and would thereby substantially increase the burden of testing.

NBS found that flue gas temperatures and flue losses for condensing forced air furnaces are primarily dependent upon return air temperature, and that for condensing boilers these same variables are primarily dependent upon return water temperature. Flue gas temperatures are essentially independent of the temperature and moisture content of combustion air and barometric pressure. Measures of energy consumption for condensing furnaces can be determined from highly repeatable flue temperature

[1] Subsequently, the Act was amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619). Reference in this notice to "the Act" or to sections of the Act refer to the Energy Policy and Conservation Act as amended by NECPA.

measurements at specified return air/water temperatures and from calculations of flue losses assuming specified characteristics of the combustion air. Because the flue loss method accurately measures energy consuming characteriatics but, unlike the input-output method, does not require the added burden of measurement or control of cumbustion air temperature, moisture content and barometric pressure, the flue loss method is used in the test procedures proposed today.

Test procedures proposed for condensing furnaces include a steady state performance test (section 3.1.3 of Appendix N), a cool-down test (section 3.2.3 and 3.2.4 of Appendix N) and a heat-up test (section 3.3.3 and 3.3.4 of Appendix N). In section 2.5 of Appendix N the proposed test procedures for condensing furnaces differ from the test procedures applicable to other kinds of furnaces in that return air temperatures are limited to within 5°F of laboratory ambient temperatures in the case of force air condensing furnaces, and water temperature rise is required to be between 19.5°F and 20.5°F in the case of condensing boilers. These specifications are necessitated by the fact that the amount of latent heat recovered from the products of combustion in condensing furnaces is dependent upon return air temperature or return water temperature. If the revised laboratory conditions were not specified, the annual fuel utilization efficiency and estimated annual operating cost would be expected to vary significantly from test to test.

In addition, since pulse combustion furnaces allow no air flow during the off-period, and off-cycle losses are small, the proposed test procedures would permit, at manufacturers' option, testing only under steady state conditions as specified in section 3.6 of Appendix N. Use of only steady state test would probably result in a slight decrease in the annual fuel utilization efficiency and a slight increase in the estimated annual operating cost of a pulse combustion furnace, because all such furnaces known to DOE are also condensing furnaces and steady state testing would not give credit for the extra latent heat recovered during the off-period. The optional test procedures would, however, reduce testing burden without any significant loss of accuracy in measures of energy consumption.

A National Bureau of Standards technical background document entitled "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers" is available for inspection in the DOE Freedom of Information Office, Forrestal Building, Independence Ave., and L'Enfant Plaza, S.W., Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday.

2. Finned tube boilers

Application for exception filed with OHA by Raypak, Inc. (case number DEE–3439) and Teledyne Laars Co. (case number DEE–3950) correctly pointed out that the water flow rate adjustments called for in section 2.5.4 of the existing Appendix N are inappropriate for low water volume finned tube boilers. Finned tube boilers are designed to raise the water temperature by a maximum of 40°F in order to prevent flashing of water into steam as it passes through the boiler; however, the present section 2.5.4 requires the water flow rate through the boiler to be adjusted to raise the water temperature by 120 to 165°F. DOE is today proposing to add a definition of finned tube boiler in section 1 of Appendix N, and to include in section 2.5.4 of Appendix N an appropriate water flow rate adjustment for finned tube boilers. Specifically, the proposed rule requires the water flow rate through finned tube boilers to be adjusted to produce a temperature rise of 40°F.

These same two applicants also presented an issue regarding the applicability of existing section 4.7 of Appendix N to finned tube boilers. Section 4.7 provides a conversion factor of 3.3 to relate jacket heat loss as determined in the laboratory to predicted jacket heat loss of a furnace or boiler intended to be installed outdoors. Since finned tube boilers have high temperature combustion gases in direct contact with the jacket wall, the temperature difference across the jacket in the laboratory is nearly the same as the temperature difference across the jacket wall that would be experienced when the unit is installed outdoors. Jacket heat losses, which are proportional to these temperature differences, are therefore not measurably affected by location of these boilers. For this reason DOE agrees that the conversion factor of 3.3 is inappropriate for finned tube boilers designed for outdoor installation. Calculations using the conversion factor appear in section 1.27 and section 4.7 of the existing Appendix N. Today's proposed rule amends both of these calculations to allow the conversion factor to equal unity for finned tube boilers designed for outdoor installation.

3. The determination of blower delay time

Today's proposal would amend the method of determining quantity t^+, blower delay time, in section 3.2.1 of Appendix N, by limiting the measured value of t^+ to a maximum of 13.3 minutes, the length of the representative off-cycle, in order to avoid the anomalous situation possible under the existing provisions, where t^+ could assume values greater than the total amount of time the blower would run if it ran continuously.

4. Determination of draft factors

DOE has been requested by manufacturers of furnaces with induced draft fans to allow the option of performing an additional test to determine the values of draft factors in lieu of using the assigned values of draft factors from Tables 1 and 2 of Appendix N. An optional procedure for determining draft factors presently appears in section 3.6 of Appendix N which was intended by DOE to apply to power burner furnaces with induced draft fans, although its applicability does not appear to have been recognized within the furnace industry. DOE is proposing to clarify section 3.6 by expressly stating its applicability to induced draft or forced draft furnaces.

Some representatives of the furnace industry requested that the option of performing the procedure specified in 3.6 of Appendix N for determining draft factors be allowed for non-power burner furnaces, whereas currently this procedure is limited to power burner systems. These commenters contended that some furnace models exhibited draft characteristics which warrant a flue draft factor lower than that assigned in the test procedures ($D_f = 1$).

The optional procedure was specifically designed to evaluate the draft characteristics of furnaces equipped with power burners, and DOE has not yet determined whether the optional procedure is applicable to non-power burner furnaces. DOE is soliciting comments on the applicability of the optional procedure to all types of furnaces, and is particularly interested in learning of any difficulties or inaccuracies encountered by those currently using the optional procedure. In addition, NBS is currently investigating the applicability of the optional procedure to non-power burner furnaces. If this investigation reveals a need for specifying an optional procedure for non-power burner furnaces, NBS will develop such a procedure.

An application for exception (case number DEE–5955) filed with OHA by the Heil-Quaker Company requested that the tables of assigned draft factors (Tables 1 and 2 of Appendix N) be expanded to accomodate a particular furnace employing an induced draft fan with no means of draft relief. The assigned draft factors, as discussed above, are used in lieu of performing the optional procedure in section 3.6 to determine actual draft factors. OHA granted an exception to Heil-Quaker which allowed the use of assigned values of draft factors specifically determined by NBS to be appropriate to the particular basic model in that case. DOE is today proposing to make NBS' recommendations in the Heil-Quaker case generally applicable to all furnaces of similar design characteristics. Accordingly, proposed section 4.4 provides that these additional optional draft factors may be used in testing any forced draft or induced draft furnace which utilizes indoor air for combustion and which has no means of draft relief (i.e., has a direct exhaust system). A definition of "direct exhaust system" is proposed to be added in section 1.34 of Appendix N.

5. Jacket heat losses for electric furnaces

In the existing test procedures for furnaces there is no provision for measuring jacket heat losses for electric furnaces which are intended for outdoor installation. Since the time of prescribing the final rule, DOE has learned of the existence of such furnaces and is therefore proposing to prescribe the same method of measuring jacket heat losses for electric furnaces as is currently prescribed for gas furnaces, by including electric furnaces in the provisions of section 3.4 of Appendix N.

6. Repeatable test data

An application for exception (case number DEE–2129) filed with OHA by Wylain, Inc., alleged that the applicant could not obtain repeatable readings for temperature and percent CO_2 concentration of the stack gases of a particular gas boiler when tested according to the provisions of section 3.1 of Appendix N. OHA granted an exception for that particular boiler, specifying modified testing procedures which would allow the applicant to obtain repeatable data.

DOE is today proposing to allow the modifications specified in that exception to be applied, at manufacturers' option, to all furnaces and boilers. Specifically, the proposed modifications are that the manufacturer would have the option, in proposed section 2.6.1, of using a temperature measuring grid consisting of 17 thermocouples in lieu of the presently prescribed 9 thermocouples, and that the manufacturer would have the option, in proposed sections 3.1.1, 3.1.2, and 3.1.3, of measuring the CO_2 concentration at a location downstream of the plane of temperature measurement in lieu of the presently prescribed location at the plane of temperature measurement. DOE believes these proposed modifications will serve to eliminate any problems regarding nonrepeatable test data, without compromising the reliability of measures of energy consumption derived from the test procedures.

7. Insulation on flue pipes during testing

The existing test procedures do not require any insulation of exposed areas of flue pipes when testing furnaces which employ draft hoods. DOE has received comments indicating that these exposed areas of flue pipe can be substantial in some models of furnaces. Heat loss through these pipes would lead to low estimates of flue losses and thereby jeopardize the accuracy of the measures of energy consumption derived from the test procedure. For this reason, DOE is proposing a provision, in section 2.2.1.2 of Appendix N, to require insulation of the flue pipe upstream of the draft hood when the units are tested.

8. Measures of furnace efficiency

Some members of the furnace industry have recommended that DOE amend the test procedures in order to specify a measure of efficiency which would take into account the energy consumption of the electrical components of fossil fueled furnaces. The present measure of efficiency for such furnaces reflects only the efficiency with which a fossil fueled furnace utilizes its primary fuel, *i.e.* home heating oil, natural gas, or propane. This measure of efficiency is termed the "annual fuel utilization efficiency" (AFUE), and is essentially the ratio between the heat output obtained from the fossil fuel input, and the energy content of the fossil fuel input.

Most fossil fueled furnaces consume some electricity, in addition to primary fuel consumption, in order to power electrical motors needed for air or water circulation. As a consequence of electrical motor inefficiency, however, a furnace equipped with an inefficient motor may consume more electricity than would be necessary solely for purposes of circulating air or water. Any electricity consumption attributable to motor inefficiency, rather than being entirely lost, would be reduced to heat, which typically would find its way into the air distribution system of a furnace. Accordingly, the heat produced by electrical components yields a marginal corresponding reduction in consumption of a furnace's primary fuel. This is reflected in the existing test procedure's calculation of burner operating hours.

Viewed in these terms, the electrical motor energy consumption of a furnace would be 100 percent efficient at point of use, and any measure of efficiency which accounted for electrical energy input and output in this manner would show an efficiency somewhat greater than the AFUE. Such a measure of efficiency would actually encourage the use of inefficient electrical components in fossil fueled furnaces, because primary fuel utilization efficiency is less than 100 percent. Because of the significantly higher unit cost of electricity and inefficiency in the generation and transmission of electricity, such a measure of efficiency would serve neither the consumer's interest nor the nation's need to conserve energy. On the other hand the present AFUE, because it ignores electrical energy consumption altogether, fails to encourage replacement of inefficient electric motors with more efficient motors.

Accordingly, DOE has sought to develop a new efficiency measure which will reflect variations in electrical energy consumption without encouraging the use of inefficient electrical components. One method which has been suggested to DOE would measure electrical energy use of a furnace at the point of generation, rather than at the point of use. DOE has rejected this method because the definitions of "energy efficiency" and "energy use" in section 321(a) of the Act specifically require energy use to be determined at the point of use.

The alternative measure of efficiency proposed to be adopted by DOE is the "energy factor" as calculated in proposed section 4.15. Like the AFUE, as explained above, the energy factor is a ratio whose numerator is the heat output obtained from the fossil fuel input. The energy factor differs from the AFUE only in that the denominator of the energy factor includes the total energy input to a fossil fuel furnace, including electricity, while the denominator of the AFUE includes only the primary fuel input. This approach has the distinct advantage of precluding the anomalous situation in which the use of inefficient electrical motors could be encouraged by DOE test procedures.

9. Room air temperature measurement

The existing test procedures do not prescribe a detailed method of

measuring test room air temperature (T_{RA}). DOE has received comments indicating that under the existing procedures the measured room air temperature may vary due to differences in air temperature at various locations in the test facility. Since the measured room air temperature is used as the combustion air temperature throughout the test calculations, this variability could affect the accuracy of the results of the test procedure. In order to avoid this problem, DOE is proposing to expand the provisions of existing section 2.9 of Appendix N by including specific instructions for locating instruments used for measuring room air temperature, to insure that combustion air temperatures are uniformly and consistently measured throughout the furnace industry.

10. Nameplate input rating

Many manufacturers have objected to the manner in which the rate of gas input is required to be adjusted in section 3.1 of the existing test procedures. The test procedures call for initial adjustment of the gas input rate of gas fueled burners to within 2 percent of the hourly Btu rating specified by the manufacturer (nameplate input rating), measured after 15 minutes of operation starting with all parts of the furnace at room temperature. Subsequent provisions in this section require that the measured input rate, termed Q_{in}, be measured after steady state conditions have been achieved, typically 30 minutes after the burners have been initially adjusted. Section 4.7 specifies that this measured input rate, Q_{in}, is to be used with the steady state efficiency in calculations for determining furnace capacity. Manufacturers noted that Q_{in}, due to the increase in temperature of the furnace parts, is typically lower than the initially adjusted gas input rate. The existing test procedures therefore may require that capacity be determined at an input rate different from the nameplate input rating. Consequently, consumers and others would likely be confused because there would be no logical relationship between the nameplate input rating, capacity, and steady state efficiency. For instance a 100,000 Btu input furnace with a rated output of 80,000 Btu could have a steady state efficiency greater than 80 percent. DOE is proposing to modify section 2.4.1 of Appendix N to require that fuel input rate, Q_{in}, be within 2 percent of nameplate input rating after steady state conditions have been attained.

As noted above, capacity in the existing test procedures is the product of steady state efficiency and the measured input rate, Q_{in}. Due to the fact that under the proposed rule, Q_{in} may vary ± 2 percent of the nameplate input rating, variation in the derived capacity can be expected. Manufacturers have suggested that in order to reduce variations, the calculation for determining capacity should be based on the nameplate input rating instead of Q_{in}. DOE agrees with this suggestion and is proposing to use nameplate input rating in the calculation of capacity (Q_{out}) in section 4.7 of Appendix N. These proposed modifications allow for more uniform measures of capacity without reducing testing accuracy.

11. Definitions

DOE is proposing to amend the definition of furnace in section 430.2 in order to more clearly define the applicability of the furnace test procedures by including the words "utilizing single-phase electric current." This will have the effect of excluding from coverage some basic models using three-phase electric current that would otherwise be covered by the test procedures, but which are intended primarily for commercial applications.

DOE is also modifying the definition of furnace in order to exclude from coverage those packaged combination heating and cooling units which are manufactured as a single unit and whose cooling capacity exceeds 65,000 Btu's/hour. A packaged combination unit is a central air conditioner and a furnace in a single cabinet. Although this type of equipment is generally used in commercial applications, either the heating capacity or the cooling capacity of a given model could be within the limits set forth in the central air conditioner or furnace definitions in 10 CFR 430.2. If both heating and cooling capacities of a packaged combination unit fall within the defined limits, the unit is accurately characterized as a residential unit and the DOE test procedures are applicable to both the heating and cooling functions. If either of the functions, however, has a capacity greater than the defined residential limits specified in section 430.2, the unit is most likely to be used in a commercial application and is not covered by the test procedures in either the heating or cooling mode. DOE has modified the definition of furnace in section 430.2 to clarify the treatment of these units in today's proposal.

In addition, DOE is proposing to modify the definition of furnace in order to clarify that the furnace test procedures are presently intended to apply exclusively to furnaces which utilize only electricity, or electricity in conjunction with either natural gas, propane, or home heating oil. The need for this clarification was raised in a petition to OHA by Oneida, Inc., (case number DEE–4101), a manufacturer of furnaces designed to utilize wood as the primary fuel, but which may utilize oil or gas as a backup system. Today's proposal would clarify that such furnaces are not covered by the DOE test procedures.

12. Commercial Standards

Today's notice proposes to incorporate as part of the test procedures the Amercian National Standards Institute (ANSI) standard Z21.47–1978 in lieu of ANSI Z21.47–1973, which is cited in the existing test procedures. DOE has determined that the expanded list of static pressure ranges specified in the new standard will enable the test procedures to yield more accurate results.

Pursuant to section 301 of the Deparment of Energy Organization Act (Pub. L. 95–91), DOE is required to comply with section 32 of the Federal Energy Administration Act of 1974 (FEA Act) (Pub. L. 93–275), as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70).

Sections 32 (a) and (b) of the FEA Act provide that:

(a) If any proposed rule by the Administrator contains any commercial standards, or specifically authorizes or requires the use of any such standards, then any general notice of the proposed rulemaking shall—

(1) Identify, by name, the organization which promulgated such standards; and

(2) State whether or not, in the judgment of the Administrator, such organization complied with the requirements of subsection (b) in the promulgation of such standards.

(b) An organization complies with the requirements of this subsection in promulgating any commercial standards if—

(1) It gives interested persons adequate notice of the proposed promulgation of the standards and an opportunity to participate in the promulgation process through the presentation of their views in hearings or meetings which are open to the public;

(2) The membership of the organization at the time of the promulgation of the standards is sufficiently balanced so as to allow for the effective representation of all interested persons;

(3) Before promulgating such standards, it makes available to the public any records or proceedings of the organization, and any documents, letters, memorandums, and materials relating to such standards; and

(4) It has procedures allowing interested persons to—

(A) Obtain a reconsideration of any action taken by the organization relating to the promulgation of such standards, and

(B) Obtain a review of the standards (including a review of the basis or adequacy of such standards).

The findings required of DOE by section 32 of the FEA Act serve to alert the public and DOE to the use and background of commercial standards in a proposed rulemaking and, through the comment and hearing process, allow interested persons to make known their views regarding the appropriateness of the use of particular commercial standards in any proposed rulemaking.

As previously noted, today's notice proposes to change the citation of ANSI Z21.47–1973 to ANSI Z21.47–1978. This updated version of the same standards, as already noted, contains a different list of static pressure ranges from the standard originally cited, and DOE has therefore reevaluated this commercial standard with regard to compliance with section 32(b). It is the judgment of DOE that ANSI Z21.47–1978 does not comply with the requirements of section 32(b), in that the standard was not developed in a manner which provided for public participation, comment, and review. As required by section 32(c) of the FEA Act, DOE will consult with the Attorney General and the Chairman of the Federal Trade Commission prior to prescribing any final rule incorporating the commercial standard.

13. Boiler jacket heat losses

One commenter contended that the existing test procedures for boilers do not accurately reflect actual variations in the seasonal performance attributable to jacket heat losses. The commenter felt that this variation in seasonal performance could be more accurately characterized when an "input/output" type of test procedure is used. As already explained in the discussion pertaining to pulse combustion and condensing furnaces, the present DOE test procedures employ the "flue loss" method of measurement rather than the "input/output" method, in order to simplify laboratory conditions and minimize test burden. The "input/output" method assumes that jacket heat losses are not useful for space heating purposes, while the "flue loss" method assumes that jacket heat losses are useful for space heating purposes.

DOE does not presently have sufficient information to determine that the change suggested by this commenter would result in any increase in test procedure accuracy. DOE has directed NBS to investigate this issue further. Until that investigation is completed, DOE has determined, on the basis of available information, that the existing test procedures are sufficiently accurate for purposes of this program. Accordingly, DOE is not presently proposing to change the existing test procedures regarding the treatment of jacket heat losses.

14. Miscellaneous

After careful consideration of all the comments received in response to the advance notice of proposed rulemaking, and consultation with the National Burea of Standards, DOE has proposed some editorial and minor technical changes that were not discussed above and has incorporated them in the rule proposed today.

C. Number of Units to be Tested

On April 6, 1979, DOE issued a final rule regarding the sampling requirements of consumer products test procedures (44 FR 22410, April 13, 1979) which amended test procedures for 12 types of consumer products, including furnaces, in order to prescribe sampling provisions applicable to testing required under sections 323(c) or 324 of the Act. Those provisions relate specifically to representations regarding the energy consumption of or cost of energy consumed by the various products, and to the labeling of products with any energy consumption information required by the Federal Trade Commission (FTC).

The rule provided that the annual fuel utilization efficiency, energy consumption and estimated annual operating cost of sectional cast-iron boilers (i.e., cast-iron boilers consisting of an assembly of two end sections and a variable number of identical intermediate sections, the number of intermediate sections depending on the desired heating capacity) can be determined by linear interpolation based on data obtained from units having the smallest and largest number of intermediate sections. Alternatively, a manufacturer may determine measures of energy consumption for sectional cast-iron boilers having any number of intermediate sections by actually testing all sizes of such units. Linear interpolation is permitted where a consistent geometry exist through a group of sectional cast-iron boilers. Linear interpolation is inappropriate, and tests are required, whenever irregular geometries exist through a group, or changes occur such as addition or omission of baffles, changes in design of intermediate sections, or changes in fire box dimensions. The final sampling rule contained these provisions at section 430.23(n).

Subsequently, DOE has received comments suggesting that measures of energy consumption for forced air furnaces whose heat exchangers consist of a variable number of identical sections, the number of sections depending on the desired heating capacity, can be accurately determined by calculations based on the measures of energy consumption found from other such furnances actually tested.

In addition, commenters have indicated that furnaces with sectional heat exchangers and identical input, which differ only in configuration (counterflow, upflow), often exhibit measures of energy consumption which are nearly identical. These commenters have requested a modification to the sampling plan in order to reduce the number of basic models required to be tested.

Neither DOE nor any commenter has yet devised acceptable criteria for identifying those furnaces with sectional heat exchangers for which calculations or other non-testing methods can be shown to yield accurate measures of energy consumption. Accordingly, today's notice does not propose any changes to the test procedures sampling requirements. DOE will continue to evaluate this issue and is interested in receiving further comments to assist DOE's evaluation. Specifically, DOE invites comments on criteria which may be used to identify in a subsequent proposal those groups of furnaces with sectional heat exchangers for which measures of energy consumption for certain basic models can acceptably be determined by calculation or other non-testing methods. For the convenience of interested persons, today's proposed rule reprints the furnace sampling provision, 10 CFR 430.23(m).

D. Comment Procedure

1. Written Comment

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed amendments set forth in this notice.

Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Furnaces—Proposed Amendments (Docket #CAS–RM–79–104)." Fifteen copies should be submitted if possible. All comments received by [60 days from publication], and all other relevant information, will be considered by DOE before final action is taken on the proposed regulation. Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy, and fifteen copies from which information claimed to be confidential has been deleted. In accordance with the procedures

established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempted from public disclosure.

2. Public Hearing

a. *Request Procedure.*—The time and place of the public hearing are indicated at the beginning of this preamble. The hearing will be continued, if necessary, on the following day. DOE invites any person who has an interest in today's proposed amendments, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before February 13, 1980. Such a request may be hand delivered to such address, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Furnace Test Procedures—Proposed Amendments (Docket #CAS–RM–79–104)."

The person making the request should briefly describe the interest concerned; if appropriate, state why he or she is a proper representative of a group or class of persons that has such an interest, and give a concise summary of the proposed oral presentation and a telephone number where such person may be contacted.

DOE will notify each person selected to appear at the hearing. Each person selected to be heard should submit 15 copies of his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 15 copy requirement, alternative arrangements can be made with Carol A. Snipes in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling (202) 376–1651.

b. *Conduct of Hearing.*—DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing. DOE will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office in the Forrestal Building, Independence Avenue and L'Enfant Plaza, S.W., Washington, D.C. 20585, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. In addition, any person may purchase a copy of this transcript from the reporter.

E. Regulatory and Environmental Review

Pursuant to Section 7(c)(2) of the Federal Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) 42 USC 4321 *et seq.*, DOE has evaluated the proposed establishment of these testing procedures for consumer products to determine if an environmental assessment (EA) or an environmental impact statement (EIS) is required. These test procedures will be used only to standardize the measurement of energy usage for the subject consumer products. The action of prescribing these test procedures, by itself, will not result in any environmental impacts. Since it is thus clear that the proposed action is not a major Federal action significantly affecting the quality of the human environment, DOE has determined that neither an EA nor an EIS is required. The potential environmental impacts that might occur from the application of the test procedures in connection with DOE's minimum energy efficiency standards program will be evaluated by that program.

The proposed rule has been reviewed in accordance with Executive Order 12044 and DOE Order 2030, and it has been determined that the proposal was significant in nature but does not have major impacts to manufacturers and consumers (i.e., would not impose annual economic costs of $100 million or more).

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–619; Department of Energy Organization Act, Pub. L. 95–91; E.O. 12009, 43 F.R. 46267)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., December 26, 1979.

Maxine Savitz,

Acting Assistant Secretary, Conservation and Solar Energy.

1. Section 430.2 is amended by revising the definition of "furnace" to read as follows:

§ 430.2 Definitions.

* * * * *

"Furnace" means a device, utilizing only single-phase electric current, or single-phase electric current in conjunction with either natural gas, propane, or home heating oil, which is designed to be the principal heating source for the living space of a residence and which is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu's per hour. Every furnace is either an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler. The heat input rate of a furnace is less than 300,000 Btu's per hour for electric boilers and low pressure steam or hot water boilers, and is less than 225,000 Btu's per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

* * * * *

2. Section 430.22 is amended by redesignating the present paragraph (n)(4) as paragraph (n)(5) and by adding a new paragraph (n)(4) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(n) *Furnaces.* * * *

(4) The energy factor for fossil-fueled furnaces, expressed in percent, is the ratio of annual output of useful energy delivered to the heated space to the

total annual energy input to the furnace determined according to 4.15 of Appendix N of this subpart.

* * * * *

3. The provisions of § 430.23 which relate to furnaces are reprinted as follows for the convenience of the reader:

§ 430.23 Units to be tested.

When testing of a covered product is required to comply with section 323(c) of the Act or to comply with rules prescribed under section 324 of the Act, a sample shall be selected and comprised of units which are production units, or are representative of production units of the basic model being tested, and shall meet the following applicable criteria.

* * * * *

(n)(1) For each basic model[2] of furnaces, other than basic models of those sectional cast-iron boilers which may be aggregated into groups having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the annual fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(2) For the lowest capacity basic model[2] of a group of basic models of those sectional cast-iron boilers having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .95.

(3) For the highest capacity basic model[2] of a group of basic models of those sectional cast-iron boilers having identical intermediate sections and combustion chambers, a sample of sufficient size shall be tested to insure that—

(i) any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values be no less than the higher of (A) the mean of the sample, or (B) the upper 97½ percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of the fuel utilization efficiency or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample, or (B) the lower 97½ percent confidence limit of the true mean divided by .05.

(4) For basic model[2] or capacity other than the highest or lowest of the group of basic models [2] of sectional cast-iron boilers having identical intermediate sections and combustion chambers, represented values of measures of energy consumption shall be determined by either—

(i) A linear interpolation of data obtained for the smallest and largest capacity units of the family, or

(ii) Testing a sample of sufficient size to insure that (A) any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (1) the mean of the sample, or (2) the upper 97½ percent confidence limit of the true mean divided by 1.05, and (B) any represented value of the energy factor or other measure of energy consumption of a basic model for which consumers would favor higher values shall be no greater than the lower of (1) the mean of the sample, or (2) the lower 97½ percent confidence limit of the true mean divided by .95.

(5) Whenever measures of energy consumption determined by linear interpolation do not agree with measures of energy consumption determined by actual testing, the values determined by testing will be assumed to be the more reliable values.

(6) In calculating the measures of energy consumption for each unit tested, use the design heating requirement corresponding to the mean of the capacities of the units of the sample.

4. Section 1.18 of Appendix N to Subpart B is amended to read as follows:

1.18 "Steady state heat input" (Q_{in}) means the rate of energy supplied in a fuel to a furnace, operating under steady state conditions, expressed in Btu's per hour. It includes any input energy to the pilot light and is obtained by multiplying the measured rate of fuel consumption by the measured higher heating value of the fuel.

5. Section 1.27 of Appendix N to Subpart B is amended to read as follows:

1.27 "Heating capacity" (Q_{out}) means the rate of useful heat output from a furnace, operating under steady state conditions, expressed in Btu's per hour. For furnaces intended to be installed indoors, it is obtained by multiplying the "nameplate input" by the steady state efficiency (n_{ss}) divided by 100. For furnaces intended to be installed outdoors, it is obtained by multiplying (A) the "nameplate input" by (B) the difference of the steady state efficiency divided by 100 and the quantity (3.3) (L_j) divided 100, where L_j is the jacket loss as determined in 3.4 of this appendix. For finned tubed boilers intended to be installed outdoors, it is obtained by multiplying (A) the "nameplate input rating" by (B) the difference of the steady state efficiency divided by 100 and the quantity L_j divided by 100, where L_j is the jacket loss as determined in 3.4 of this appendix.

6. Appendix N to Subpart B is amended by adding, after § 1.27, the following new sections:

1.28 "Condensing furnace" means a furnace or boiler which condenses part of the water vapor generated by the burning of hydrogen in fuels and is equipped with a means of collecting and draining this condensate. A furnace or boiler shall be considered a "condensing furnace" only if the latent heat loss coefficient (C_L), defined in 1.29 below, is less than 1.

1.29 "Latent heat loss coefficient (C_L)" means the coefficient which is the fraction of the total latent heat remaining in the flue gases after any condensing has occurred, as calculated in section 4.17 of this appendix.

1.30 "Pulse combustion furnace" means a furnace or boiler which uses a steady sequence of explosions to produce heat.

1.31 "Nameplate input rating" means the maximum hourly Btu input rate affixed by the manufacturer to a fossil-fueled furnace to indicate the fuel burning capacity.

1.32 "Finned tube boiler" means a boiler whose heat exchanger consists of only finned tubes.

1.33 "Forced draft" means air forced into the combustion chamber by mechanical means.

1.34 "Direct exhaust system" means a furnace venting system supplied by the manufacturer through which the products of

[2] Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provision.

combustion pass directly from the furnace to the outside and which does not employ a means of draft relief.

7. Section 2.1.3 of Appendix N to Subpart B is amended to read as follows:

2.1.3 Low pressure steam and hot water boilers (including direct vent systems). Install gas-fueled low pressure steam and hot water boilers as prescribed in section 2.9 of ANSI Standard Z21.13–1974. Install oil-fueled low pressure steam and hot water boilers as prescribed in sections 7.0 and 8.1.1 through 8.1.3 in the January 1977 edition of the Hydronic Institute "Testing and Rating Standard for Cast Iron and Steel Heating Boilers." In the case of condensing boilers, a means shall be provided for supplying 120° F return water, at a constant rate, to the test boiler during both the steady state and heat-up tests described below. This will typically, although not necessarily, require the use of a large tank, an auxiliary boiler and two pumps.

8. Section 2.2.1.2 of Appendix N to Subpart B is amended to read as follows:

2.2.1.2 Gas-fueled gravity and forced-air central furnaces which employ draft hoods. Test gas-fueled gravity and forced-air central furnaces which employ draft hoods having vertically discharging outlets with the draft hood in place and a 5-foot long pipe attached to the hood outlet. Test gas-fueled furnaces having a horizontally discharging hood outlet, with the draft hood in place and an insulated elbow and a 5-foot long vertical pipe attached to the hood outlet. Insulate the flue pipe and elbow upstream of the draft hood with insulation having an R value not less than 7 (° F–HR–ft ²/Btu's) and an outer layer of aluminum foil. Use an elbow and pipe with a cross sectional area the same size as the hood discharge outlet.

9. The first sentence of section 2.2.3 of Appendix N to Subpart B is amended to read as follows:

2.2.3 Direct vent and direct exhaust systems.

10. Section 2.4.1 of Appendix N to Subpart B is amended to read as follows:

2.4.1 Gas burner adjustments (not including condensing furnaces). Adjust burners of gas-fueled furnaces or boilers such that the Btu's per hour input, as measured during the steady state performance test described below and corrected to standard conditions of 60° F and 30 inches of mercury barometric pressure, is within ±2 percent of the nameplate input rating. Set the primary air shutters in accordance with the manufacturer's recommendation to give a good flame at this adjustment. If, however, the setting results in the deposit of carbon during any test specified herein, the tester shall adjust the shutters and burners until no more carbon is deposited and shall perform the tests again with the new settings. After the steady state performance test has been started, do not make additional adjustments to the burners during the required series of performance tests specified in section 3.0 of this appendix.

If a vent limiting means is provided on a gas pressure regulator, keep it in place during all tests.

11. Section 2.4.2 of Appendix N of Subpart B is amended to read as follows:

2.4.2 Oil burner adjustments (not including condensing furnaces). Adjust the burners of oil-fueled furnaces or boilers to give the CO_2 reading recommended by the manufacturer and an hourly Btu input during the steady state performance test described below which is within ±2 percent of the furnace nameplate input rating. Smoke in the flue may not exceed a No. 1 smoke during the steady state performance test as measured by the procedure in ANSI Standard Z11.182–1965 (R1971) (American Society for Testing and Materials D 2156–65 (1970)). Maintain the average draft over the fire and in the flue during the steady state performance test at that recommended by the manufacturer. Do not allow draft fluctuations exceeding 0.005 inches of water gauge. Do not make additional adjustments to the burner during the required series of performance tests. The instruments and measuring apparatus for this test are described in section 6.3 of ANSI Standard Z991.1–1972.

12. Appendix N to Subpart B is amended by adding, after section 2.4.2, the following new section:

2.4.3 Gas and oil burner adjustments for condensing furnaces. The burners on gas- and oil-fueled condensing furnaces and boilers shall be adjusted to give, during the steady state performance test described below, the CO_2 reading recommended by the manufacturer (if applicable) and an hourly Btu input which is within ±2 percent of the nameplate input rating. During the steady state performance test, the concentration of carbon monoxide present in dry flue gas shall not exceed 0.04 percent by volume. For oil-fired condensing units, the smoke in the flue gases shall not exceed a No. 1 smoke during the steady state performance test as measured by the procedure in ANSI Standard Z11.182–1965 (R 1971) (ASTM D2156–65 (1970)). If the carbon monoxide or smoke exceeds these specified limits during the steady state test, the burner shall be readjusted to give a lower CO_2 reading and all tests shall be started over. Once the burner is properly adjusted, no additional adjustments shall be made to it during the required series of performance tests.

If a vent-limiting means is provided on a gas pressure regulator, it shall be in place during all tests.

13. Section 2.5.1 of Appendix N to Subpart B is amended to read as follows:

2.5.1 Gas-fueled forced-air central furnaces (including direct vent systems and condensing furnaces). Adjust the external static pressure and air flow rate as specified in ANSI Standard Z21.47–1978. Measure outlet air temperature in accordance with section 2.19 of the same standard.

For gas-fueled condensing furnaces, the temperature rise during the steady state tests described below shall not be less than 50° F. During the steady state and heat-up tests described below, the return air temperature to the condensing furnace shall remain within ±5° F of the value T_{RA} measured during the steady state performance test.

14. Section 2.5.3 of Appendix N to Subpart B is amended to read as follows:

2.5.3 Oil-fueled forced-air central furnances (includingdirect vent systems and condensing furnances). Adjust the external static pressure and air flow rate as specified in table 5 and section 6.2 of ANSI Standard Z91.1–1972. For oil fueled condensing furnances, the temperature rise during the steady state tests described below shall not be less than 50°F. During the steady state and heat-up tests described below, the return air temperature to the condensing furnance shall remain within ±5°F of the value T_{RA} measured during the steady state performance test.

15. Section 2.5.4 of Appendix N to Subpart B is amended to read as follows:

2.5.4 Gas- and oil-fueled low pressure steam and hot water boilers (including direct vent systems and condensing boilers). For hot water boilers, adjust the water flow rate to produce a water temperature rise, during steady state operation, of between 120°F (48.9°C) and 165°F (73.9°C) and an outlet water temperature of 200°F (93.3°C) ±5°F (2.8°C). For finned tube boilers, the water flow shall be adjusted to produce a temperature rise of 20 to 40°F and outlet water temperature of 200°F ±5°F. Also for finned tube boilers, the maximum permissible temperature variation of the return water is limited to 5°F. For steam boilers, conduct the steady state performance test described in 3.1 at atmospheric pressure or at a pressure not exceeding 2 psia.

For condensing hot water boilers, the water flow rate shall be adjusted to produce a water temperature rise, during the steady state test described below, which is between 19.5 and 20.5°F. During the steady state and heat-up tests, the condensing boiler shall be supplied with return water having a temperature of 120°F. The maximum permissible variation of the return water temperature from the required value during the steady state and heat-up tests shall not exceed ±2°F, except during the first 30 seconds after start-up when it shall not exceed ±10°F, and between 30 and 60 seconds after start-up it shall not exceed ±5°F.

16. Section 2.6.1 of Appendix N to Subpart B is amended to read as follows:

2.6.1 Gas-fueled gravity furnaces, forced-air furnaces, and boilers (including direct vent systems and condensing furnances and boilers). For units employing an integral draft diverter, install a grid of thermocouples wired in parallel, in a horizontal plane in the 5-foot test stack located 1 foot from the test stack inlet. The grid shall consist of either 9 or 17

thermocouples (manufactuer's option) if the nominal inside diameter of the flue pipe is greater than 2 inches, and 5 thermocouples if the nominal inside diameter of the flue pipe is less than or equal to 2 inches. Henceforth in this section all parenthetical expressions refer to the 17 thermocouple grid, and all bracketed expressions refer to the 5 thermocouple grid. Equalize the length of all thermocouple leads before paralleling. Arrange the thermocouples in a grid with 1 thermocouple in the center of the test stack, and 8 (16) [4] along imaginary lines intersecting at right (45 degree) [right] angles in the horizontal plane at points one-third and two-thirds (one-third and two-thirds] [half] of the distance between the center of the pipe and the pipe wall.

For units which employ a draft hood, or a direct vent system which does not significantly preheat the incoming combustion air, install the thermocouple grid described above in a horizontal plane located within 12 inches (304.8 mm) of the furnance or boiler outlet, and upstream of the draft hood on units so equipped. Equalize the length of all thermocouple leads before paralleling and arrange the thermocouples as described above.

For furnances or boilers which employ direct vent systems that significantly preheat the incoming combustion air, install the thermocouple grid described above in a plane parallel to and located within 6 inches (152.4 mm) of the vent/air intake terminal. Equalize the length of all thermocouple leads before paralleling and arrange the thermocouples as described above.

Use bead-type thermocouples having wire size not greater than No. 24 AWG. If there is a possibility that the thermocouples could receive direct radiation from the flame, install radiation shields on the flame side of the thermocouples only and position the shields so that they do not touch the thermocouple junctions.

Locate the termocouples used for measuring conditioned warm air as described in ANSI Z21.47–1978, sections 2.1.9 and 2.9.1. Measure the temperature of the inlet air by means of a single No. 24 AWG bead-type thermocouple, suitably shielded from direct radiation and located in the center of the plane of each inlet air opening.

For non-condensing boilers, measure the inlet and outlet water temperature on gas-fueled hot water boilers as shown in figure 3 of ANSI Standard Z21.13–1974. For condensing boilers, the inlet and outlet water temperatures shall be measured using sheathed thermocouples inserted through pipe plugs that are located within 12 inches of the inlet and outlet of the boiler. A minimum of 6 inches of thermocouple lead, immediately upstream of the thermocouple junction, shall be immersed in the water between the pipe plug and the boiler inlet/outlet. The remainder of the thermocouple lead shall be run along the surface of the pipe (and under any insulation) for a distance of not less than 3 feet. The pipe, 3 feet immediately before the boiler inlet and 3 feet immediately after the boiler outlet, shall be covered with insulation having a R value of not less than 7 (°F-h-ft ²/Btu) and an outer layer of alumimun foil.

17. Section 2.6.2 of Appendix N to Subpart B is amended to read as follows:

2.6.2 Oil-fueled forced-air central furnaces and boilers (including direct vent systems and condensing furnaces and boilers). Install a grid of thermo-couples, wired in parallel and having equal length leads, in a plane perpendicular to the axis of the flue pipe. For systems other than direct vent systems which significantly preheat the incoming air, locate this plane at the position of the single thermocouple shown in figure 2 of ANSI Standard Z91.1–1972. For direct vent systems which significantly preheat the incoming air, locate the plane within 6 inches (152.4 mm) of the outlet of the vent/air intake terminal. Arrange the thermocouples as described in section 2.6.1.

Use bead-type thermocouples having a wire size not greater than No. 24 AWG. If there is a possibility that the thermocouples could receive direct radiation from the flame, install radiation shields on the flame side of the thermocouples only and position the shields so that they do not touch the thermocouple junctions.

Locate the thermocouples for measuring conditioned warm air as described in section 6.2 of ANSI Standard Z91.1–1972. Measure the temperature of the inlet air by means of a single thermocouple, suitably shielded from direct radiation and located in the center of the plane of each inlet air opening.

For non-condensing boilers, measure the inlet and outlet water temperatures on oil-fueled hot water boilers as described in section 7.4 and figure 2 of the January 1977 edition of the Hydronic Institute Standard "Testing and Rating Standard for Cast Iron and Steel Heating Boilers." For condensing oil-fueled boilers, the inlet and outlet water temperature shall be measured as described in 2.6.1 for gas-fueled condensing boilers.

18. Section 2.7 of Appendix N to Subpart B is amended to read as follows:

2.7 *Combustion measurement instrumentation.* Analyze the samples of stack and flue gases for furnaces and determine the concentration by volume of CO_2 present in the dry stack or flue gas with instrumentation which will result in a determination of the CO_2 concentration with an error no larger than ±0.1 percentage points.

19. Section 2.9 of Appendix N to Subpart B is amended to read as follows:

2.9 *Room ambient temperature.* During the time period required to perform all the testing and measurement procedures specified in section 3.0, maintain the room temperature within ±5°F (+2.8 C) of the value T_{RA} measured at the end of the steady state performance test. During these tests, the room temperature may not exceed 100°F (37.8 C) or fall below 65°F (18.3 C). Room temperature (T_{RA}) shall be the arithmetic average temperature of the test area, determined by measurement with four No. 24 AWG iron-constantan bead-type thermocouples with junctions shielded against radiation, located approximately at 90-degree positions on a circle circumscribing the furnace or furnace enclosure under test, in a horizontal plane approximately at the vertical midpoint of the appliance or test enclosure, and with the junctions approximately 24 inches from sides of the furnace or test enclosure and located so as not to be affected by other than room air. The temperature of the air for combustion and the air for draft relief shall not differ more than ±5°F from room temperature as measured above.

20. Section 2.10 of Appendix N to Subpart B is amended to read as follows:

2.10 *Equipment used to measure mass flow rate in flue and stack.* The tracer gas chosen for this task should have a density which is less than or approximately equal to the density of air. Use a gas that is of a different chemical species or different concentration from the flue gas to be measured and unreactive with the environment to be encountered. Using instrumentation of either the batch or continuous type, measure the concentration of tracer gas with an error no larger than ±2 percent of the value of the concentration measured.

21. Section 3.1.1 of Appendix N to Subpart B is amended to read as follows:

3.1.1 Gas-fueled gravity furnaces, forced-air central furnaces, and low pressure steam and hot water boilers (including direct vent systems and not including condensing furnaces, or boilers). The following procedure is to be used for gas-fueled gravity furnaces, forced-air central furnaces, and boilers (including direct vent systems).

Set up the furnace or boiler as specified in sections 2.1, 2.2, and 2.3. Begin the steady state performance test by operating the burner and the circulating air blower or water pump, with the adjustments specified by 2.4.1 and 2.5, until steady state conditions are attained as indicated by a temperature variation in three successive readings taken 15 minutes apart of not more than: (1) 3°F (1.7C) in the stack gas temperature for furnaces and boilers equipped with draft diverters, (2) 5°F (2.8C) in the flue gas temperature for furnaces and boilers equipped with either draft hoods, or direct vent systems, and (3) 4°F (2.2C) in the outlet water temperature for hot water boilers.

On units employing draft diverters, measure the room temperature (T_{RA}) as described in 2.9 and measure the steady state stack gas temperature ($T_{s.ss.x}$) using the thermocouple grid located in the 5-foot test stack as described in 2.6.1. Secure a sample of stack gases in the plane where $T_{s.ss.x}$ is measured, or within 3.5 feet of this plane on the downstream side, and determine the concentration by volume of carbon dioxide ($X_{CO2.s}$) present in dry stack gas. If the location of gas sampling differs from the temperature measurement plane, care should be taken to assure that there are no air leaks in the stack pipe between the two locations.

On units employing draft hoods or direct vent systems, measure the room temperature

(T_{RA}) as described in 2.9 and measure the steady state flue gas temperature ($T_{F.SS.X}$) using the thermocouple grid located in the flue pipe as described in section 2.6.1. Secure a sample of the flue gas in the plane of temperature measurement and determine the concentration by volume of CO_2 ($X_{CO2.F}$) present in dry flue gas. For units employing draft hoods or direct vent units which significantly preheat the incoming combustion air, secure a sample of the flue gas in the plane of temperature measurement and determine the concentration by volume of CO_2 ($X_{CO2.F}$) present in dry flue gas. For direct vent units which do not significantly preheat the incoming combustion air, secure a sample of the flue gas in the plane of temperature measurement, or within 3.5 feet of this plane on the downstream side, and determine the concentration by volume of CO_2 ($X_{CO2.F}$) present in dry flue gas. If the location of gas sampling differs from the temperature measurement plane, care should be taken to assure that there are no air leaks in the flue pipe between the two locations.

Determine the steady state heat imput rate (Q_{in}), including pilot gas, by multiplying the measured higher heating value of the test gas by the steady state gas input rate corrected to standard conditions of 60°F and 30 inches of mercury. Use measured values of gas temperature and pressure at the meter and the barometric pressure to correct the metered gas flow rate to standard conditions.

Measure the steady state electric power to the power burner (PE) on units so equipped. For furnaces, measure thesteady state electrical power to the conditioned air blower (BE). For hot water boilers, use a steady state water pump power of 0.13kW.

After the above test measurements have been completed on units employing integral draft diverters, secure a sample of the flue gases at the inlet to the draft diverter and determine the concentration of CO_2 ($X_{CO2.F}$) present. In obtaining this sample of flue gas, move the sampling probe around to assure that an average value is obtained for the CO_2 concentration. To obtain the average CO_2 concentration for units with multiple heat exchanger outlets, draw and weight a sample from each outlet. Block the draft diverter relief opening and cover the draft diverter and flue gas collection box (on a power vented unit) with insulation having an R value no less than 7 (°F-HR-ft²/Btu) and an outer layer of aluminum foil. If the unit is turned off during the process of blocking the diverter relief opening, run it until steady state conditions (as defined above) are again achieved. Progressively restrict the test stack outlet until the concentration of CO_2 in flue gas samples secured from the test stack in the plane where $T_{S.SS.X}$ was measured is within ±0.2 percentage points of the previously determined value of ($X_{CO2.F}$). Measure the flue gas terperature ($T_{P.SS}$) using the thermocouple grid located in the 5-foot test stack as described in 2.6.1.

22. Section 3.1.2 of Appendix N to Subpart B is amended to read as follows:

3.1.2 Oil-fueled forced-air central furnaces and low pressure steam and hot water boilers (including direct vent systems and not including condensing furnaces or boilers). Set up and adjust the furnace or boiler as specified in sections 2.1, 2.2 and 2.3.4. Begin the steady state performance test by operating the burner and the circulating air blower or water pump with the adjustments specified by 2.4.2 and 2.5 until steady state conditions are attained as indicated by a temperature variation in three successive readings taken 15 minutes apart of not more than: (1) 5°F (2.8C) in the flue gas temperature for furnaces and boilers and (2) 4°F (2.2C) in the outlet water temperature for hot water boilers.

Smoke in the flue for units equipped with power burners may not exceed a No. 1 smoke during the steady state performance test as measured by the procedure described in ANSI Standard Z11.182–1975 (R1971) (ASTM D 2156–65 (1970)). Maintain the average draft (recommended by the manufacturer) over the fire and in the breeching during the steady state performance test. Draft fluctuations may not exceed 0.005 inches of water guage.

Measure the room temperature (T_{RA}) as described in 2.9 and measure the steady state flue gas temperature ($T_{F.\ SS}$) using the thermocouple grid located in the flue pipe as described in 2.6.1. Secure a sample of the flue gas in the plane of temperature measurement or within 3.5 feet of this plane on the downstream side and determine the concentration by volume of CO_2 ($X_{CO2.F}$) present in dry flue gas. If the location of gas sampling differs from the temperature measurement plane, care should be taken to assure that there are no air leaks in the flue pipes between the two locations.

Measure and record the steady state heat imput rate (Q_{in}) and the steady state electrical power to the power burner (PE) on unit so equipped. For furnaces, measure the steady state electrical power to the conditioned air blower (BE). For hot water boilers, use a steady state water pump power of BE = 0.13 kW.

23. Appendix N to Subpart B is amended by renumbering the present section 3.1.3 as 3.1.4.

24. Appendix N to Subpart B is amended by renumbering the present section 3.1.3 as 3.1.5.

25. Appendix N to Subpart B is amended by adding a new section 3.1.3 to read as follows:

3.1.3 Gas- and oil-fueled condensing furnances and boilers. The furnace or boiler shall be set up as specified in sections 2.1, 2.2, 2.3, and 2.6. Begin the test by operating the burner and circulating air blower or water pump for hot water boilers, with the adjustments specified in 2.4 and 2.5, until steady state conditions are obtained as indicated by a temperature variation in their successive readings taken 15 minutes apart of not more than 1°F (0.56°C) in the flue gas temperature and the supply (outlet) water temperature.

Measure the room temperature (T_{RA}) as described in section 2.9, and measure the steady state flue gas temperature ($T_{F.SS}$) using the thermocouple grid described in section 2.6. A sample of the flue gas shall be secured in the plane of temperature measurement or within 3.5 feet of this plane on the downstream side and analyzed to determine the concentration by volume of CO_2 ($X_{CO2.F}$) present in the dry flue gas. If the location of sampling the CO_2 differs from the temperature measurement plane, care should be taken to assure that there are no air leaks in the flue pipe between these two locations.

The steady state heat imput rate (Q_{in}), including pilot gas input if appropriate, shall be determined by multiplying the measured higher heating value of the test fuel by the measured steady state imput rate. If gas is the fuel used, correct the imput rate to standard conditions of 69°F and 30 inches of mercury using measured values of gas temperature and pressure at the meter and the measured barometric pressure.

Measure the steady electric power to the burner (PE), if appropriate. For furnaces, measure the steady state electrical power to the conditioned air blower (BE). For hot water boilers, use a steady state water pump power of BE = 0.13 kw. Record all measured values.

26. Section 3.2.1 of Appendix N to Subpart B is amended to read as follows:

3.2.1 Gas- and oil-fuel gravity and forced-air central furnaces (including direct vent systems but not including condensing furnaces). Turn off the main burner after steady state testing is completed and measure the flue gas temperature by means of the thermocouple grid described above at 1.5 ($T_{F.\ OFF}$ (t_3)) and 9.0 minutes ($T_{F.OFF}$ (t_4)) after the burner shuts off. By-pass the damper control in units smploying stack dampers and integral draft diverters or draft hoods so that the damper remains open during the cool down test.

During this off-period, allow a time delay (t^+) between burner shut-down and blower shut-down of either 3 minutes or until the supply air temperature drops to a value of 40° F (22.2° C) above the inlet air temperature, whichever results in the longest blower on-time. However, if the furnace employs a single motor to drive a power burner and an indoor air circulating blower, turn off the blower and the burner together. If the blower delay time exceeds 3 minutes, measure the time delay (t^+) between burner shut-off and blower shut-off using a stop watch. The quantity t^+ shall be set equal to this measured delay time or 13.3 minutes, whichever is smaller. For oil-fueled furnaces not equipped with stack dampers, maintain the draft in the flue pipe within a range of −0.001 and +0.005 inch of water gauge of the average draft maintained during the steady state test described in section 3.1 if the optional test in section 3.6 is being carried out, or within ±0.01 inch of water gauge of the average steady state draft if it is not. For a direct vent system with a flue damper or a furnace equipped with both a stack damper and a barometric damper, close the flue or stack damper during the cool-down test. Keep the main burner(s) off until equilibrium conditions are attained as indicated by variations in the flue gas temperature of not more than 3° F (1.7° C) between three successive readings taken 15 minutes apart. For units employing a continuously burning

pilot light, take a third flue gas temperature measurement and determine the off-period minimum flue gas temperature ($T_{F,\ OFF}(\infty)$). For units not employing a continuously burning pilot light, set ($T_{F,\ OFF}(\infty)$) equal to the room temperature (T_{RA}). During this cool-down test, measure the energy input rate to the pilot light (Q_P), if the unit is so equipped, within an error no larger than ±3 percent. Record all measured values.

27. Section 3.2.2 of Appendix N to Subpart B is amended to read as follows:

3.2.2 Gas- and oil-fueled boilers (including direct vent systems and not including condensing boilers). After steady state testing has been completed, turn the main burner(s) off and measure the flue gas temperature at 3.75 ($T_{F,\ OFF}(t_3)$) and 22.5 ($T_{F,\ OFF}(t_4)$) minutes after the burner shuts off, using the thermocouple grid described above. During this off-period, do not allow water to circulate through the hot water boilers. Make a third flue gas temperature measurement 45 minutes after the burner shuts off to determine the off-period minimum flue gas temperature ($T_{F,\ OFF}(\infty)$). During this cool-down test, measure the energy input rate to the pilot light (Q_P), if the unit is so equipped, to within an error no larger than ±3 percent. Record all measured values. For oil-fueled units not equipped with stack dampers, maintain the draft in the flue within the same ranges called for in section 3.2.1 above. For direct vent systems with flue dampers or boilers equipped with both stack dampers and barometric dampers, close the flue or stack damper during the cool-down test.

28. Appendix N to Subpart B is amended by adding, after section 3.2.2, the following new sections:

3.2.3 Gas- and oil-fueled condensing furnaces. After steady state testing is completed and all required measurements made, the burner shall be turned off and the flue gas temperature measured by means of the thermocouple grid described in section 2.6 at 1.5 ($T_{F,\ OFF}\ t_3$) and 9.0 ($T_{F,\ OFF}\ t_4$) minutes after the burner shuts off. Units employing flue dampers shall have their dampers closed during the cool-down test. During this off-period, there shall be a time delay (t^+) between burner shut down and blower shut-down of either 1.5 minutes or until the supply air temperature drops to a value of 40° F (22.2° C) above the inlet air temperature, whichever results in the larger blower on-time. An exception to this is if the furnace employs a single motor to drive a power burner and an indoor air circulating blower, the blower and the burner shall be shut off together. If the blower delay time exceeds 1.5 minutes, the time between burner shut-off and blower shut-off shall be measured using a stop watch and the quantity t^+ shall be set equal to this measured delay time or 13.3 minutes, whichever is smaller. For units equipped with a continuously burning pilot light, the main burner(s) shall remain off until equilibrium conditions are attained as indicated by variations in the flue gas temperature of not more than 0.5° F (0.28° C) in three successive readings taken 15 minutes apart, and then a third flue gas temperature measurement shall be made to determine the off-period minimum flue gas temperature ($T_{F,\ OFF}(\infty)$). For units not equipped with a continuously operating pilot light, $T_{F,\ OFF}(\infty)$ shall be set equal to the measured room temperature (T_{RA}) and the unit shall remain off for a minimum time period of 20 minutes.

During the cool-down test, the energy input rate to the pilot light (Q_P), if the unit is so equipped, shall be measured with an error no larger than ±3 percent. Record all measured values.

3.2.4 Gas- and oil-fueled condensing boilers. After steady state testing is completed, the main burner(s) shall be turned off and the flue gas temperature measured at 3.75 ($T_{F,\ OFF}(t_3)$) and 22.5 ($T_{F,\ OFF}(t_4)$) minutes after the burner(s) shuts off, using the thermocouple grid described in section 2.6. During this off-period, no water shall be allowed to circulate through the boiler. A third flue gas temperature shall be made 45 minutes after the burner(s) shuts off to determine the off-period minimum flue gas temperature ($T_{F,\ OFF}(\infty)$). During this cool-down test, the energy input rate to the pilot light (Q_P), if the unit is so equipped, shall be measured with an error no larger than ±3 percent. For units equipped with flue dampers, the damper shall be closed during the cool-down test. Record all measured values.

29. Section 3.3.1 of Appendix N to Subpart B is amended to read as follows:

3.3.1 Gas- and oil-fueled central furnaces (including direct vent systems and not including condensing furnaces). After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature using the termocouple grid described above, at 0.5 ($T_{F,\ ON}(t_1)$) and 2.5 ($T_{F,\ ON}(t_2)$) minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t^-) unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together, or (2) the delay time would result in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the burner at the highest temperature. If the fan control is permitted to start the blower, measure the time delay (t^-) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water gauge of the manufacturer's recommended on-period draft.

30. Section 3.3.2 of Appendix N to Subpart B is amended to read as follows:

3.3.2 Gas- oil-fueled boiler (including direct vent systems and not including condensing boilers). Fifty minutes after the main burner(s) is turned off for the cool-down test, turn on the steam or hot water boiler and measure the flue gas temperature using the thermocouple grid described above, at 1.0 ($T_{F,\ ON}(t_1)$) and 5.5 ($T_{F,\ ON}(t_2)$) minutes after the main burner(s) comes on. Start the pump circulating the water through the hot water boiler simultaneously with the main burner(s) and maintain the water flow rate at that maintained during the steady state test described in section 3.1. During the heat-up test for oil fired boilers, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft. Record the measured temperatures.

31. Appendix N to Subpart B is amended by adding, at the end of section 3.3.2, the following new sections:

3.3.3 Gas- and oil-fueled condensing furnaces. After the cool-down test is completed, the furnace shall be turned on and the flue gas temperature measured using the thermocouple grid described in section 2.6 at 0.5 ($T_{F,\ ON}(t_1)$) and 2.5 ($T_{F,\ ON}(t_2)$) minutes after the main burner(s) comes on. During this on-period, there shall be a time delay (t^-) between the burner start-up and blower start-up of 1.5 minutes. Two exceptions to this are: (1) if the furnace employs a single motor to drive a power burner and an indoor air circulating blower, both shall be started together, and (2) if a 1.5 minute blower delay time results in the operation of the high limit control to shut the burner off, the fan control shall be permitted to automatically start the blower provided, if it is adjustable, it is set to turn the blower on at the highest flue gas temperature. If the fan control is permitted to start the blower, the time delay (t^-) between burner and blower start-up shall be measured using a stop watch. Record the measured values.

3.3.4 Gas- and oil-fueled condensing boilers. Fifty minutes after the main burner(s) is turned off for the cool-down test, the condensing boiler shall be turned on and the flue gas temperature measured using the thermocouple grid described in section 2.6 at 1.0 ($T_{F,\ ON}(t_1)$) and 5.5 ($T_{F,\ ON}(t_2)$) minutes after the main burner comes on. The pump circulating the water through the boiler shall be started simultaneously with the main burner(s), the water flow rate shall be the same as that maintained during the steady state test described in 3.1, and the return water temperature shall be within the limits specified in section 2.5.2.

32. Section 3.4(i) of Appendix N to Subpart B is amended to read as follows:

(i) Electric and gas-fueled gravity and forced-air central furnaces—ANSI Standard Z21.47–1973, section 2.9.1 and appendix F.

33. The first two sentences of 3.6 of Appendix N to Subpart B are amended to read as follows:

3.6 *Optional procedure for determining D_P, D_R, and D_S, for systems equipped with power burners, forced draft fans, and induced draft fans.* On systems which employ power burners, forced draft fans, or induced draft fans and do not employ a stack damper, or do employ a stack damper but with a draft diverter or draft hood, measure D_f (the ratio of gas mass flow rate through the flue during the off-cycle to the gas mass flow rate

through the flue during the on-cycle at identical temperatures) during the cool-down test described in section 3.2.

* * * * *

34. Appendix N to Subpart B is amended by adding the following new paragraph at the end of section 3.6:

* * * * *

For pulse combustion units, D_f and D_p shall be set equal to 0.0. For condensing units employing power burners, forced draft fans, or induced draft fans, the values of D_f and D_p may be obtained using the optional procedures described above in this section, except that the steady state conditions shall be indicated by a temperature variation in three successive readings, taken 15 minutes apart, of not more than 1°F in the flue gas temperature in the case of furnaces and the supply (outlet) water temperature for hot water boilers.

35. Appendix N to Subpart B is amended by adding after section 3.6, the following new section:

3.7 *Optional procedure for condensing furnaces and boilers which have no off-period flue losses.* At the discretion of the manufacturer, the cool-down and heat-up tests specified in 3.2 and 3.3 may be omitted on pulse combustion units. In lieu of conducting the cool-down and heat-up tests, the manufacture may use the losses determined during the steady state test described in 3.1 when calculating part load efficiency (η_u).

36. Section 4.2.2 of Appendix N to Subpart B is amended to read as follows:

4.2.2 Ratio of combustion air to stoichiometric air. Determine the ratio of combustion air mass flow rate to stoichiometric air mass flow rate ($R_{T,F}$) for the test fuel from Figure 1 by using the value of dry flue gas CO_2 concentration ($X_{CO2,F}$) determined in accordance with section 3.1 of this appendix.

37. Section 4.2.5 of Appendix N to Subpart B is amended to read as follows:

4.2.5 Steady state efficiency. Calculate the steady state efficiency (excluding jacket loss) (η_{ss}) expressed in percent and defined as:

$\eta_{ss} = 100 - L_{L,A} - L_{S,SS,A}$, for non-condensing furnaces and boilers and condensing furnaces

and

$$\eta_{ss} = 100 - L_{L,A} - L_{S,SS,A} - \frac{(100)\,(.24)\,(180 - 120)\,(1 + R_{T,F})\,(A/F)}{HHV_A}$$

For condensing boilers where:

$L_{L,A}$ = average latent heat loss of the test fuel determined in accordance with Table 3, in percent.

$L_{S,SS,A}$ as defined in 4.2.4.

(.24) = specific heat of air.

(180) = rated return water temperature.

(120) = test return water temperature.

$R_{T,F}$ as defined in 4.2.2.

A/F = the stoichiometric air/fuel ratio determined in accordance with table 3.

100 = number which relates results in percentages.

HHV_A = average higher heating value of the test fuel determined in accordance with Table 3, in Btu's per pound.

38. Section 4.2.6 of Appendix N to Subpart B is amended to read as follows:

4.2.6 Average ratio of stack gas mass flow rate to flue gas mass flow rate at full-load steady state operation. Determine the average ratio of stack gas mass flow rate to flue gas mass flow rate at full-load steady state operation (S/F) for the system number to be tested from table 1 or 2.

39. Appendix N to Subpart B is amended by adding in the equation in section 4.2.8 a minus sign, "−", between the two terms of the numerator.

40. Appendix N to Subpart B is amended by changing the fourth and fifth paragraphs of section 4.2.13 to read:

D_F = off-cycle flue gas draft factor selected from table 1 or, for units with power burners, induced draft fans, or forced draft fans where D_p is measured, determined in accordance with section 4.4.2 of this appendix.

D_S = off-cycle stack gas draft factor selected from table 1 or, for units with power burners, induced draft fans, or forced draft fans where D_P is measured, determined in accordance with section 4.4.3 of this appendix.

41. Section 4.2.15 of Appendix N to Subpart B is amended to read as follows:

4.2.15 Correction factors for systems 9–12. Calculate a correction factor which corrects for the use of outdoor air for combustion instead of air at room temperature (C_s) defined as:

for non-condensing furnaces:

$$C_s = 1 + \frac{(70-42)\,\eta_{ss}}{(T_{F,SS} - T_{RA})\,100}$$

for condensing furnaces:

$$C_s = \frac{T_{F,SS} - 42}{T_{F,SS} - 70}$$

where:

42 = average outdoor temperature corresponding to 5,200 degree day location, in degrees fahrenheit.

η_{ss} as defined in 4.2.5.

$T_{F,SS}$ as defined in 4.2.4.

70 assumed average indoor air temperature.

T_{RA} as defined in 4.2.4.

The correction factor which corrects for the effect of outdoor air passing through the heat exchanger during the off-period, C'_s is defined as: $C'_s = 1.22$

42. Appendix N to Subpart B is amended by changing the second paragraph of section 4.2.22 to read as follows:

For systems 1–8 and condensing units:

* * *

43. Appendix N to Subpart B is amended by changing the third paragraph of section 4.2.22 to read as follows:

For systems 9–12 except condensing units:

* * *

44. Appendix N to Subpart B is amended by changing section 4.2.32 to read as follows:

4.2.32 Latent heat loss coefficient. For condensing furnaces, calculate the latent heat loss coefficient expressed as a decimal and defined as:

$$\text{If } P_V > P_V^S$$

$$C_L = \frac{P_V^S}{P_V} \times \frac{14.7 - P_V}{14.7 - P_V^S}$$

$$\text{If } P_V < P_V^S$$

$$C_L = 1.0$$

where:

$$P_V = \frac{M_V}{M_{FG}} \times \frac{m_{FG}}{m_V} (14.7),$$

is the water vapor partial pressure that would be in the flue gases if there were no condensation and the atmospheric pressure were equal to 14.7 psia.

14.7 = standard atmospheric pressure in psia.

M_V = 18, is the approximate molecular weight of water.

M_{FG} =

29.0 for No. 1 and No. 2 fuel oil

28.0 for natural gas

27.5 for manufactured gas

28.5 butane and propane, are the approximate apparent molecular weights of flue gases for different fuels.

$$m_{FG} = 1 + \left[(A/_F)\ (R_{T,F})\right]$$

is the weight of flue gases generated per unit weight of fuel burnt.

$$m_v = \frac{(HHV_A)\ (L_{L,A})}{(100)\ (1053.3)}$$

(HHV_A) as defined in 4.2.5
$(L_{L,A})$ as defined in 4.2.5
$(A/_F)$ as defined in 4.2.5
$(R_{T,F})$ as defined in 4.2.5
(1053.3) is assumed latent heat/lb. of water
P_v^s = saturated vapor pressure determined from Table 5 at average flue gas temperature $\bar{T}_{F,ON}$.

where:

If the option described in 3.7 is not employed:

$$\bar{T}_{F,ON} = T_{F,SS} - \frac{\theta_{F,O}}{(t_{ON}/\tau_{ON})}\left(1 - e^{-(t_{ON}/\tau_{ON})}\right)$$

If the option described in 3.7 is employed:
$\bar{T}_{F,ON} = T_{F,SS}$

where:
$T_{F,SS}$ as defined in 4.2.4.
$\theta_{F,O}$ as defined in 4.2.22.
t_{ON} as defined in 4.2.20.
τ_{ON} as defined in 4.2.20.

45. Appendix N to Subpart B is amended by renumbering existing section 4.2.33 to 4.2.35.

46. Appendix N to Subpart B is amended by adding a new section 4.2.33 to read as follows:

4.2.33 Condensate heat loss. For condensing furnaces, calculate the loss due to condensate going down the drain and correct for the fact that this condensate did not go up the flue as heated vapor (as was assumed in determining $L_{S,SS,A}$), expressed as a percent and defined as:

$$L_C = \frac{L_{L,A}\,(1 - C_L)\left[1.0(T_{F,SS} - 70) + .45\,(T_{F,SS} - 42)\right]}{1053.3}$$

where:

$T_{F,SS}$ as defined in 4.2.4.
.45 specific heat of water vapor
1.0 specific heat of water (liquid)
70 as defined in 4.2.15
42 as defined in 4.2.15
C_L as defined in 4.2.32
$L_{L,A}$ as defined in 4.2.5
1053.3 latent heat vaporization of water

47. Appendix N to Subpart B is amended by adding a new section 4.2.34 to read as follows:

4.2.34 Part-load fuel utilization efficiency. Calculate the part-load fuel utilization efficiency, expressed as a percent and defined as:

If the option described in 3.7 is not employed:

$$\eta_U = 100 - C_L L_{L,A} - L_C - C_J L_J - \frac{t_{on}}{t_{on} + \frac{Q_p}{Q_{in}}(t_{off})}\left[L_{S,ON} + L_{S,OFF} + L_{I,ON} + L_{I,OFF}\right]$$

If the option described in 3.7 is employed:

$$\eta_U = 100 - C_L L_{L,A} - L_C - C_J L_J - \frac{t_{on}}{t_{on} + \frac{(Q_p)}{Q_{in}}(t_{off})}\left[C_S L_{S,SS,A}\right]$$

where:

C_J = 0 for furnaces or boilers intended to be installed indoors, 3.3 for furnaces intended to be installed outdoors, and 4.7 for boilers intended to be installed outdoors.
C_S as defined in 4.2.15.
C_L = 1 for non-condensing furnaces or boilers, and as determined in 4.2.32 for condensing furnaces or boilers.
t_{on} as defined in 4.2.20.
t_{off} as defined in 4.2.21.
Q_p = pilot flame fuel input rate determined in accordance with section 3.2 of this Appendix, in Btu's per hour.
Q_{in} = steady state heat input rate (incuding pilot flame fuel input rate) determined in accordance with section 3.1 of this Appendix, in Btu's per hour.
L_j = jacket loss determined in accordance with section 3.4 of this Appendix, in percent.
$L_{L,A}$ as defined in 4.2.5.
t_{on} as defined in 4.2.20.
t_{off} as defined in 4.2.21.
$L_{s,on}$ as defined in 4.2.28.
$L_{s,off}$ as defined in 4.2.29.
$L_{I,on}$ as defined in 4.2.30.
$L_{I,off}$ as defined in 4.2.31.
$L_{S,SS,A}$ as defined in 4.2.4.
L_C = 0 for non-condensing furnaces or boilers, and as determined in 4.2.33 for condensing furnaces or boilers.

48. Appendix N to Subpart B is amended by changing in sections 4.4.1, 4.4.2, 4.4.3, and 4.5, the words "power burner" to "power burner, induced draft fan or forced draft fan."

49. Section 4.4 of Appendix N to Subpart B is amended by adding a paragraph at the end of the section to read as follows:

* * * * *

For direct exhaust systems utilizing indoor air for combustion and employing forced or induced draft shall be tested as a direct vent system without preheating of combustion air. The test data for the type of furnace shall be reduced as a system number 2 with S/F = 1, and $D_s = D_f = 0.4$ or D_p if the unit is not equipped with a flue damper, and as a system number 8 with S/F = 1, $D_f = 0.4$ or D_p, and $D_s = (0.4)\ D_o$ or $(D_p)\ (D_o)$, if the unit is equipped with a flue damper.

50. Appendix N to Subpart B is amended by changing the fourth

paragraph of section 4.7 to read as follows:

$Q_{out}=(\eta_{ss}/100)$ (nameplate input) rounded off to the nearest 1,000 Btu/hr for units intended for installation in a heated space, $Q_{out}=(\eta_{ss}/100—(3.3)\ (L_u/100))$ (nameplate input) rounded off to the nearest 1,000 Btu/hr for units intended for installation outdoors or in an unheated space, and $Q_{out}=(\eta_{ss}/100)—(L_u/100)$ (nameplate input) rounded off to the nearest 1,000 Btu/hr for finned tubed boilers intended for installation outdoors or in an unheated space.

51. Appendix N to Subpart B is amended by changing in section 4.7 the defined term "O_{ss} as defined in 4.2.5" to "η_{ss} as defined in 4.2.5."

52. Appendix N to Subpart B is amended by changing the cite "4.2.32" in section 4.7 to "4.2.34."

53. Appendix N to Subpart B is amended by adding at the end of section 4.7 the defined term:

nameplate input as defined in section 1.3.

54. Appendix N to Subpart B is amended by adding a new section 4.15 after existing section 4.14 to read as follows:

4.15 *Energy factor for furnaces.*

Calculate the energy factor for gas and oil-fueled furnaces*, E_F, defined as:

$$E_F = \left[\frac{(\eta_u/100)\left[E_F - (4600\ Q_P)\right]}{E_F + 3413\ E_{AE}}\right] (100)$$

Where:

η_u is the part-load fuel utilization-efficiency defined in 4.2.34.

E_F is the average annual fuel energy consumption as defined in section 4.8.

4600 as defined in 4.2.35.

Q_P as defined in 4.2.35.

E_{AE} is the average annual auxiliary electric energy consumption as defined in 4.9.

3413 conversion factor corresponding to 1 kilowatt=3414 Btu/hour.

*Set the energy factor for electric-furnaces equal to the annual fuel utilization-efficiency as defined in 4.1.

55. Appendix N to Subpart B is amended by changing the title of Table 1 to read as follows:

Factors Describing Air Flow Rate for Gas- and Oil-Fired Non-Condensing Furnaces or Boiler Utilizing Indoor Air for Combustion and Draft Control.

56. Appendix N to Subpart B is amended by adding to the title of Table 2 the phrase "and All Condensing Furnaces or Boilers" at the end of the existing title.

57. Appendix N to Subpart B is amended by adding to Table 4 the following line items preceding the existing line items:

5,000 to 10,000	5	5
11,000 to 16,000	10	5, 10
17,000 to 25,000	15	10, 15

58. Appendix N to Subpart B is amended by adding a new Table 5 after existing Table 4 to read as follows:

Table 5.—*Saturated Vapor Pressure at Different Temperatures*

	Pressure (lb./in²a)
Temperature (°F):	
700	3094.3
600	1543.2
500	680.86
400	247.259
300	67.005
200	11.526
180.0	7.5110
179.0	7.3460
178.0	7.1840
177.0	7.0250
176.0	6.8690
175.0	6.7159
174.0	6.5656
173.0	6.4182
172.0	6.2736
171.0	6.1318
170.0	5.9926
169.0	5.8562
168.0	5.7223
167.0	5.5911
166.0	5.4623
165.0	5.3361
164.0	5.2124
163.0	5.0911
162.0	4.9722
161.0	4.8556
160.0	4.7414
159.0	4.6294
158.0	4.5197
157.0	4.4122
156.0	4.3068
155.0	4.2036
154.0	4.1025
153.0	4.0035
152.0	3.9065
151.0	3.8114
150.0	3.7184
149.0	3.6273
148.0	3.5381
147.0	3.4508
146.0	3.3653
145.0	3.2816
144.0	3.1997
143.0	3.1195
142.0	3.0411
141.0	2.9643
140.0	2.8892
139.0	2.8157
138.0	2.7438
137.0	2.6735
136.0	2.6047
135.0	2.5375

Table 5.—*Saturated Vapor Pressure at Different Temperatures*—Continued

	Pressure (lb./in²a)
134.0	2.4717
133.0	2.4074
132.0	2.3445
131.0	2.2830
130.0	2.2230
129.0	2.1642
128.0	2.1068
127.0	2.0507
126.0	1.9959
125.0	1.9424
124.0	1.8901
123.0	1.8390
122.0	1.7891
121.0	1.7403
120.0	1.6927
119.0	1.6463
118.0	1.6009
117.0	1.5566
116.0	1.5133
115.0	1.4711
114.0	1.4299
113.0	1.3898
112.0	1.3505
111.0	1.3123
110.0	1.2750
109.0	1.2385
108.0	1.2030
107.0	1.1684
106.0	1.1347
105.0	1.10174
104.0	1.06965
102.0	1.00789
101.0	0.97818
100.0	0.94924
99.0	0.92103
98.0	0.89356
97.0	0.86679
96.0	0.84072
95.0	0.81534
94.0	0.79062
93.0	0.76655
92.0	0.74313
91.0	0.72032
90.0	0.69813
89.0	0.67653
88.0	0.65551
87.0	0.63507
86.0	0.61518
85.0	0.59583
84.0	0.57702
83.0	0.55872
82.0	0.54093
81.0	0.52364
80.0	0.50683
79.0	0.49049
78.0	0.47461
77.0	0.45919
76.0	0.44420
75.0	0.42964
74.0	0.41550
72.0	0.38844
71.0	0.37549
70.0	0.36292
69.0	0.35073
68.0	0.33889
67.0	0.32740
66.0	0.31626
65.0	0.30545
64.0	0.29497
63.0	0.28480
62.0	0.27494
61.0	0.26538

[FR Doc. 80-40 Filed 1-3-80; 8:45 am]

BILLING CODE 6450-01-M

federal register

Friday
January 4, 1980

Part V

Department of Labor

Mine Safety and Health Administration

Nuclear Regulatory Commission

Memorandum of Understanding

Friday
January 4, 1980

Part V

Department of Labor

Mine Safety and Health Administration

Nuclear Regulatory Commission

Memorandum of Understanding

Federal Register

DEPARTMENT OF LABOR

Mine Safety and Health Administration, Nuclear Regulatory Commission

Memorandum of Understanding

1. Purpose

The Mine Safety and Health Administration (MSHA), U.S. Department of Labor, and the U.S. Nuclear Regualtory Commission (NRC), enter into this agreement in order to facilitate coordination and cooperation in areas of mutual jurisdiction and concern.

2. Background

Under Sections 3(h)(1) and 4 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801–961 (Supp. I), MSHA has jurisdiction over occupational safety and health protection in the milling of minerals which can be used to produce atomic energy. These minerals are defined as "source material" in Section 11 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2014(z). Under sections 63 and 161 of the Atomic Energy Act, 42 U.S.C. 2093 and 2201, and the National Environmental Policy Act, NRC also has jurisdiction over occupational safety and health protection in milling of these minerals.

3. Declaration of Intent

MSHA and the NRC recognize that they both have jurisdiction respecting protection of workers from safety and health hazards in source material mills. Although each agency will carry out its statutory responsibilities separately, the agencies agree that administrative efficiency will be maximized by:

a. Promulgation and enforcement of compatible safety and health standards and regulations;

b. Use of compatible inspection procedures and techniques where feasible;

c. Exchange of information respecting safety and health protection in mills subject to the jurisdiction of both agencies, and the exchange of other information pertinent to each agency's mission;

d. Exchange of information regarding enforcement actions subject to the jurisdiction of both agencies.

4. Areas of Cooperation

a. NRC will assist MSHA in developing safety and health standards compatible with existing NRC regulations. Whenever MSHA or NRC identify the need to promulgate any safety or health standard or regulation which is new to both agencies, or to modify an existing standard or regulation, a joint development project will be initiated. If public meetings or hearings are to be conducted, they will be conducted jointly if possible. MSHA and NRC will initiate a joint review of data-keeping regulations and other requirements applicable to source material milling operations, and will attempt to implement compatible programs in this area.

b. MSHA and NRC will perform a trial joint inspection program to identify areas where duplication of MSHA and NRC regulation of mills can be reduced. By undertaking this program, the two agencies will seek to make maximum use of the government's resources and develop procedures which will result in the greater assurance of improved safety and health to persons working in milling operations. At the end of a twelve month trial period, the program will be evaluated. Based on this evaluation, recommendations will be made as to how the public interest could be best served in the area of mutual agency cooperation.

c. MSHA and NRC agree to exchange information pertinent to safety and health hazards, including epidemiological data; mill licensing actions; inspection, investigation, and other reports; and technical information. The two agencies also agree to cooperate in development and evaluation of medical information pertaining to health hazards from source materials and their daughter products. Each agency will protect the confidentiality of information identified as proprietary that has been supplied to it by the other agency.

d. MSHA and NRC agree to coordinate agency activities respecting safety and health, to the extent possible, in the areas of training programs and such other areas as the agencies may designate, and to cooperate in the implementation of any such programs.

e. Neither NRC nor MSHA will provide advance notice of any joint MSHA-NRC inspection or any other inspection by the other agency. MSHA will advise NRC of any significant administrative adjusticatory proceeding or court proceeding in which it is a party, where such proceeding may affect NRC's programs. MSHA will also advise NRC of any hearing to be held under Section 107(b) of the Mine Act and of the result of any such hearing where the subject of such a hearing may affect NRC's programs. NRC will advise MSHA of any significant enforcement action to be taken, or taken, under the Atomic Energy Act which may affect MSHA's programs, and will advise MSHA of any administrative adjusticatory proceeding or court proceeding in which it is a party where such proceeding may affect MSHA's programs. Each agency will advise the other agency of such administrative or court proceedings at a time early enough to allow the other agency to prepare for meaningful participation if appropriate.

5. MSHA-State Coordination

NRC agrees to assist MSHA in coordinating MSHA's activities with agencies of those States which, under Section 274 of the Atomic Energy Act, 42 U.S.C. 2021, license and inspect source material mills pursuant to agreements with NRC.

6. Implementation

The MSHA official responsible for implementation of this agreement is the Chief, Metal and Nonmetal Mine Health Division; the NRC official responsible for implementation of this agreement is the Executive Director for Operations. Working level coordination shall be established for both headquarters and field operations.

7. Freedom of Information Act Requests

MSHA and NRC shall develop procedures for when consultation with the other agency is necessary before release of information under the Freedom of Information Act, regarding projects and programs implemented pursuant to this agreement. These procedures shall in no way supersede, supplement, or otherwise contravene the Freedom of Information Act or the respective agency Freedom of Information Act regulations.

8. Amendment and Termination

This agreement may be modified, amended or terminated upon thirty (30) days written notice by either party.

9. Effective Date

This agreement is effective when signed by both parties.

Dated: November 26, 1979.

Lee V. Gossick,

Executive Director for Operations, U.S. Nuclear Regulatory Commission.

Dated: December 14, 1979.

Robert B. Lagather.

Assistant Secretary, Mine Safety and Health Administration, Department of Labor.

[FR Doc. 80-124 Filed 1-3-80; 8:45 am]

BILLING CODE 4510-43-M

federal register

Friday
January 4, 1980

Part VI

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage & Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL76-5090	Oct. 8, 1976
AL77-1063; AL77-1066; AL77-1064	May 13, 1977
AL77-1071	June 3, 1977
AL77-1090	July 8, 1977
AL78-1045	May 5, 1978
AL78-1082	Oct. 13, 1978
AL78-1094	Nov. 13, 1978
AL79-1066	Apr. 13, 1979
AL79-1079	May 4, 1979
Arkansas—AR79-4025	Feb. 2, 1979
Connecticut:	
CT79-2010; CT79-2011	Apr. 6, 1979
Florida:	
FL78-1072	Sept. 1, 1978
FL78-1084	Sept. 29, 1978
FL79-1111	July 20, 1979
FL79-1118	Aug. 17, 1979
Georgia:	
GA77-1031	Mar. 25, 1977
GA77-1103; GA77-1104; GA77-1111	Aug. 26, 1977
GA78-1023	Mar. 10, 1978
GA78-1066	Aug. 11, 1978
GA78-1096	Nov. 24, 1978
GA79-1012	Jan. 5, 1979
GA79-1054; GA79-1058; GA79-1059	Mar. 30, 1979
GA79-1156	Dec. 7, 1979
Kentucky—KY79-1071	Apr 20, 1979
Louisiana:	
LA77-4031	Feb. 18, 1977
LA79-4069	July 20, 1979
LA79-4070	Aug. 17, 1979
Maryland—MD77-3036	Mar. 4, 1979
Mississippi:	
MS77-1056	May 6, 1979
MS77-1069	May 20, 1979
MS78-1063	Aug. 4, 1978
MS79-1060	Apr. 13, 1979
MS79-1077	Apr. 27, 1979
MS79-1086	May 25, 1979
MS79-1112	July 20, 1979
MS79-1123	Sept. 7, 1979
MS79-1127	Sept. 14, 1979
New Jersey:	
NJ79-3013	June 22, 1979
NJ75-3068	July 11, 1975
New Mexico—NM79-4061	Apr. 13, 1979
Oklahoma:	
OK78-4093	Sept. 15, 1978
OK79-1665; OK79-4019	Jan. 5, 1977
Pennsylvania—PA79-3000	Jan. 25, 1979
Tennessee:	
TN79-1005; TN79-1006; TN79-1007; TN79-1011	Jan. 5, 1979
TN79-1053	Mar. 23, 1979
Texas:	
TX78-4089	Sept. 15, 1978
TX79-4009; TX79-4013; TX79-4014	Jan. 5, 1979
TX79-4034	July 13, 1979
TX79-4035	Sept. 28, 1979
TX79-4037	June 1, 1979
TX79-4039	Mar. 16, 1979

TX79-4041; TX79-4043	Sept. 28, 1979
TX79-4045	June 22, 1979
TX79-4078	Sept. 28, 1979
TX79-4084; TX79-4086	Oct. 5, 1979
TX79-4051	May 4, 1979
Virginia:	
VA78-3062; VA78-3063	Sept. 22, 1979
VA79-3049	Nov. 9, 1979
VA78-3100	Dec. 8, 1978
VA79-3050	Nov. 9, 1979
VA79-3055	Dec. 21, 1979

Supersedeas Decision to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas Decision numbers are in paraentheses following the numbers of the decisions begin superseded.

Alabama:	
AL77-1048 (AL80-1030)	Apr. 29, 1977
AL79-1061 (AL80-1042)	Apr. 13, 1979
Florida:	
FL75-1066 (FL80-1040)	July 3, 1975
FL75-1080 (FL80-1037);	
FL75-1081 (FL80-1035)	Sept. 5, 1979
FL76-1021 (FL80-1036)	Jan. 30, 1976
FL77-1004 (FL80-1039)	Jan. 14, 1977
FL77-1061 (FL80-1041)	May 20, 1977
Mississippi:	
MS76-1076 (MS80-1029)	July 16, 1976
MS78-1028 (MS80-1013)	Mar. 24, 1978
MS79-1089 (MS80-1007);	
MS79-1090 (MS80-1008);	
MS79-1091 (MS80-1009);	
MS79-1091 (MS80-1010)	June 1, 1979
New Jersey—NJ78-3009 (NJ79-3029)	Apr. 21, 1978
North Carolina:	
NC76-1019 (NC80-1023)	Jan. 30, 1976
NC76-1024 (NC80-1021)	Feb. 13, 1976
NC76-1046 (NC80-1024)	Apr. 9, 1976
NC76-1068 (NC80-1020)	May 8, 1976
NC76-1109 (NC80-1017)	Sept. 24, 1976
NC77-1012 (NC80-1027)	Mar. 4, 1977
NC77-1046 (NC80-1025)	Apr. 8, 1977
NC77-1092 (NC80-1022)	Jan. 20, 1976
NC77-1094 (NC80-1019)	July 29, 1977
NC77-1096 (NC80-1018)	July 29, 1977
NC77-1109 (NC80-1016)	Aug. 26, 1977
Oklahoma—OH79-4017 (OK80-4006)	Jan. 4, 1979
South Carolina:	
SC77-1077 (SC80-1011)	June 10, 1977
SC78-1046 (SC80-1012)	May 12, 1978
Texas:	
TX79-4005 (TX80-4002)	Jan. 5, 1979
TX79-4033 (TX80-4003);	
TX79-4038 (TX80-4006);	
TX79-4048 (TX80-4001);	
TX79-4050 (TX80-4005)	Mar. 14, 1979

Cancellation of General Wage Determination Decision

None.

Signed at Washington, D.C. this 28th day of December 1979.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #AL76-5090-Mod. #4
(41 FR 44609-October 8,1976)
Alabama,Arkansas,Florida, (west of the Aucilla River), Kentucky,Louisiana,Mississippi,Missouri,Tennessee, and Texas.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
COOK HELPER- MESS BOY	$3.10				
JANITOR-CABIN BOY	3.10				
DREDGES UNDER 16":					
DECKHAND	3.10				
OILER	3.10				
DREDGES 16" AND OVER:					
DECKHAND	3.10				
SHOREMAN	3.10				
BUCKET DREDGING:					
OILER	3.10				
HANDYMAN-LABORERS	3.10				
DECKHAND	3.10				
COOK	3.10				

Decision #AL 77-1063 - Mod. #3
(42 FR 24553 - May 13, 1977)
Autauga, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Russell, Tallapoosa Counties, Alabama

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers:					
Laborers	$ 3.10				
Pipelayers	3.10				
Truck drivers	3.10				

Decision #AL 77-1066 - Mod. #3
(42 FR 24554 - May 13, 1977)
Blount, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph and Winston Counties, Alabama

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL77-1064 - Mod. #3 (42 FR 24553 - May 13, 1977) Autauga, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Hale, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Perry, Pike, Russell and Tallapoosa Counties, Alabama					
CHANGE:					
Truck drivers	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL77-1071 - Mod. #2 (42 FR 28728 - June3, 1977) Calhoun, Etowah, Greene, Jefferson, Pickens, St. Clair, Shelby, Sumter, Talladega, Tuscaloosa and Walker Counties, Alabama					
CHANGE:					
Laborers:					
Laborers	$3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL 77-1090 - Mod. #2 (42-FR-35509 - July 8, 1977) Madison and Marshall Counties, Alabama					
CHANGE:					
Laborers:					
Laborers, unskilled	$3.10				
Tile finisher	3.10				
Truck driver	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL78-1045 - Mod. #2 (43 FR 19541 - May 5, 1978) Barbour, Coffee, Covington, Dale, Geneva, Henry, Houston and Russell Counties, Alabama					
CHANGE:					
Insulators	$ 3.10				
Laborers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL78-1082 - Mod. #1 (43 FR 47425 - October 13, 1978) Montgomery County, Alabama					
CHANGE:					
Laborers:					
Laborers	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL78-1094 - Mod. #1 (43 FR 53633-November 13, 1978) Autauga, Bullock, Butler, Chilton, Clarke, Conecuh, Coosa, Crenshaw, Dallas, Elmore, Lowndes, Monroe, Montgomery, Pike and Wilcox Counties, Alabama					
CHANGE:					
Laborers	$3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL79-1066 - Mod. #5 (44-FR-22307-April 13, 1979) Madison County, Alabama					
CHANGE:					
Carpenters	$ 9.20	.55	.45		.05
Millwrights	9.85	.55	.45		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #AL79-1079 - Mod. #1 (44 FR 26405 - May 4, 1979) Calhoun, Cherokee, DeKalb, Cleburne, and Etowah Counties, Alabama					
CHANGE:					
Laborers	$3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR79-4025-Mod. #2 44 FR 6864-February 2, 1979 Statewide, Arkansas					
CHANGE:					
Laborers	$3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT79-2010 - MOD. #8 (44 FR 20913 - April 6, 1979) Fairfield, Litchfield, and Windham Counties, Connecticut					
Change: Ironworkers: Ornamental; Reinforcing; Structural and Precast Concrete Erection	$ 13.05	.90	1.45	1	.08
DECISION NO. CT79-2011 - MOD. #9 (44 FR 20921 - April 6, 1979) Hartford, Middlesex, New Haven, New London, and Tolland Counties, Connecticut					
Change: Ironworkers: Ornamental; Reinforcing; Structural and Precast Concrete Erection	$ 13.05	.90	1.45	m	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. FL78-1072 - MOD. NO. 1 (43 FR 39249 - September 1, 1978) Bay, Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida					
Change: Laborers	$3.10				
Truck Drivers	3.10				
DECISION NO. FL78-1084 - MOD. NO. 1 (43 FR 45102 - September 29, 1978) Citrus, Hernando, Hillsborough, Pasco, Pinellas, & Sumter Counties, Florida					
Change: Laborers	3.10				
DECISION NO. FL79-1111 - MOD. NO. 1 (44 FR 42858 - July 20, 1979) Bay County, Florida					
Change: Laborers: Laborers	3.10				
DECISION NO. FL79-1118 - MOD. NO. 2 (44 FR 48564 - August 17, 1979) Pinellas County, Florida					
Change: Air Conditioning & Heating Mechanics	$11.93	.60	1.00		.10
Bricklayers/Blocklayers	10.80	.45	.50		.10
Plumbers; Pipefitters	11.93	.60	1.00		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA77-1031 - Mod. #1 (42 FR 16355 - March 25, 1977) Baker, Calhoun, Clay, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, & Terrell Counties, Georgia					
CHANGE:					
Laborers:					
Laborers	$ 3.10				
Pipelayers	3.10				
Truck drivers	3.10				
DECISION #GA77-1103 - Mod. #2 (42 FR 43322 - August 26, 1977) Chatham County, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
DECISION #GA77-1104 - Mod. #3 (42 FR 43322 - August 26. 1977) Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, & Whitfield Counties, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
Truck drivers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA77-1111 - Mod. #3 (42 FR 43323 - August 26, 1977) Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Charlton, Chattahoochee, Clarke, Clay, Clayton, Clinch, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Fayette, Glascock, Glynn, Grady, Greene, Hancock, Harris, Heard, Henry, Houston, Irwin, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Peach, Pierce, Pike, Pulaski, Putnam, Quitman, Randolph, Richmond, Rockdale, Schley, Screven, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Troup, Turner, Twiggs, Upson, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, Wilkinson, & Worth Counties, Georgia					
CHANGE:					
Form setters	$ 3.10				
Laborers:					
Pipelayers, sign erectors, guardrail post driving, auger-boom, & striping machine operators;	3.10				
Unskilled	3.10				
Truck drivers	3.10				
Power Equipment Operators:					
Oiler - greaser	3.10				
Tractor (farm type)	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA78-1023 - Mod. #1 (43 FR 10155 - March 10, 1978) Baldwin, Bibb, Bleckley, Butts, Crawford, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pike, Putnam, Twiggs, Upson, & Wilkinson Counties, Georgia					
CHANGE:					
Laborers	$ 3.10				
Truck drivers	3.10				
DECISION #GA78-1066 - Mod. #1 (43 FR 35809 - August 11, 1978) Appling, Bacon, Candler, Dodge, Emanuel, Jeff Davis, Johnson, Laurens, Montgomery, Tattnall, Telfair, Toombs, Treutlen, & Wheeler Counties, Georgia					
CHANGE:					
Laborers	$ 3.10				
DECISION #GA78-1096 - Mod. #3 (43 FR 55142 - November 24, 1978) Chattahoochee County, & Columbus, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
Mortar mixers & Mason tenders	3.10				
Truck drivers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA79-1012 - Mod. #1 (44 FR 1631 - January 5, 1979) Ware County, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
Plasterer tenders	3.10				
Power Equipment Operators:					
Motor grader	3.10				
Scraper	3.10				
DECISION #GA79-1054 - Mod. #1 (44 FR 19110 - March 30, 1979) Barrow, Clarke, Elbert, Greene, Hart, Jackson, Madison, Morgan, Newton, Oconee, Oglethorpe, & Walton Counties, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
DECISION #GA79-1058 - Mod. #1 (44 FR 19110 - March 30, 1979) Camden, Glynn, & McIntosh Counties, Georgia					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA79-1059 - Mod. #1 (44 FR 19111 - March 30, 1979) Atkinson, Berrien, Brantley, Brooks, Charlton, Clinch, Colquitt, Cook, Echols, Lanier, Lowndes, Pierce, Thomas, Ware, & Wayne Counties, Georgia					
CHANGE:					
Laborers: Unskilled	$ 3.10				
DECISION #GA79-1156 - Mod. #1 (44 FR 70629 - December 7, 1979) Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Lumpkin, Rabun, Stephens, Towns, Union, & White Counties, Georgia					
CHANGE:					
Laborers: Unskilled	$ 3.10				
Truck drivers	3.10				
DECISION #KY79-1071 - Mod. #1 (44 FR 23736 - April 20, 1979) Butler, Henderson, Hopkins, Logan, McLean, Muhlenberg, Todd, Union, & Webster Counties, Kentucky					
CHANGE:					
Laborers: Unskilled	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA77-4031 - MOD. #3 (42 FR 10237 - February 18, 1977) Ouachita Parish, Louisiana					
CHANGE:					
Laborers	$ 3.10				
Truck drivers	3.10				
DECISION NO. LA79-4069 - MOD. #5 (44 FR 42860 - July 20, 1979) Statewide Louisiana					
CHANGE:					
Asbestos workers - Zone 4	11.64	.45	.50		
Carpenters (Building Const.):					
Zone 7:					
Carpenters & soft floor layers	10.70				
Millwrights	11.45				
Piledrivermen	11.20				
Zone 9:					
Carpenters & soft floor Layers	10.70				
Millwrights	11.45				
Piledrivermen	11.20				
Carpenters & piledrivermen (Highway Construction):					
Zone 1	10.96				
Zone 2	11.96				
Zone 3	12.07				
Zone 4	11.375				
Zone 5	10.07				
Zone 6	9.85				
Zone 7	9.30				
Cement masons (Highway Construction):					
Zone 1	10.10	.45	.40		
Zone 3	9.95	.35			
Zone 4	10.30				
Zone 5	9.80				
Zone 6	9.30				
Zone 7	9.80				
Zone 8	9.30				
Electricians:					
Zone 4 - Electricians	12.85	.70	3%		2/10%
Cable splicers	13.10	.70	3%		2/10%

DECISION NO. LA79-4069 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers (Highway Construction):					
Zone 1	$12.12				
Zone 3	11.70				
Zone 4	11.56				
Zone 5	9.85				
Zone 6	9.30				
Laborers (Highway Const.):					
Group 1 - Zone 1	7.08	.25	.27		.05
Zone 3	6.38	.25	.27		.05
Zone 4	7.08	.25	.27		.05
Zone 5	6.18	.25	.27		.05
Zone 6	5.98	.25	.27		.05
Group 2 - Zone 1	7.18	.25	.27		.05
Zone 3	6.48	.25	.27		.05
Zone 4	7.18	.25	.27		.05
Zone 5	6.28	.25	.27		.05
Zone 6	6.08	.25	.27		.05
Group 3 - Zone 1	7.63	.25	.27		.05
Zone 3	6.93	.25	.27		.05
Zone 4	7.63	.25	.27		.05
Zone 5	6.73	.25	.27		.05
Zone 6	6.53	.25	.27		.05
Group 4 - Zone 1	7.88	.25	.27		.05
Zone 3	7.18	.25	.27		.05
Zone 4	7.88	.25	.27		.05
Zone 5	6.93	.25	.27		.05
Zone 6	6.73	.25	.27		.05
Line construction:					
Zone 4:					
Linemen, equipment ops.	12.85	.70	3%		
Cable splicers	13.10	.70	3%		
Marble, tile & terrazzo workers & finishers:					
Zone 2:					
Tile setters	9.05	.48	.67		.02
Painters:					
Zone 1 - Group 1	11.715		.30		
Group 2	11.915		.30		
Group 3	12.06		.30		
Group 4	13.505		.30		
Zone 5 - Group 1	9.60				
Group 2	10.10				
Group 3	10.60				

DECISION NO. LA79-4069 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 6 - Painters, tape & float, vinyl & paper-hangers	$10.25	.40	.30		.05
Zone 7 - Group 1	7.80				
Group 2	8.30				
Group 3	8.80				
Plasterers - Zone 2	10.00				.01
Power equipment operators (Building Construction):					
Zone 3 - Group 1	8.25	.65	.72		.05
Group 2	8.66	.65	.72		.05
Group 3	9.07	.65	.72		.05
Group 4	9.15	.65	.72		.05
Group 5	9.54	.65	.72		.05
Group 6	11.27	.65	.72		.05
Power equipment operators (Highway Construction):					
Group 1 - Zone 1	10.51	.65	1.00		.05
Zone 3	9.98	.65	1.00		.05
Zone 4	10.16	.65	1.00		.05
Zone 5	8.20	.65	1.00		.05
Zone 6	7.70	.65	1.00		.05
Group 2 - Zone 1	10.76	.65	1.00		.05
Zone 3	10.23	.65	1.00		.05
Zone 4	10.41	.65	1.00		.05
Zone 5	8.45	.65	1.00		.05
Zone 6	7.95	.65	1.00		.05
Group 3 - Zone 1	10.26	.65	1.00		.05
Zone 3	9.73	.65	1.00		.05
Zone 4	9.91	.65	1.00		.05
Zone 5	7.95	.65	1.00		.05
Zone 6	7.45	.65	1.00		.05
Group 4 - Zone 1	9.01	.65	1.00		.05
Zone 3	8.68	.65	1.00		.05
Zone 4	8.69	.65	1.00		.05
Zone 5	6.98	.65	1.00		.05
Zone 6	6.48	.65	1.00		.05
Group 5 - Zone 1	8.66	.65	1.00		.05
Zone 3	8.09	.65	1.00		.05
Zone 4	8.08	.65	1.00		.05
Zone 5	6.46	.65	1.00		.05
Zone 6	5.96	.65	1.00		.05

DECISION NO. LA79-4069 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 6 - Zone 1	$ 7.66	.65	1.00		.05
Zone 3	7.08	.65	1.00		.05
Zone 4	7.08	.65	1.00		.05
Zone 5	5.53	.65	1.00		.05
Zone 6	5.03	.65	1.00		.05
Group 7 - Zone 1	7.35	.65	1.00		.05
Zone 3	6.74	.65	1.00		.05
Zone 4	6.74	.65	1.00		.05
Zone 5	5.24	.65	1.00		.05
Zone 6	4.74	.65	1.00		.05
Group 8 - Zone 1	8.71	.65	1.00		.05
Zone 3	8.38	.65	1.00		.05
Zone 4	8.39	.65	1.00		.05
Zone 5	6.73	.65	1.00		.05
Zone 6	6.23	.65	1.00		.05
Group 9 - Zone 1	8.96	.65	1.00		.05
Zone 3	8.63	.65	1.00		.05
Zone 4	8.64	.65	1.00		.05
Zone 5	6.98	.65	1.00		.05
Zone 6	6.48	.65	1.00		.05
Group 10 - Zone 1	7.60	.65	1.00		.05
Zone 3	6.99	.65	1.00		.05
Zone 4	6.99	.65	1.00		.05
Zone 5	5.49	.65	1.00		.05
Zone 6	4.99	.65	1.00		.05
Roofers:					
Zone 3:					
Roofers	9.51	.60	.65		.04
Roofer helpers does not use the tools of the trade in performing such duties as removing & disposing of old roofing, stocking & unloading materials, hauling materials to the journeymen & sweeping	5.94	.60	.65		.04

DECISION NO. LA79-4069 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 4 - Roofers	$ 9.30		.30		
Kettlemen	8.05		.30		
Truck drivers (Highway Construction):					
Group 1 - Zone 1	7.38	.45			
Zone 3	7.56				
Zone 4	7.99				
Zone 5	6.67				
Zone 6	6.77				
Group 2 - Zone 1	7.51	.45			
Zone 3	7.66				
Zone 4	8.12				
Zone 5	6.80				
Zone 6	6.90				
Group 3 - Zone 1	7.57	.45			
Zone 3	7.89				
Zone 4	8.18				
Zone 5	6.86				
Zone 6	6.96				
Group 4 - Zone 1	7.65	.45			
Zone 3	8.10				
Zone 4	8.25				
Zone 5	6.93				
Zone 6	7.03				
Group 5 - Zone 1	7.84	.45			
Zone 3	8.52				
Zone 4	8.44				
Zone 5	7.13				
Zone 6	7.22				
ADD:					
Roofers:					
Zone 2 - Preparer removes old roofing; place, stock or move materials tools or equipment for the journeymen	4.40	.40			

DECISION NO. LA79-4070 - MOD. #2 (44 FR 48564 - August 17, 1979) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Glaziers:					
Bossier & Caddo Parishes	$ 9.48		.30		.04
Painters:					
Bossier & Caddo Pars.:					
Painters, tape & float, vinyl & paperhangers	10.25	.40	.30		.05
Calcasieu Parish:					
Group 1	11.715		.30		
Group 2	11.915		.30		
Group 3	12.06		.30		
Tile setters:					
Calcasieu Parish	9.05	.48	.67		.02

DECISION #MD77-3036 - MOD. #3 (42 FR 12613 - March 4, 1977) Wicomico County, Maryland	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers:					
Mortar Mixers	$3.10				
Unskilled	3.10				
Truck Drivers	3.10				
Power Equipment Operators:					
Forklift	3.10				
Loader	3.10				

Decision #MS77-1056 - Mod. #3 (42 FR 23266 - May 6, 1977) Yalobusha County, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers	$3.10				
Power Equipment Operators:					
Backhoe	3.10				

Decision #MS77-1069 - Mod. #3 (42 FR-26094 - May 20, 1977) Bolivar County, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers, reinforcing	$ 3.10				
Laborers:					
Laborers	3.10				
Mason tenders	3.10				
Mortar mixers	3.10				
Plasterers' tenders	3.10				
Truck drivers	3.10				

Decision #MS78-1063 - Mod. #1 (43 FR 34668 August 4, 1978) Covington, Greene, Jefferson - Davis, Lamar, Marion, Perry Wayne and Forrest Counties, Mississippi	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers	$3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MS 79-1060 - Mod. #1 (44 FR 22298 - April 13, 1979) Attala, Chickasaw, Choctaw, Clay, Lowndes, Monroe, Noxubee, Oktibbeha, Webster and Winston Counties, Mississippi					
CHANGE:					
Laborers	$ 3.10				
Truck drivers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MS79-1077 - Mod. #2 (44 FR 25115 - April 27, 1979) Clarke, Jasper, Kemper, Lauderdale, Neshoba and Newton Counties, Mississippi					
CHANGE:					
Laborers					
Laborers	$ 3.10				
Truck drivers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MS 79-1086 - Mod. #1 (44 FR 30583 - May 25, 1979) Lowndes County (excluding Columbia Lock and Dam and Tennessee Tombigbee Projects) Mississippi					
CHANGE:					
Electricians	$10.90	.42	3%	.14	.02
Ironworkers	11.60	.60	.82		.06
Laborers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MS79-1112 - Mod. #1 (44 FR 42845 - July 20, 1979) Alcorn, Itawamba, Lee, Pontotoc, Prentiss, Tippah, Tishomingo and Union Counties, Mississippi					
CHANGE:					
Laborers:					
Laborers	$ 3.10				
POWER EQUIPMENT OPERATORS:					
Tractor	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MS79-1123 - Mod. #1 (44 FR 52531 - September 7, 1979) Adams, Amite, Franklin, Jefferson Lawrence, Lincoln, Pike, Walthall and and Wilkinson Counties, Mississippi					
CHANGE:					
Laborers:					
Laborers	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #MS79-1127 - Mod. #2 (44 FR 53659 - September 14, 1979) Warren County, Mississippi					
CHANGE:					
Laborers:					
Laborers	$ 3.10				
Mortar mixers	3.10				

DECISION NO. NJ79-3013 MOD.#3
(44 FR 36661 - June 22, 1979)
Atlantic County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
AIR CONDITIONING & REFRIGERATION MECHANICS	$9.10	.065	.31	b	.04
ELECTRICIANS:					
Units built primarily for residence, not to exceed 4 unit apartments (Note: Firewalls alone are not a determinative criteria):					
That portion south and west of a line following the White Horse Pile (US Hwy. 30) in a southeasterly direction from Camden County to the Mays Landing - DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth, along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, and south on that road to the north limits of the county	7.06	7%	3%+.30		.05
Remainder of County	6.79	7%	3%+.60		.05
All other residential construction:					
That portion south and west of a line following the White Horse Pile (US Hwy. 30) in a southeasterly direction from Camden County to the Mays Landing - DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth, along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, and south on that road to the north limits of the County	13.23	7%	3%+1.10		.04
Remainder of County	13.53	7%	3%+.60		.02

DECISION #NJ75-3068 - Mod. #1
(40 FR 29437 - July 11, 1975)
Cape May County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Insulation Mechanics	$3.10				

DECISION #NM79-4061 - Mod. #1
44 FR 22311-April 13, 1979
Dona Ana County, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS:					
Laborers	$3.10				
Mason tenders	3.10				
Mortar mixers	3.10				

DECISION #OK78-4093 - Mod. #2
43 FR 41363-September 15, 1978
Atoka, Bryan, Choctaw, Haskill, Latimer, McCurtain Pittsburg & Pushmataha Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Rollers, motor graders, scrapers & tractors	$3.10				

DECISION #OK79-4019-Mod. #2
44 FR 1665-January 5, 1979
Oklahoma, Cleveland and Canadian Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
LABORERS:					
Laborers	$3.10				
Mason tenders	3.10				

DECISION #OK79-4020-Mod. #1
44 FR 1665-January 5, 1979
Statewide, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
WELL DRILLERS (ZONE A)					
Well drillers helper	$3.10				
WELL DRILLERS (ZONE B)					
Well drillers	3.10				
Well drillers helper	3.10				

DECISION NO. PA79-3000 MOD. NO. 7 (44 FR 5625 - January 25, 1979)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania					
CHANGE:					
CARPENTERS					
ZONE I	$12.26	8%	7%		
ZONE 2	12.05	8%	7%		
CARPENTER-WELDER					
ZONE I	12.70	8%	7%		
ZONE 2	12.48	8%	7%		
CEMENT MASONS	11.56	6%	16%		
LABORERS					
ZONE I					
CLASS I	9.09	10%	10%		
CLASS 2	9.25	10%	10%		
CLASS 3	9.67	10%	10%		
CLASS 4	10.63	10%	10%		
ZONE 2					
CLASS I	8.97	10%	10%		
CLASS 2	9.15	10%	10%		
CLASS 3	9.67	10%	10%		
CLASS 4	10.63	10%	10%		
ZONE 3					
CLASS I	8.87	10%	10%		
CLASS 2	9.05	10%	10%		
CLASS 3	9.67	10%	10%		
CLASS 4	10.63	10%	10%		
PILEDRIVERMEN	12.67	5.5%	10%		

DECISION NO. PA79-3000 MOD. NO. 7, CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE I					
CLASS I	$12.38	1.05	1.00		.09
CLASS 2	12.12	1.05	1.00		.09
CLASS 3	9.76	1.05	1.00		.09
CLASS 4	9.31	1.05	1.00		.09
CLASS 5	9.16	1.05	1.00		.09
ZONE 2					
CLASS I	12.09	1.05	1.00		.09
CLASS 2	11.81	1.05	1.00		.09
CLASS 3	9.47	1.05	1.00		.09
CLASS 4	8.98	1.05	1.00		.09
CLASS 5	8.87	1.05	1.00		.09

DECISION NO. PA79-3000
MOD. NO. 7 , CONT'D

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
ZONE 1					
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman)	$9.66	9%	9%		
Truck over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors and combination fuel and grease)	9.80	9%	9%		
Tri-axle Trucks	9.87	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet, width (such as Euclids, Athey Wagon, Pay-loader, Tournawagons and similar equipment when not self-loaded rated under forty-five tons	9.87	9%	9%		
Heavy off-the-road equipment (rated at forty-five tons or over)	9.97	9%	9%		
Bottom or Belly-dump Trucks	9.97	9%	9%		
Heavy Duty Trailer, such as Low Boy, Hi-Boy, Dump Trailer, Pole Trailer A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.95	9%	9%		

DECISION NO. PA79-3000
MOD. NO. 7 CONT'D.

Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.70	9%	9%		
Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.80	9%	9%		
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.87	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.80	9%	9%		
Trucks with Dolly or Trailer	9.75	9%	9%		
ZONE 2					
Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dump-sters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks, Tar and Asphalt Trailer Trucks	9.76	9%	9%		
Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.46	9%	9%		
Tandem-axle Ready-mix Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.57	9%	9%		

Page 5

DECISION NO. PA79-3000 - MOD. NO. 7, CONT'D.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	9.71	9%	9%		
Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.)	9.61	9%	9%		
Trucks with Dolly or Trailer	9.57	9%	9%		
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman)	9.43	9%	9%		
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	9.61	9%	9%		
Tri-axle Trucks	9.71	9%	9%		
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons	9.71	9%	9%		
Heavy off-the-road Equipment (rated at forty-five tons or over)	9.80	9%	9%		
Bottom or Belly-dump Trucks	9.80	9%	9%		

DECISION #TN79-1005 - Mod. #1 (44 FR 1667 - January 5, 1979) Dyer, Gibson, Lake, Lauderdale, Obion, & Weakley Counties, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
Truck drivers	3.10				

DECISION #TN79-1006 - Mod. #1 (44 FR 1667 - January 5, 1979) Carter & Sullivan Counties, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Air conditioning mechanics	$ 3.10				
Laborers:					
Unskilled	3.10				
Pipelayers	3.10				
Painters - brush	3.10				
Roofers					
Sheet metal workers	3.10				
Tile setters	3.10				
Truck drivers	3.10				
Power Equipment Operators:					
Shovel	3.10				

DECISION #TN79-1007 - Mod. #1 (44 FR 1668 - January 5, 1979) Shelby County, Tennessee	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
Mortar mixers	3.10				
Pipelayers	3.10				
Truck drivers	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN79-1011 - Mod. #1 (44 FR 1670 - January 5, 1979) Carter, Hawkins, Johnson, Sullivan, & Washington Counties, Tennessee					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				
DECISION #TN79-1053 - Mod. #1 (44 FR 17883 - March 23, 1979) Campbell, Claiborne, Cumberland, Fentress, Hancock, Morgan, Pickett, Scott, & Union Counties, Tennessee					
CHANGE:					
Laborers:					
Unskilled	$ 3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX78-4089 - MOD. #3 (43 FR 41363 - September 15, 1978) Bee, Kleberg, Nueces & San Patricio Counties, Texas					
CHANGE:					
Laborers:					
Laborers	$3.10				
Truck drivers	3.10				
DECISION NO. TX79-4009 - MOD. #5 (44 FR 1681 - January 5, 1979) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
CHANGE:					
Asbestos workers	11.94	.55	.70		
Laborers:					
Common laborers	3.10				
Air tool operators	3.10				
Mason tenders	3.10				
Mortar mixers	3.10				
Plasterers' tenders	3.10				
Truck drivers	3.10				
DECISION NO. TX79-4013 - MOD. #1 (44 FR 1685 - January 5, 1979) Bexar County, Texas					
CHANGE:					
Laborers	3.10				
Truck drivers	3.10				
DECISION NO. TX79-4014 - Mod. #1 (44 FR 1686 - January 5, 1979) Dimmit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala Counties, Texas					
CHANGE:					
Ironworkers	3.10				
Laborers:					
Laborers	3.10				
Asphalt rakers	3.10				
Mason tenders	3.10				
Roofers: Kettlemen	3.10				

DECISION NO. TX79-4014 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers	$ 3.10				
Power equipment operators:					
Asphalt finishers	3.10				
Backhoes	3.10				
Bulldozers	3.10				
Cranes	3.10				
Front end loaders	3.10				
Motor graders	3.10				
Rollers	3.10				
Scrapers	3.10				
DECISION NO. TX79-4034 - MOD. #5					
(44 FR 41061 - July 13, 1979)					
Bowie County, Texas					
CHANGE:					
Asbestos workers	11.36	.70	.96		.03
Carpenters:					
Carpenters	9.90				.05
Millwrights	12.30				.05
Piledrivermen	10.80				.05
Line construction:					
Linemen	12.20		3%		1/2%
Cable splicers	12.56		3%		1/2%
Hole digger op., heavy equipment ops. (or pole cat equivalent); powderman	11.11		3%		1/2%
Line truck driver (winch op.)	10.01		3%		1/2%
Jackhammerman	9.16		3%		1/2%
Groundman	8.19		3%		1/2%
Truck driver (flat bed, ton & half & under)	8.68		3%		1/2%
Power equipment operators:					
Group 2	10.02	.65	1.00		
Group 3	10.42	.65	1.00		
OMIT:					
Line construction:					
Groundman, 1st year	5.58		3%		1/2%

DECISION NO. TX79-4035 - MOD. #2 (44 FR 56108 - September 28, 1979) Gregg County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers	$11.80		.45		.05
Carpenters:					
Carpenters	9.95				.015
Millwrights	12.45				.015
Piledrivermen	10.45				.015
DECISION NO. TX79-4037 - MOD. #5					
(44 FR 31856 - June 1, 1979)					
Lubbock County, Texas					
CHANGE:					
Asbestos workers	11.45	.80	1.15		.02
Carpenters	10.10	.48	.50		.01
Sheet metal workers	11.58	.50	.66		.12
Truck drivers	3.10				
DECISION NO. TX79-4039 - MOD. #5					
(44 FR 16329 - March 16, 1979)					
Ector & Midland Counties, Texas					
CHANGE:					
Asbestos workers	11.45	.80	1.15		.02
Carpenters	10.68				.07
DECISION NO. TX79-4041 - MOD. #2					
(44 FR 56108 - September 28,1979)					
Taylor County, Texas					
CHANGE:					
Truck drivers	3.10				
DECISION NO. TX79-4043 - MOD. #2					
(44 FR 56109 - September 28,1979)					
Smith County, Texas					
CHANGE:					
Laborers:					
Laborers	3.10				
Truck drivers	3.10				

DECISION NO. TX79-4045 - MOD. #4 (44 FR 36694 - June 22, 1979) El Paso County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Plumbers & steamfitters	$9.66	.45	.70		.05
DECISION NO. TX79-4078 - MOD. #1 (44 FR 56109 - September 28,1979) Statewide, Texas					
CHANGE:					
Air tool man - Zone 8	3.10				
Asphalt shoveler - Zone 5	3.10				
Concrete rubber - Zone 8	3.10				
Electrician helper - Zone 8	3.10				
Laborer, common - Zone 5	3.10				
Zone 7	3.10				
Zone 8	3.10				
Painter helper (structures):					
Zone 5	3.10				
Zone 8	3.10				
Powderman helper - Zone 8	3.10				
Pneumatic mortarman - Zone 5	3.10				
Power equipment operators:					
Self-propelled hammer - Zone 5	3.10				
Vibrator man (hand type):					
Zone 5	3.10				
Zone 7	3.10				
Zone 8	3.10				
DECISION NO. TX79-4084 - MOD. #2 (44 FR 57630 - October 5, 1979) Howard County, Texas					
CHANGE:					
Laborers:					
Laborers	3.10				
Truck drivers	3.10				

DECISION NO. TX79-4086 - MOD. #3 (44 FR 57632 - October 5, 1979) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$11.95	.70	.90		.08
Marble setters	9.94	.45	.30	.25	
Painters:					
Brush; Paperhanger; Taper & Floater; Hand roller	9.85		.20		.05
Brush on all structural steel; Spray on any other surface other than steel	10.10		.20		.05
Terrazzo workers	9.94	.45	.30	.25	
Tile setters	9.94	.45	.30	.25	
DECISION NO. TX79-4051 - MOD. #6 (44 FR 26535 - May 4, 1979) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
CHANGE:					
Ironworkers - Zone 2	10.125	.55	1.40		.10
Plumbers & pipefitters	11.14	.43	1.00		.10
Sheet metal workers-Zone 2	11.76				.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. VA78-3062-Mod. #1 (43 FR 43244-September 22, 1978) Bland,Buchanan,Dickenson, Grayson,Lee,Russell,Scott, Smyth,Tazewell,Washington, Wise, & Wythe counties, VA					
CHANGE:					
IRONWORKER, STRUCTURAL HELPER	3.10				
LABORER, UNSKILLED	3.10				
DECISION NO: 78-VA-3063-Mod. #1 (43 FR 43245-September 22, 1978) Alleghany,Augusta,Bath,Clarke,Frederick,Highland,Page, Rockbridge,Rockingham,Shenandoah, & Warren counties VA					
CHANGE:					
FIREMAN	$3.10				
IRONWORKER, STRUCTURAL HELPER	3.10				
LABORER	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO: 79-VA-3049- Mod #2 (44 FR 65313-November 9,1979) Counites of Accomack,Greensville,Isle of Wight,James City,Northampton,Southampton Surry,Sussex,York and the cities of Emporia,Franklin, Suffolk,and Williamsburg VA					
CHANGE:					
LABORER, UNSKILLED	$3.10				
PIPELAYER	3.10				
TRUCK DRIVER-SINGLE REAR AXLE	3.10				
DECISION NO: 78-VA-3100-Mod #2 (43 FR 57794-December 8,1978 THE INDEPENDENT CITIES OF Chesapeake,Hampton,Newport News,Norfolk,Portsmouth, and Virginia Beach, Virginia					
CHANGE:					
LANDSCAPE WORKER	3.10				
TRUCK DRIVER-SINGLE REAR AXLE	3.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO: 79-VA-3050-Mod #1 (44 FR 63614-November 9,1979 Amherst,Appomattox,Buckingham,Campbell,Charlotte,Cumberland,Halifax,Nelson,Pennsylvania,Prince Edward, & the cities of Danville,Lynchburg,and South Boston, VA					
CHANGE:					
FIREMAN	3.10				
LABORER, UNSKILLED	3.10				
TRUCK DRIVER-SINGLE REAR AXLE	3.10				
DECISION NO: 79-VA-3055-Mod #1 (44 FR 75911-December 21, 1979) Bedford,Botetourt,Carroll, Craig,Floyd,Franklin,Giles, Henry,Montgomery,Patrick, Pulaski, & Roanoke counties and the cities of Bedford, Galax,Martinsville,Radford, Roanoke, & Salem					
CHANGE:					
LABORER, UNSKILLED	3.10				
PIPELAYER	3.10				

SUPERSEDEAS DECISION

STATE: Alabama

COUNTIES: Cullman, Jackson, Limestone, and Morgan

DECISION NO.: AL80-1030

DATE: Date of Publication

Supersedes Decision No. AL77-1048 dated April 29, 1977, in 42 FR 22067.

DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	7.20				
Carpenters	5.10				
Dry wall finishers	5.25				
Dry wall hangers	5.25				
Cement masons	5.00				
Electricians	4.67				
Insulators	4.65				
Laborers	3.10				
Painters, brush	4.53				
Plumbers & pipefitters	5.13				
Sheet metal workers	4.00				
Truck drivers	3.10				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozer	3.50				
Grader	3.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AL80-1042 DATE: Date of Publication
Supersedes Decision No.: AL79-1061 dated April 13, 1979 in 44 FR-22303
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	10.11	.40	.50		.05
Carpenters	9.97	.40	.50		.05
Millwrights	10.52	.40	.50		.05
Cement masons	8.01	.40	.50		.05
Elevator constructors	10.69	.895	.69	a+b	.03
Electricians	11.92	.55	3%+.40		.05
Glaziers	7.30				
Ironworkers, structural ornamental & reinforcing	10.38	.40	.50		.05
Laborers:					
Laborers, unskilled	6.45	.40	.50		.05
Air tool operator	6.67	.40	.50		.05
Mason tenders	6.67	.40	.50		.05
Mortar mixers	6.67	.40	.50		.05
Pipelayers	6.45	.40	.50		.05
Lathers	10.48	.55	.40		.05
Painters:					
Painters, brush	9.91	.40	.50		.05
Paperhanger	10.16	.40	.50		.05
Spray	10.91	.40	.50		.05
Piledrivermen	10.24	.40	.50		.05
Plasterers	10.47	.40	.50		.05
Plumbers; pipefitters and steamfitters	11.65	.40	.50		.05
Roofers	6.00				
Sprinkler fitters	11.94	.75	1.05		.08
Tile setters	10.11	.40	.50		.05
Truck drivers	5.50				
Welders - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	10.42	.40	.50		.05
Bulldozers	10.42	.40	.50		.05
Crane	10.42	.40	.50		.05
Cherry Picker	10.42	.40	.50		.05
Forklift	10.42	.40	.50		.05
Drum Hoist	10.09	.40	.50		.05

PAID HOLIDAY:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:

A. 7 Paid Holidays: A through E plus the Friday after Thanksgiving Day.

B. Employer contributes 8% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL80-1040
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. FL75-1066 dated July 3, 1975 in 40 FR 28332
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Lake, Orange, Osceola, and Seminole

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$4.33				
Bricklayers	5.00				
Carpenters	5.25				
Cement Masons	6.00				
Drywall Finishers	6.00				
Drywall Hangers	6.00				
Electricians	5.65	.30	1%		½ of 1%
Form Setters	5.00				
Glaziers	6.00				
Ironworkers	4.22				
Insulation Installers	4.36				
Laborers:					
Laborers, unskilled	3.10				
Mason Tenders	3.50				
Mortar Mixers	4.00				
Lathers	7.00				
Painters	4.50				
Plasterers	7.00				
Plumbers	4.00				
Roofers	5.00				
Tile Setters	7.00				
Soft Floor Layers	4.25				
Truck Drivers	3.10				
Power Equipment Operators:					
Backhoes	4.76				
Bulldozers	4.36				
Cranes and Draglines	4.25				
Graders	4.25				
Rollers	4.00				
Trenching Machines	5.00				
Scrapers	4.00				
Welders	4.25				

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL80-1037
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. FL75-1080 dated September 5, 1975 in 43 FR 41358
DESCRIPTION OF WORK: Highway Construction Projects (does not include airport runways and taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction).

*Alachua, Bradford, Calhoun, Citrus, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lake, Lafayette, Leon, Levy, Liberty, Madison, Marion, Pasco, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, and Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$3.25				
Carpenters	3.93				
Cement Finishers	3.42				
Electricians	5.95				
Form Setters	3.25				
Laborers, Unskilled	3.10				
Truck Drivers	3.10				
Welders	3.93				
Power Equipment Operators:					
Asphalt Distributors	3.14				
Asphalt Mixers	3.50				
Asphalt Paving Machines	3.18				
Asphalt Plant Driers	3.25				
Asphalt Screeds	3.41				
Backhoes	3.23				
Bulldozers	3.13				
Concrete Batching Plants	3.50				
Concrete Paving Machines	3.65				
Cranes, Derricks, Draglines	3.92				
Gradall	3.59				
Mechanics	3.53				
Motor Graders	3.49				
Piledriver - leadsmen	5.00				
Widening Spreader Machines	3.68				

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: *SEE BELOW
DECISION NO. FL80-1035 DATE: Date of Publication
Supersedes Decision No. FL75-1081 dated September 5, 1975 in 40 FR 41359
DESCRIPTION OF WORK: Highway Construction Projects (does not include airport runways & taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction)

*Baker, Clay, Duval, Flagler, Nassau, and St. Johns	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$4.51				
Concrete Finishers	3.89				
Electricians	7.70	.30	1%	.42	1%
Form Setters	3.11				
Ironworkers:					
Reinforcing	4.87				
Laborers:					
Common	3.10				
Air Tool Operator	3.50				
Asphalt Raker	3.25				
Pipelayers	3.53				
Painters:					
Structural Steel	5.73				
Piledriver	5.00				
Truck Driver	3.25				
Welders	5.50				
POWER EQUIPMENT OPERATORS:					
Asphalt distributors	3.45				
Asphalt Paving Machine	3.80				
Asphalt Plant	3.45				
Asphalt Finisher	3.46				
Backhoe	3.68				
Bulldozers	3.25				
Cranes, Derricks, dragline	4.48				
Front End Loader	3.50				
Gradalls	3.25				
Mechanics	4.18				
Motor Grader	4.37				
Rollers	3.21				
Scrapers	4.15				

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: See below*
DECISION NUMBER FL80-1036 DATE: Date of Publication
Supersedes Decision No. FL76-1021 dated January 30, 1976 in 41 FR 4749
DESCRIPTION OF WORK: Highway Construction Projects (does not include airport runways and taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction).

*Bay, Escambia, Gulf, Okaloosa, Santa Rosa, and Walton	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$4.16				
Concrete Finishers	3.48				
Ironworkers, Reinforcing	4.07				
Laborers, Common	3.10				
Welders - Rate for craft.					
Power Equipment Operators:					
Asphalt Paving	3.25				
Backhoes	3.20				
Cranes, Derricks, Draglines	3.75				
Mechanics	4.39				
Motor Graders	3.50				
Piledriver-leadsman	3.70				
Tug Boats	3.13				

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER FL80-1039
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. FL77-1004 dated January 14, 1977 in 42 FR 3141
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Gadsden, Jefferson & Leon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$4.63				
Bricklayers	6.55				
Carpenters	4.69				
Cement Masons	3.25				
Drywall Hangers	6.00				
Electricians	5.00				
Insulators	3.37				
Ironworkers	8.15				
Laborers, unskilled	3.10				
Lathers	6.95				
Painters	4.30				
Plasterers	6.25				
Plumbers and Pipefitters	6.00				
Roofers	4.00				
Sheet Metal Workers	4.00				
Soft Floor Layers	4.50				
Tile Setters	6.00				
Truck Drivers	3.10				
Power Equipment Operators:					
Backhoes	4.75				

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL80-1041
COUNTY: Suwannee
DATE: Date of Publication
Supersedes Decision No. FL77-1061 dated May 20, 1977 in 42 FR 26093
DESCRIPTION OF WORK: Building Construction Projects (Excludes single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$6.55				
Block Masons	6.00				
Carpenters	5.25				
Electricians	8.45	.35	1%		1%
Glaziers	4.00				
Ironworkers	4.50				
Laborers:					
Unskilled	3.10				
Mason Tenders	4.00				
Painters	5.10				
Plumbers & Pipefitters	5.50				
Roofers	4.50				
Sheet Metal Workers	8.83				
Terrazzo Workers	5.50				
Tile Setters	5.50				
Welders - Rate for Craft					

SUPERSEDEAS DECISION

STATE: Mississippi
DECISION NUMBER: MS80-1029
COUNTY: See below*
DATE: Date of Publication
Supersedes Decision No.: MS76-1076 dated July 16, 1976 in 41 FR-29651
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 stories)
*Counties: Issaquena, Sharkey, Sunflower, and Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.19				
Carpenters	4.77				
Cement masons	4.40				
Electricians	5.00				
Glaziers	3.90	.10		.15	
Ironworkers:					
Structural	7.46				
Reinforcing	3.83				
Laborers:					
Laborers	3.10				
Mason tenders	4.10				
Pipelayers	3.10				
Lathers	4.85				
Painters	3.83				
Plasterers	5.00				
Plumbers	5.50				
Roofers	4.00				
Sheet metal workers	4.63				
Soft floor layers	5.35				
Tile setters	5.35				
Truck drivers	3.10				
POWER EQUIPMENT OPERATORS:					
Bulldozer	4.25				
Crane	3.50				
Motor grader	3.125				
Shovel	3.10				
Tractor	3.375				
Trenching machine	3.10				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi
COUNTIES: Bolivar, Coahoma, Humphreys, Quitman, Sunflower, & Washington
DECISION NUMBER: MS80-1013
DATE: Date of Publication
Supersedes Decision No. MS78-1028 dated March 24, 1978, in 43 FR 12602
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanic	$ 4.50				
Bricklayer	5.50				
Carpenter	4.50				
Cement Mason	4.16				
Drywall Hanger	4.01				
Electrician	4.75				
Fence Erector	4.00				
Insulator	3.25				
Ironworker, Ornamental	4.00				
Ironworker, Reinforcing	3.75				
Laborers:					
Laborer	3.10				
Painter	4.50				
Plumber	6.00				
Roofer	4.00				
Sheet Metal Worker	4.25				
Soft Floor Layer	4.00				
Truck Driver	3.10				
Power Equipment Operators:					
Asphalt Spreader	3.67				
Backhoe	3.10				
Mechanic	4.13				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5,5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS80-1007 DATE: Date of Publication
Supersedes Decision No.: MS79-1089 dated June 1, 1979, in 44 FR 31851
DESCRIPTION OF WORK: Highway Construction Projects (does not include Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayer	$7.00				
Carpenters	5.00				
Cement Masons/Finisher	5.00				
Electrician	6.00				
Ironworker Reinforcing/Structural	4.75				
Laborers:					
Unskilled	3.10				
Asphalt Raker	3.10				
Mason Tender	3.67				
Grade Checker	3.66				
Air Tool Operator	3.25				
Concrete Saw Operator	4.25				
Pipelayer	3.50				
Painter, Structural Steel	4.50				
Truck Driver	3.10				
Welder - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Aggregate Spreader Operator	3.25				
Air Compressor Operator	3.10				
Asphalt Distributor-Spreader Operator	3.25				
Asphalt Plant	3.10				
Backhoe or Shovel Operator	4.68				
Bulldozer Operator	5.00				
Concrete Batch Plant Operator	4.00				
Concrete Finishing Machine Operator	3.50				
Curing Machine Operator	3.10				
Concrete Paving Machine Operator	3.50				
Concrete Spreader Machine Operator	3.10				
Crane, Dragline Operator	6.00				
Guard Rail Post Driver	3.50				
Earth Auger	3.10				
Fireman	3.10				
Joint Filler	3.10				
Loader Operator (All types)	4.44				
Mechanic	4.10				
Mixer Operator (All Types)	3.50				
Motor Patrol Operator	5.00				

DECISION NO. MS80-1007

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
Mulcher Operator	3.10				
Oiler-Greaser	4.00				
Piledriver Operator	5.50				
Roller Operator (Self-propelled)	3.10				
Scales (All types)	4.00				
Scraper Operator	5.00				
Striping Machine Operator	5.00				
Tractor Operator (Track Type)	3.10				
Tractor Operator (Wheel Type)	3.24				
Trenching Machine	4.00				
Concrete Breaker &Hydo-Hammer Operator	3.10				
Subgrade Machine Operator	4.00				
Crusher Feeder Operator	3.10				

*Area II Counties:
Bolivar, Carroll, Coahoma, DeSoto, Grenada, Leflore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, & Yalobusha.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS80-1008 DATE: Date of Publication
Supersedes Decision No.: MS79-1090 dated June 1, 1979 in 44 FR 31852
DESCRIPTION OF WORK: Highway Construction Projects (does not included Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayer	$5.00				
Carpenters	4.89				
Cement Masons/Finisher	4.96				
Electrician	10.65				
Ironworkers, reinforcing	4.72				
Laborers:					
Unskilled	3.10				
Grade Checker	3.75				
Asphalt Raker	3.25				
Masons Tender	4.07				
Pipelayer	4.50				
Painter, Structural Steel	5.00				
Truck Driver	3.50				
Welder Rate for Craft					
POWER EQUIPMENT OPERATORS:					
"A" Frame Truck (Winch)	5.00				
Aggregate Spreader Operator	3.50				
Air Compressor Operator	3.25				
Asphalt Distributor-Spreader Operator	3.50				
Asphalt Plant	4.00				
Backhoe or Shovel Operator	5.02				
Bulldozer Operator	5.00				
Concrete Batch Plant Operator	4.25				
Concrete Finishing Machine Operator	5.25				
Curing Machine Operator	3.10				
Concrete Paving Machine Operator	3.80				
Concrete Spreader Machine Operator	4.25				
Crane, Dragline Operator	6.00				
Guard Rail Post Driver	3.50				
Earth Auger	5.00				
Fireman	3.60				
Joint Filler	3.10				
Joint Setter	3.95				
Loader Operator (All Types)	5.10				
Mechanic	4.50				
Mixer Operator (All Types)	3.60				
Motor Patrol Operator	5.70				
Mulcher Operator	3.10				
Oiler-Greaser	3.25				

DECISION NO. MS80-1008

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
Piledriver Operator	3.70				
Roller Operator (Self-propelled)	3.71				
Scales (All types)	4.00				
Scraper Operator	5.73				
Striping Machine Operator	4.00				
Tractor Operator (Track Type)	4.00				
Tractor Operator (Wheel Type)	3.10				
Trenching Machine	3.10				
Concrete Breaker & Hydo-Hammer Operator	3.10				
Crusher Feeder Operator	3.10				

*Area III Counties:
Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison. Rankin, Sharkey, Simpson, Warren and Yazoo.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: *SEE BELOW
DECISION NUMBER: MS80-1009 DATE: Date of Publication
Supersedes Decision No.MS79-1091 dated June 1, 1979 in 44FR-31853
DESCRIPTION OF WORK: Highway Construction Projects (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Water, Tunnels and Railroad Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayer	$5.50				
Carpenters	4.50				
Cement Masons/ Finisher	4.25				
Electrician	7.00				
Ironworker, reinforcing	4.50				
Laborers:					
Unskilled	3.10				
Grade Checker	4.10				
Asphalt Raker	3.65				
Air Tool Operator	3.10				
Mason Tender	3.88				
Concrete Saw Operator	4.00				
Pipelayer	3.10				
Painter, Structural Steel	6.00				
Truck Driver	3.10				
Welder Rate for Craft					
POWER EQUIPMENT OPERATORS:					
"A" Frame Truck (Winch)	3.75				
Aggregate Spreader Operator	3.25				
Air Compressor Operator	3.65				
Asphalt Distributor-Spreader Op.	4.19				
Asphalt Plant	3.88				
Backhoe or Shovel Operator	4.75				
Bulldozer Operator	4.30				
Concrete Batch Plant Operator	3.10				
Concrete Finishing Machine Op.	4.50				
Curing Machine Operator					
Concrete Paving Machine Op.	3.50				
Concrete Spreader Machine Op.	3.25				
Crane, Dragline Operator	5.50				
Guard Rail Post Driver	3.20				
Earth Auger	3.13				
Fireman	3.10				
Joint Setter	3.10				
Loader Operator (All Types)	4.29				
Mechanic	5.04				
Mixer Operator (All types)	4.00				
Motor Patrol Operator	4.00				
Mulcher Operator	3.10				
Oiler-Greaser	3.10				
Piledriver Operator	4.25				

DECISION NO. MS80-1009

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
Roller Operator (Self-propelled)	$3.50				
Scales (All types)	3.10				
Scraper Operator	4.75				
Striping Machine Operator	4.25				
Tractor Operator (Track Type)	3.10				
Tractor Operator (Wheel Type)	3.10				
Trenching Machine	4.35				
Crusher Feeder Operator	3.50				

*Area IV Counties:
Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Mississippi
COUNTY: *SEE BELOW
DECISION NUMBER: MS80-1010
DATE: Date of Publication
Supersedes Decision No. MS79-1091 dated June 1, 1979 in 44FR-31853
DESCRIPION OF WORK: Highway Construction Projects (Does not include Building Structures in Rest Area Projects, Bridges over Navigable Waters, Tunnels and Railroad Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayer	$7.00				
Carpenters	5.66				
Cement Masons/Finisher	5.06				
Electricians	6.00				
Ironworkers, reinforcing	8.50				
Laborers:					
Unskilled	3.10				
Asphalt Raker	3.25				
Pipelayer	3.10				
Mason Tender	4.50				
Air Tool Operator	4.18				
Concrete Saw Operator	5.00				
Grade Checker	4.00				
Painter (Structural Steel)	5.43				
Piledriverman	5.52				
Truck Driver	3.10				
Tugboat Operator	5.50				
Welder Rate for Craft					
POWER EQUIPMENT OPERATORS:					
"A" Frame Truck (Winch)	4.50				
Aggregate Spreader Operator	3.50				
Air Compressor Operator	3.10				
Asphalt Distributor-Spreader Operator	4.00				
Asphalt Plant	4.00				
Backhoe or Shovel Operator	4.74				
Bulldozer Operator	5.33				
Concrete Batch Plant Operator	5.30				
Concrete Finishing Machine Operator	6.50				
Curing Machine	3.10				
Concrete Paving Machine Op.	3.55				
Concrete Spreader Machine Op.	3.25				
Crane, Dragline Operator	6.00				
Guard Rail Post Driver	3.50				
Earth Auger	4.00				
Fireman	3.10				
Joint Filler	3.10				
Loader Operator (All Types)	4.50				
Mechanic	6.13				
Mixer Operator (All Types	3.25				
Motor Patrol Operator	5.42				
Mulcher Operator	3.10				

DECISION NO. MS80-1010

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATOR: (CONT'D)					
Oiler-Greaser	$4.50				
Piledriver Operator	6.25				
Roller Operator (Self-propelled)	3.20				
Scales (All types)	3.40				
Scraper Operator	5.00				
Striping Machine Operator	4.00				
Tractor Operator (Track Type)	5.00				
Tractor Operator (Wheel Type)	3.10				
Trenching Machine	4.00				
Sub Grade Machine Operator	3.60				
Crusher Feeder Operator	3.25				

*Area VI Counties:
George, Hancock, Harrison, Jackson, Pearl River, and Stone.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW JERSEY

COUNTIES: BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN

DECISION NO.: NJ79-3029

DATE: DATE OF PUBLICATION

Supersedes Decision NO. NJ78-3009 dated April 21, 1978 in 42 FR 17223

DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Project Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANIC: Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled air conditioning that does not exceed 15 tons	$ 9.10	.065	.31	j	.04
ASBESTOS WORKERS:					
ZONE 1	12.70	.90	1.20		.025
ZONE 2	14.06	1.32	1.56		.04

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Hunterdon (Alexander, Bethlehem, Bloomsburry, Clinton, Delaware, East Armwell, Flemington, Franklin, Frenchtown, Glen Garden, Hampton, High Bridge, Holland, Kingwood, Lambertville, Labanon, Milford, Raritan, Readington, Stockton, Union, and West Armwell Townships); Middlesex (Cranbury, East Brunswick, Helmetta, Jamesburg, Milltown, Monroe, North Brunswick, Plainsboro, South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships); and Warren (Franklin, Greenwich, Hamony, Lopatcong, Oxford, Phillipsburg, Pohotcong, Washington and White Townships) Counties.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (remainder of county), Middlesex (remainder of county), Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren (remainder of county) Counties.

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	12.76	8%	20%+.25	10%	.02
BOILERMAKERS HELPERS	12.23	8%	20%+.25	10%	.02
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS:					
ZONE 1	11.75	.92	.90		.05
ZONE 2	12.10	.84	.90		.02
ZONE 3	10.50	1.97	.95		.03
ZONE 4					
Bricklayers & Stone Masons	12.96	.87	.75		
Cement Masons	11.70	.75	1.00		
Plasterers	11.70	.75	1.00		.05
ZONE 5	11.85	1.00	.80		
ZONE 6	11.80	.95	1.00		.02
ZONE 7	12.65	.50	.70		.02
ZONE 8	12.04	.85	.75		.11
ZONE 9	12.28	.75	.70		.04

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Avenue and Barry's Creek west of the Hackensack River); Essex (Except Millburn Township); Hudson (that portion west of the Hackensack River) and Union (Hillside Township).

ZONE 2 - Bergen (Wallington, part of East Patterson; Garfield, Lodi, North Arlington and part of Lyndhurst); Morris (Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, along Route #206 to Lafayette, then along North Church Road to Route #23, then along Route #23 to Passaic County Line) Counties.

ZONE 3 - Bergen (remainder of county) County.

ZONE 4 - Hudson (remainder of county) County.

ZONE 5 - Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties.

DECISION NO. NJ79-3029

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES CONT'D

ZONE 6 - Essex (Millburn Township), Middlesex (remainder of county), Morris (Gillette & Sterling) and Union Counties.

ZONE 7 - Hunterdon (Califon, Oldwick, Annadale, Lebanon, White House Station, Readington, Stantion and Three Bridges Townships) and Somerset (remainder of county) Counties.

ZONE 8 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Townships), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Townships) and Warren Counties.

ZONE 9 - Morris (remainder of county) and Sussex (remainder of county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 1	11.39	1.02	1.52		.02
ZONE 2	10.85	.60	1.00	.50	.02
ZONE 3					
Carpenters & Insulators	12.13	8%	7%		½ of 1%
Millwrights	12.38	8%	7%		½ of 1%
ZONE 4					
Carpenters & Insulators	12.13	8%	7%		½ of 1%
Millwrights	12.38	8%	7%		½ of 1%
ZONE 5					
Carpenters & Insulators	12.13	8%	7%	5%	1/5 of 1%
Millwrights	12.38	8%	7%	5%	1/5 of 1%

DECISION NO. NJ79-3029

AREA COVERED BY CARPENTERS, ETC. ZONE

ZONE 1 - Bergen County (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grant Wood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville) and that part of Hudson County east of the Hackensack River

ZONE 2 - Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges, thence following the Somerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Amwell on the County Line to Zion to Fairview to Dutchtown to Plainsville to Belle Mead to Griggstown to the Delaware and Raritan Canal) Counties.

ZONE 3 - Hunterdon (remainder of county), Middlesex, Morris, Passaic, Somerset (remainder of county), Sussex, Union and Warren Counties.

ZONE 4 - Essex County and that part of Hudson County west of the Hackensack River

ZONE 5 - Bergen (remainder of county) County

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCK BUILDERS & PILEDRIVERMEN	11.45	1.40	1.78	.76	.02
DRYWALL TAPERS & FINISHERS	10.60	1.50	.50		.10
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	13.75	9%	12%		
ZONE 2	13.84	7%	6%+1.00		.02
ZONE 3	14.26	7%	3%+.90		.015
ZONE 4	13.40	7%	3%+.70		
ZONE 5	13.78	10%	9%+.58		1.5%
ZONE 6					
Wiremen	14.25	7%	10%		
Cable Splicers	15.32	7%	10%		
Zone 7	14.10	7%	3%+.80		
Zone 8	14.01	7%	3%+.90		.015
Zone 9	13.75	7%	3%+1.65		.02
Zone 10	14.43	7%	3%+.90		.015
Zone 11	13.75	14%	8%		.02
Zone 12	11.20	6%	3%+1.00		.02
Zone 13	11.20	6%	3%+.50		

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES

ZONE 1 - Essex County

ZONE 2 - Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol County Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd., to and along the Mountainside Line, to and along Washington Valley Road, to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

ZONE 3 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave., in New Providence Boro, to the Diamond Hill Rd, south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line) County.

DECISION NO. NJ79-3029

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES CONT'D

ZONE 4 - Union (remainder of county) County.

ZONE 5 - Bergen and Hudson Counties.

ZONE 6 - Passaic County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon and Somerset Counties.

ZONE 9 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 10 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 11 - Middlesex (remainder of county) County.

ZONE 12 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Hamony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 13 - Warren (remainder of county) County.

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Construction:					
Mechanics	10.12	.495	.32+a	b+c	.02
Helpers	7.59	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Modernization:					
Mechanics	9.35	.495	.32+a	b+c	.02
Helpers	7.01	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
Contract Repair:					
Mechanics	8.50	.495	.32+a	b+c	.02
Helpers	6.38	.495	.32+a	b+c	.02
Probationary Helpers	5.06				
GLAZIERS:					
ZONE 1	11.17	.80	2.00	1.25	.03
ZONE 2	11.50	.91	.65		.02
ZONE 3	12.45	1.00	2.00		.05

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Fords and Woodbridge) Counties.

ZONE 3 - Essex, Hudson, Morris, Somerset (remainder of county), Sussex, Union (remainder of county) and Warren Counties.

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS - STRUCTURAL REINFORCING & ORNAMENTAL:					
Warren County	12.10	.84	1.36		
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	11.39	.91	2.54	1.15	.11
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1					
Laborers, Air Tool Ops. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), & Plasterer Tenders	8.40	.85	.85		.07
ZONE 2					
Laborers, Air Tool Op. (jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterer Tenders, Wrecking & Excavation	8.25	1.10	.75		.07
ZONE 3					
Laborers	9.25	.45	.55		.07
Mortar Mixers, Scaffold Men, Pneumatic Hammer Ops., Bell men & Carpenter Tenders	9.50	.45	.55		.07
ZONE 4					
Laborers	8.80	.80	.50		.07
ZONE 5					
Laborers	8.50	.75	.85		.07
ZONE 6					
Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers, & Pipelayers (concrete & Clay)	8.10	.90	1.10		.07
ZONE 7					
Laborers	8.15	.80	1.20		.07
ZONE 8					
Laborers	9.10	.40	.60		.07
ZONE 9					
Laborers	8.80	.55	.75		.07

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION CONT'D					
ZONE 10 Laborers, Wrecking, Demolition, Concrete Mixers W/O Hoppers, Drill Runners, Jackhammers, Mason Tenders Mortar Mixers, Excavation & Foundations, Scaffold Builders, Carpenter Tenders & Grading for Concrete	9.10	.50	.50		.07
ZONE 11 Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plasterer Tenders, Pipelayers, Wreckers & Excavation	8.85	.65	.60		.07
ZONE 12 Laborer, Tenders, Scaffolds, Excavation, Bituminous Concrete & Aggregates, Pipelayers, Underpinning, Lagging, Bracing & Wrecking	8.65	.80	.65		.07
ZONE 13 Laborers	8.50	.75	.85		.07
ZONE 14 Laborers	8.25	.70	.60		.07
ZONE 15 Laborers	8.40	.85	.85		.07
ZONE 16 Laborers, Air Tool Ops. Mason Tenders, Plasterer Tenders, & Mortar Mixers	8.50	.75	.85		.07
ZONE 17 Laborers, Hod Carriers, Power Tool Ops. & Plasterer Tenders	8.70	.65	.55		.07

DECISION NO. NJ79-3029

LABORERS BUILDING CONSTRUCTION ZONES

ZONE 1 - Bergen (Garfield, Passaic and Wallington Townships, Lodi, Athenia, Allwood, Dellawanna, and Clifton (to Piaget Ave.)) and Passaic Counties.

ZONE 2 - Bergen (remainder of county) County.

ZONE 3 - Essex (City of East Orange, Townships of South Orange and Maplewood) County.

ZONE 4 - Essex (Orange and Montclair) County.

ZONE 5 - Essex (Millburn) and Union (Springfield and Union Townships) Counties.

ZONE 6 - Essex (remainder of county) and Hudson (Kearny, East Newark and Harrison) Counties.

ZONE 7 - Hudson (remainder of county) Counties.

ZONE 8 - Middlesex (Perth Amboy, Carteret, Woodbridge and Metuchen Townships) County.

ZONE 9 - Middlesex (remainder of county) and Somerset (East Millstone and Franklin Townships) Counties.

ZONE 10 - Morris (Boonton, Boonton Township, Montville, Lincoln Park Boro., Butler, Kinnelon Boro., Pin Brook, Towaco, Danville, Mountain Lakes, Pequannock, Pompton Plains and Riverdale Boro.) County.

ZONE 11 - Morris (Jefferson, Rockaway, Mt. Arlington, Rockaway Boro., Wharton, Mine Hill, Dover, Netcong, Roxbury, Mt. Oliver and Randolph Townships) and Sussex Counties.

DECISION NO. NJ79-3029

LABORERS BUILDING CONSTRUCTION ZONES (CONT'D)

ZONE 12 - Morris (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Ced Knools, Whippany, Hanover Township and Long Valley) County.

ZONE 13 - Morris (remainder of county) County.

ZONE 14 - Somerset (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards and Bedminster) County.

ZONE 15 - Somerset (Townships of Bridgewater, Branchburg, Raritan, Bound Brook, Somerville, Manville, Hillsboro, Millstone, Montgomery and Rocky Hill) County.

ZONE 16 - Somerset (remainder of county) and Union (remainder of county) Counties.

ZONE 17 - Hunterdon and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
GROUP 1	9.85	1.00	1.00	d	.10
GROUP 2	9.70	1.00	1.00	d	.10
GROUP 3	9.45	1.00	1.00	d	.10
GROUP 4	9.40	1.00	1.00	d	.10
GROUP 5	9.30	1.00	1.00	d	.10
GROUP 6	9.20	1.00	1.00	d	.10
GROUP 7	8.95	1.00	1.00	d	.10
GROUP 8	8.80	1.00	1.00	d	.10
GROUP 9	8.75	1.00	1.00	d	.10

DECISION NO. NJ79-3029

CLASSIFICATION DEFINITIONS FOR
LABORERS, HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Blasters

GROUP 2 - Finishers, Rammers, Pavers, Gunite Nozzle Men and Stone-Cutters.

GROUP 3 - Timbermen

GROUP 4 - Formsetters

GROUP 5 - Wagon Drill Operators, Drill Masters, Jackhammers, Chipping Hammers, Pavement Breakers, Power Buggies, Concrete Cutters, Asphalt Cutters, Sheet Hammer and Tree Cutter Operators, Sandblasting, Cutting, Burning, and such other power tools uded to perform work usually done manually by Laborers.

GROUP 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers.

GROUP 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders.

GROUP 8 - Wrapping and Coating of all pipe.

GROUP 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Pitmen and Dumpmen, Waterproofing, Rakers and Tampers on cold Patch Work.

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - FREE AIR TUNNEL JOBS:					
GROUP 1	10.22	1.00	1.00	d	.10
GROUP 2	9.82	1.00	1.00	d	.10
GROUP 3	9.66	1.00	1.00	d	.10
GROUP 4	9.15	1.00	1.00	d	.10

CLASSIFICATION DEFINITIONS
FOR LABORERS ON FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men(including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rodmen, Caulkers, Powder Carriers, All other skilled men).

GROUP 3 - Semi-Skilled Men (including Miner's Helpers, Chuck Tenders, Trackmen, Nippers, Brakemen, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men).

GROUP 4 - All other (including Powder Watchmen, Changehouse Attendents, Top Laborers).

LABORERS, ASPHALT CONSTRUCTION:					
ZONE 1					
Street:					
Head Raker	8.80	.91	.84	d	.10
Rakers & Screen Men	8.65	.91	.84	d	.10
Tampers, Smoothers, Kettlemen, Painters, Top Shovelers & Roller Boys	8.40	.91	.84	d	.10
Plant:					
Scale Mixer & Burner Men	8.65	.91	.84	d	.10
Feeders & Dust Men	8.40	.91	.84	d	.10

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, ASPHALT CONSTRUCTION: (CONT'D)					
ZONE 2					
Street:					
Head Rakers	7.90	.60	1.00	d	.10
Rakers and Screed Men	7.75	.60	1.00	d	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers and Roller Boys	7.50	.60	1.00	d	.10
Plant:					
Scale Mixer and Burner Men	7.75	.60	1.00	d	.10
Feeders and Dust Men	7.50	.60	1.00	d	.10

AREA COVERED BY LABORERS ON ASPHALT CONSTRUCTION ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of county), Morris, Passaic, Somerset, Sussex, Union and Warren Counties.

ZONE 2 - Middlesex (remainder of county) County.

LATHERS	11.40	.15	.40		.02
LEAD BURNERS	10.75	.40	.25	e	.01
LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION):					
ZONE 1					
Line men, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen and Welders	13.75	9%	12%		3/4 of1%
ZONE 2					
Linemen and Equipment Operators	14.25	7%	10%		3/4 of1%
Cable Splicers	15.32	7%	10%		3/4 of1%
Groundmen	9.975	7%	10%		3/4 of1%

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (CONT'D)					
ZONE 3					
Linemen, Cable Splicers, Equipment Operators and Groundmen	13.78	10%	9%+.58		3/4 of1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	13.84	7%	6%+1.00		3/4 of1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	13.84	7%	3%+.90		3/4 of1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators and Groundmen	13.84	7%	3%+.80		3/4 of1%
Zone 7					
Linemen and Equipment Operators	14.10	7%	3%+.80		3/4 of1%
Groundmen and Line Truck Operators	12.45	7%	3%+.80		3/4 of1%
Zone 8					
Linemen and equipment Operators	14.01	7%	3%+.90		3/4 of1%
Groundmen	12.15	7%	3%+.90		3/4 of1%
Zone 9					
Linemen and Equipment Operators	14.01	7%	3%+.80		3/4 of1%
Groundmen	12.15	7%	3%+.80		3/4 of1%
ZONE 10					
Linemen, Cable Splicers & Groundmen	13.75	7%	3%+1.65		3/4 of1%
ZONE 11					
Linemen, Cable Splicers & Groundmen	13.75	7%	3%+.90		3/4 of1%

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (CONT'D)					
ZONE 12					
Linemen, Equipment Operators & Cable Splicers	13.75	14%	8%		
Groundmen Winch Operators	12.85	14%	8%		
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	12.39	8%	3%+1.00		
Groundmen	7.434	8%	3%+1.00		
ZONE 14					
Linemen, Line Truck Operators, Equipment Operators and Cable Splicers	12.39	7%	3%+.80		3/4 of1%
Groundmen	7.434	7%	3%+.80		3/4 of1%

LINE CONSTRUCTION ZONES

ZONE 1 - Essex County

ZONE 2 - Passaic County

ZONE 3 - Bergen and Hudson Counties

ZONE 4 - Union (that portion east and north of a line running in a southerly direction from Morris Ave. along Baltusrol Way, across Baltusrol County Club to Baltusrol Rd., along Baltusrol Rd. and Summit Lane in Mountainside to and along New Providence Rd. to and along the Mountainside Line, to and along Washington Valley Rd., to and along Diamond Hill Rd., to and along Park Ave. in Scotch Plains, and continuiing along Martine Ave., to and northeast along the Raritan Rd., to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County.

DECISION NO. NJ79-3029

LINE CONSTRUCTION ZONES (CONT'D)

ZONE 5 - Union (that portion south and west of a line running east from Somerset County on Mountain Ave. in New Providence Boro. to the Diamond Hill Rd. south on that road to and along Park Ave. in Scotch Plains and continuing along Martine Ave., to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to the Middlesex County Line) County.

ZONE 6 - Union (remainder of County) County.

ZONE 7 - Morris and Sussex Counties.

ZONE 8 - Hunterdon (except Tewksbury Township and Califon Boro.) and Somerset (that portion south of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village, north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd., north on Somerville Rd., west on Howell Rd, southwest on Mount Prospect Rd., west on Martinvsville-Pluckemin Rd., west on Klines Mill Rd., north on John Kane Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U.S. Highway #206 north from Mercer County to the Harlingen Rd., West along that road the Dutchtown - Zine Rd. to Hillsboro Township Line) Counties

ZONE 9 - Hunterson (remainder of county) and Somerset (remainder of County) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd., along Mill Rd. to the Raritan River, along the Rarian River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

DECISION NO. NJ79-3029

LINE CONSTRUCTION ZONES (CONT'D)

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of County) County.

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (RAILROAD ONLY):					
STATEWIDE:					
Linemen	10.74	7%	7%		3/4%
Line Equipment Operator	10.22	7%	7%		3/4%
Groundmen	6.68	7%	7%		3/4%
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	12.04	.85	.75		.11
ZONE 2					
Marble Setters	10.00	1.13	1.19	f	
Terrazzo Workers	11.18	1.21	1.50		
Tile Setters	9.15	.80	2.10		

MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS FINISHERS:					
ZONE 1					
Marble Setters Finishers	8.28	1.09	1.23	f	
Terrazzo Workers Finishers	9.84	.76	1.95		
ZONE 2					
Tile Setters Finishers	9.35	.90	.90		

DECISION NO. NJ79-3029

MARBLESETTERS FINISHERS, ETC. ZONES

ZONE 1 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and Cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beemerville, Mt. Pisah, Swartswood, Huntsburg and all cities inclusive to the Morris and Passaic County Line) and Union Counties

ZONE 2 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1					
Painters and Tapers	11.10	1.05	2.15		.06
Steel outside	12.10	1.05	2.15		.06
Spray	12.65	1.05	2.15		.06
ZONE 2					
Brush and Roller	10.47	.93	1.00		.07
Spray	11.43	.93	1.00		.07
Repaint work	10.04	.93	1.00		.07
ZONE 3					
Painters on new construction and major alterations	10.75	.70	.60	.35	.05
Painters on repaint work	9.80	.70	.60	.35	.05
Spraying or application of hazardous or dangerous materials on repaint work	10.40	.70	.60	.35	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	10.90	.70	.60	.35	.05

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Repaint work as described above	9.95	.70	.60	.35	.05
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steamcleaning, spraying or application of hazardous materials	11.35	.70	.60	.35	.05
ZONE 4					
Group 1 - Interior industrial and commercial work, paperhangers, tapers, coverers, spacklers, preparatory and cleaning work	10.80	.90	1.75	.50	
Group 2 - Extension ladder work (36' or over), scaffold work, and boatswain chair	11.95	.90	1.75	.50	
Group 3 - Structural steel, tanks, bridges, towers, smokestacks, radio towers, TV Towers, flagpoles (steel or wood), fire escapes, cable work, and hazardous work	11.95	.90	1.75	.50	
Group 4 - Sandblasting & spraying	12.50	.90	1.75	.50	

DECISION NO. NJ79-3029

PAINTERS ZONES

ZONE 1 - Bergen, Passaic and Sussex Counties.

ZONE 2 - Middlesex (Edison Twp., South of Metuchen, Highland Park, New Brunswick, North Brunswick, East Brunswick and South Brunswick Twps, and Monroe Twp.) and Somerset (Franklin Twp.) Counties.

ZONE 3 - Essex, Hudson (west half of county), Hunterdon, Middlesex (remainder of county), Morris, Somerset (remainder of county) Union and Warren Counties.

ZONE 4 - Hudson (remainder of county).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS:					
ZONE 1	12.00	1.00	1.90	1.00	.25
ZONE 2	13.00	.91	1.17	1.30	.07
ZONE 3	13.09	1.04	.90		.20

PIPEFITTER'S ZONE DEFINITIONS

ZONE 1: Bergen, Hudson, Morris (remainder), Passaic, Sussex, and Warren (excluding area given below in Zone 2 for the same county) Counties.

ZONE 2: Essex, Hunterdon (Alexandria, Alexandria Twp, Alexauken, Allens Corner, Allertown, Amsterdam, Annandale, Anthony, Baptistown, Bellewood, Bethlehem Twp. Bissell, Bloomsburg, Bunnvale, Buttonwood Corners, Centerville, Charlestown, Cherryville, Clinton, Clinton Twsp, Cokebury, Coles Mills, Croton, Delaware Twp, Dilts Corner, East Amwell Twp., Evittstown, Fairmount, Farmersville, Franklin Twsp, Frenchtown, Glen Gardner, Grandin, Hamden, Hampton, Higginsville, High Bridge, Hoffmans, Holland Twp, Hughesville, Johnsons, Jutland, King, Kingwood Twp, Klinesville, Landsdowne, Lebanon, Lebanon Twp, Little Brooke, Little Neck, Little York, Ludlow, McPherson, Milford, Mountainville, Mount Joy, Mount Pleasent, Mount Salem, Muirshead, New Germantown, New Hampton, Newport, Norton, Oak Grove, Oldwick, Palmyra, Palmyra Corners, Pattenburg, Perryville, Pittstown, Pleasent Run, Polktown, Potterstown, Quakertown, Raritan Township, Readington, Readington Twp,

PIPEFITTER'S ZONE DEFINITIONS CONT'D

ZONE 2 (CONT'D): Reaville, Rileyville, Riverside, Rockafellows, Rowland Mills, Sidney, Snydertown, Spring Mills, Stanton, Stanton Station, Sunnyside, Sutton, Tewksburg, Tewksburg Twp, The Point, Three Bridges, Treasure Island, Tumble, Union, Union Township, Unionville, Van Syckle, Warren Paper Mills, Wertsville, West End, West Portal, Whitehouse, Whitehouse Station, and Woodglen), Mercer (Hopewell and Hopewell Twp. only), Middlesex (Dunellen Boro, East Bound Brook, Middlesex, New Market, Oak Tree, Piscataway Twp., and South Plainfield Only), Morris (Bartley, Berkshire Valley, Bertrand Island, Brookside, Chatham, Chatham Township, Chester, Chester Township, Cooks Bridge, Crestmoore, Gillette, Harding Twp, Ironia, Logansville, Long Valley, Malapardis, Mendham, Mendham Twp, Middle Valley, Millington, Milltown, Milton, Mount Freedom, Mount Olive Twp, Mount Paul Myersville, Naughright, New Veron, Parker, Passaic Twp, Pleasent Grove, Ralston, Schooleys Mt, Stanley Stephensburg, Stirling, and Washington Twp), Somerset (Amwell, Basking Ridge, Bedminister, Bedminister Twp, Bernards Twp, Bernardsville, Blaziers Corner, Bound Brook, Bradley Gardens, Branchburg Township, Bridgewater Township, Burnt Mill, Centerville, Chimney Rock, Claver Hill, Dutchtown, Far Hills Boro, Finderne, Flagtown, Frank Fort, Franklin Park, Franklin Twp, Gallia, Gladstone, Greater Cross Roads, Hamilton, Harmony, Harmony Colony, Higgins Mills, Hillsborough Twp, Lamington, Lanes Crossing, Liberty Corners, Lyons, Madisonville, Manville, Manville Boro, Martinsville, Mettler, Millstone, Mine Brook, Montgomery, Montgomery Twp, Mount Bethel, Mount Horeb, Neshanic, Neshanic Station, North Branch, North Branch Depot, North Plainfield, Peapack, Peapack-Gladstone, Plainville, Pluckemin, Pottersville, Raritan, Ravine Lake, Rock Mill, Round Top, Roycefield, Royce Valley, Seeley Mills, Smalleytown, Somerset, Somerville, Stone House, Sunset Lake, Union Village, Vliettown, Watchung, West Millington, Weston, White Bridge, Woodfern, Zarepath, and Zion), Union and Warren (Anderson, Asbury, Beattystown, Brainards, Brass Castle, Broadway, Buttzville, Carpentersville, Changewater, Cornish, Finesville, Foul Rift, Franklin Twp, Greenwich Twp, Harmony, Harmony Station, Harmony Twp, Haszen, Hope Twp, Hutchinson, Karrville, Kennedy, Lopatcong, Lopatcong Twp, Lower Harmony, Mansfield Twp, Montana, New Village, Oxford, Oxford Twp, Pequest, Pleasent Valley, Port Colden, Port Murray, Riegelsville, Rockport, Rocksbury, Roxburgh, Springtown, Stewartsville, Still Valley, Vulcanite, Warren Glen, Washington, Washington Twp, and White Twp) Counties

PIPEFITTER'S ZONE DEFINITIONS CONT'D

ZONE 3 - Hunterdon (excluding area given above in Zone 2 for the same county), Mercer (excluding Hopewell and Hopewell Twp.), Middlesex (excluding Dunellen Boro, East Bound Brook, Middlesex, New Market, Oak Tree, Piscataway Twp., and South Plainfield), and Somerset (excluding area given above in Zone 2 for the same county) Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Apprn. Tr.
PLUMBERS:					
ZONE 1	13.60	1.00	1.35		.25
ZONE 2	13.905	1.10	1.17		.25
ZONE 3	13.09	1.04	.90		.20

PLUMBERS' ZONES DEFINITIONS

ZONE 1: Bergen, Hudson (excluding East Newark, Harrison and Kearney), Morris (excluding area given below in Zone 2 for the same County), Passaic, Sussex and Warren (excluding area given below in Zone 2 for same county) Counties.

ZONE 2 - Essex, Hudson (East Newark, Harrison and Kearney only), Hunterdon (Alexandria, Alexandria Twp, Alexauken, Allens Corner, Allertown, Amsterdam, Annandale, Anthony, Baptistown, Bellewood, Bethlehem Twp, Bissell, Bloomsbury, Bunnvale, Buttonwood Corners, Centerville, Charlestown, Cherryville, Clinton, Clinton Twps, Cokebury, Coles Mills, Croton, Delaware Twp, Dilts Corner, East Amwell Twp, Everittstown, Fairmount, Farmersville, Franklin Twsp, Frenchtown, Glen Gardner, Grandin, Hamden, Hampton, Higginsville, High Bridge, Hoffmans, Holland Twp, Hughesville, Johnsons, Jutland, King, Kingwood Twp, Klinesville, Landsdowne, Lebanon, Lebanon Twp, Little Brook, Little Neck, Little York, Ludlow, McPherson, Milford, Mountainville, Mount Joy, Mount Pleasent, Mount Salem, Muirshead, New Germantown, New Hampton, Newport, Norton, Oak Grove, Oldwick, Palmyra, Palmyra Corners, Pattenburg, Perryville, Pittstown, Pleasent Run, Polktown, Potterstown, Quakertown, Raritan Township, Readington, Readington Twp, Reaville, Rileyville, Riverside, Rockafellows, Rowland Mills, Sidney, Snydertown, Spring Mills, Stanton, Stanton Station, Sunnyside, Sutton, Tewksbury, Tewksbury Twp, The Point, Three Bridges, Treasure Island, Tumble, Union, Union Township, Unionville, Van Syckle, Warren Paper Mills, Werts-

PLUMBERS' ZONES DEFINITIONS CONT'D

ZONE 2 (CONT'D): ville, West End, West Portal, Whitehouse, Whitehouse Station, and Woodglen), Mercer (Hopewell and Hopewell Twp. only), Middlesex (Dunellen Boro, East Bound Brook, Middlesex, New Market, Oak Tree, Piscataway Twp., and South Plainfield only), Morris (Bartley, Bershire Valley, Bertrand Island, Brookside, Chatham, Chatham Township, Chester, Chester Township, Cooks Bridge, Crestmoore, Gillette, Harding Twp, Ironia, Logansville, Long Valley, Malapardis, Mendham, Mendham Twp, Middle Valley, Millington, Milltown, Milton, Mount Freedom, Mount Oliver Twp, Mount Paul, Myersville, Naughright, New Vernon, Parker, Passaic Twp, Pleasent Grove, Ralston, Schooleys Mt, Stanley Stephensburg, Stirling, and Washington Twp), Somerset (Amwell, Basking Ridge, Bedminister, Bedminister Twp, Bernards Twp, Bernardsville, Blaziers Corner, Bound Brook, Bradley Gardens, Branchburg Township, Bridgewater Township, Burnt Mill, Centerville, Chimney Rock, Claver Hill, Dutchtown, Far Hills Boro, Finderne, Flagtown, Frank Fort, Franklin Park, Franklin Twp, Gallia, Gladstone, Greater Cross Roads, Hamilton, Harmony, Harmony Colony, Higgins Mills, Hillsborough Twp, Lamington, Lanes Crossing, Liberty Corners, Lyons, Madisonville, Manville, Manville Boro, Martinsville, Mettler, Millstone, Mine Brook, Montgomery, Montgomery Twp, Mount Bethel, Mount Horeb, Neshanic, Neshanic Station, North Branch, North Branch Depot, North Plainfield, Peapack, Peapack-Gladstone, Plainville, Pluckemin, Pottersville, Raritan, Ravine Lake, Rock Mill, Round Top, Roycefield, Royce Valley, Seeley Mills, Smalleytown, Somerset, Somerville, Stone House, Sunset Lake, Union Village, Vliettown, Watchung, West Millington, Weston, White Bridge, Woodfern, Zarepath, and Zion), Union and Warren (Anderson, Asbury, Beattystown, Brainards, Brass Castle, Broadway, Buttzville, Carpentersville, Changewater, Cornish, Finesville, Foul Rift, Franklin Twp, Greenwich Twp, Harmony, Harmony Station, Harmony Twp, Haszen, Hope Twp, Hutchinson, Karrville, Kennedy, Lopatcong, Lopatcong Twp, Lower Harmony, Mansfield Twp, Montana, New Village, Oxford, Oxford Twp, Pequest, Pleasent Valley, Port Colden, Port Murray, Riegelsville, Rockport, Rocksbury, Roxburgh, Springtown, Stewartsville, Still Valley, Vulcanite, Warren Glen, Washington, Washington Twp, and White Twp) Counties

PLUMBERS' ZONES DEFINITIONS CONT'D

ZONE 3: Hunterdon (excluding area given above in Zone 2 for the same County), Mercer (excluding Hopewell and Hopewell Twp.), Middlesex (excluding Dunellen Boro, East Bound Brook, Middlesex, New Market, Oak Tree, Piscataway Twp., and South Plainfield) and Somerset (excluding area given above in Zone 2 for the same county) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (EXCLUDING STEEL ERECTION):					
GROUP 1	15.31	7%	15%	g	3%
GROUP 2	13.49	7%	15%	g	3%
GROUP 3	12.61	7%	15%	g	3%
GROUP 4	12.50	7%	15%	g	3%
GROUP 5	12.27	7%	15%	g	3%
GROUP 6	11.78	7%	15%	g	3%
GROUP 7	11.49	7%	15%	g	3%
GROUP 8	11.32	7%	15%	g	3%
GROUP 9	11.27	7%	15%	g	3%
GROUP 10	11.15	7%	15%	g	3%
GROUP 11	11.10	7%	15%	g	3%
GROUP 12	10.86	7%	15%	g	3%
GROUP 13	10.46	7%	15%	g	3%
GROUP 14	10.29	7%	15%	g	3%
GROUP 15	9.95	7%	15%	g	3%
GROUP 16	7.97	7%	15%	g	3%

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer

GROUP 2 - Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only); drillmaster; quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver; resinous; Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines

GROUP 3 - Pump, staging

GROUP 4 - A-frame boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2 yds but less than 5 yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting)

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS CONT'D

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine (small ditch winch or similar); drill doctor (duties include dust collector); dope pots (Mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (In conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; paver (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pine bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales,

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS CONT'D

GROUP 7 (CONT'D) - power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only

GROUP 9 - Broom & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with job site); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site); Field engineer: Party chief

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building

CLASSIFICATION DEFINITIONS FOR
POWER EQUIPMENT OPERATORS CONT'D

GROUP 13 (CONT'D) - & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only.)

GROUP 15 - Assistant engineer/oiler, mechanics helper; tire repair and maintenance; field engineer: transit/instrument man

GROUP 16 - Field engineer: rodman/chainman

DECISION NO. NJ79-3029

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	17.12	7%	15%	g	3%
GROUP 2	15.31	7%	15%	g	3%
GROUP 3	14.40	7%	15%	g	3%
GROUP 4	13.66	7%	15%	g	3%
GROUP 5	11.88	7%	15%	g	3%
GROUP 6	11.49	7%	15%	g	3%
GROUP 7	11.34	7%	15%	g	3%
GROUP 8	10.97	7%	15%	g	3%
GROUP 9	10.41	7%	15%	g	3%

CLASSIFICATIONS DEFINITIONS FOR
POWER EQUIPMENT OPERATORS ON STEEL ERECTION

GROUP 1 - Helicopters pilot/engineer

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot and communications engineer

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground)

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type)

GROUP 6 - Maintenance engineer

GROUP 7 - Fireman

DECISION NO. NJ79-3029

CLASSIFICATIONS DEFINITIONS FOR
POWER EQUIPMENT OPERATORS ON STEEL ERECTION CONT'D

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single)

GROUP 9 - Assistant engineer/oiler; straddle carrier

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition	10.35	.68	1.00		
ZONE 2					
Composition, Waterproofing, slate & asphalt shingle	12.62	1.33	.80		
ZONE 3					
Composition, damp & waterproofing, slate & tile	13.61	1.00	1.00		
ZONE 4					
Slate and tile	12.15	1.00	1.30		
Slate & tile helpers	8.85	1.00	1.30		
ZONE 5					
Composition, damp and waterproofing	13.00	1.50	.90		
Slate and Tile	13.12	1.50	.90		
ZONE 6					
Composition, damp & waterproofing	9.85	1.59	2.65	.65	

ROOFERS ZONES

ZONE 1 - Bergen and Passaic Counties

ZONE 2 - Hunterdon and Somerset (Rocky Hill, Harlingen, Belle Meade, Neshanic, Clover Hill, Montgomery, Zion, Skillman, Stoutsburg, Blawenburg, Centerville and Kingston) Counties

ZONE 3 - Essex, Hudson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminister, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung), Sussex, Union (remainder of county) and Warren Counties

ZONE 4 - Bergen, Passaic and Sussex Counties

ZONE 5 - Middlesex, Somerset (remainder of county) and Union (Scotch Plains, Planfield, Clark and Rahway) Counties

ZONE 6 - Hudson (remainder of county) County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Middlesex County	12.09	6%	8%+.11	8%	.04
Essex and Passaic Counties	11.75	4%+.67	4%+.46	8%	.01
Bergen and Hudson Counties	11.16	5%+.85	5%+.28	4%+.06	.02
Warren County	9.76	1.17	1.03		.05
Morris, Somerset, Sussex and Union Counties	11.65	1.10	1.35		.12
Hunterdon County	11.41	3%+1.33	.80		.03
SOFT FLOOR LAYERS	10.74	6%	5%+.50		.02
SPRINKLER FITTERS:					
ZONE 1	14.08	.75	1.55		.07
ZONE 2	14.13	.75	1.05		.08

SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown and North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville amd Somerville) and Union Counties

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex and Warren Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	7.27	.68	.75	h+i	
GROUP 2	7.50	.68	.75	h+i	
GROUP 3	7.55	.68	.75	h+i	
GROUP 4	7.65	.68	.75	h+i	
GROUP 5	7.75	.68	.75	h+i	
ZONE 2					
GROUP 1	9.12	k	1.03	h+i	
GROUP 2	9.35	k	1.03	h+i	
GROUP 3	9.40	k	1.03	h+i	
GROUP 4	9.50	k	1.03	h+i	
GROUP 5	9.60	k	1.03	h+i	
ZONE 3					
GROUP 1	9.12	.88	.975	h+i	
GROUP 2	9.35	.88	.975	h+i	
GROUP 3	9.40	.88	.975	h+i	
GROUP 4	9.50	.88	.975	h+i	
GROUP 5	9.60	.88	.975	h+i	

DECISION NO. NJ79-3029

CLASSIFICATION DEFINITIONS FOR
TRUCK DRIVERS - ZONES 1, 2, and 3

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor and Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose and nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-Men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checker, Receivers, Shippers, Binning Men (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck and Asphalt and Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck and any Rubber Tired Tractor used in pulling and towing Farm Wagons and Trailers of any description, similar type vehicles, Off-site and On-site Repair Shop

GROUP 3 - Drivers on straight 3-Axle Materials: Trucks and Floats

GROUP 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors and Wagons, Dumpsters, Straight, Bottom, Rear and Side Dumps, Carryalls and Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls and similar types of Vehicles; Drivers on Tractors and Trailer type vehicles: Flat, FLoats, I-

DECISION NO. NJ79-3029

CLASSIFICATION DEFINITIONS FOR
TRUCK DRIVERS - ZONES 1, 2, and 3

GROUP 4 (CONT'D) - Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles

GROUP 5 - Winch Trailers Drivers

TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson and Passaic Counties

ZONE 2 - Essex, Morris, Sussex and Union (remainder of county) Counties

ZONE 3 - Hunterdon, Middlesex, Somerset, Union (up to Woods Ave. south of Cranford), and Warren Counties

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annunity Fund.

b. Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

DECISION NO. NJ79-3029

FOOTNOTES: (CONT'D)

d. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

e. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 30 full days for the employer during the 90 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

f. Holiday: A half day's pay for Labor Day.

g. Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day Providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

h. Holidays: A through F, plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day, provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

i. Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

j. Holidays: A through F, plus Armistice Day and Washington's Birthday.

k. Employer contribution of $124 per month per employee to Health & Welfare funds.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Cumberland
DECISION NUMBER: NC80-1026 DATE: Date of Publication
Supersedes Decision No. NC76-1024 dated February 13, 1976 in 41 FR 6945
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.50				
Boilermakers	6.25				
Bricklayers	6.00				
Carpenters:					
Carpenters	6.05				
Millwrights	6.50				
Cement masons	5.25				
Electricians	6.50				
Glaziers	4.39				
Ironworkers, structural & reinforcing	6.50				
Laborers:					
Laborers, Unskilled	3.10				
Pipelayers	3.72				
Plasterer tenders	3.25				
Lathers	5.00				
Painters, brush	4.75				
Painters, spray	5.00				
Plasterers	5.85				
Plumbers & pipefitters	6.50				
Roofers	5.00				
Sheet metal workers	4.82				
Sprinkler fitters	10.28	.75	1.05		.08
Soft floor layers	4.32				
Terrazzo workers	4.63				
Tile setters	5.28				
Truck drivers	3.10				
POWER EQUIPMENT OPERATORS:					
Bulldozer	4.00				
Crane, derrick, dragline	5.53				
Forklift	4.40				
Front end loader	3.37				
Grader	3.90				
Mechanic	5.95				
Motor grader	3.98				
Roller, asphalt	3.45				
Saw operator	4.00				
Scraper	3.75				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC80-1021
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. NC76-1042 dated March 19, 1976 in 41 FR 11721.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories).

*Camden, Currituck, Dare, Pasquotank, Perquimans, and Tyrell Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	7.00				
Bricklayers	7.00				
Carpenters	3.72				
Cement masons	4.25				
Electricians	4.25				
Glaziers	4.00				
Ironworkers:					
Structural	4.50				
Laborers:					
Unskilled	3.10				
Mortar mixers	3.50				
Pipelayers	5.00				
Painters	3.85				
Plasterers	5.00				
Plumbers	4.25				
Roofers	3.50				
Sheet metal workers	3.75				
Terrazzo workers	4.00				
Tile setters	5.50				
Truck drivers	3.10				
Welders - rate for craft.					
Power Equipment Operators:					
Crane	5.00				
Mechanics	6.45				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NO.: NC80-1024
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No. NC76 1046 dated April 9, 1976 in 41 FR 15231
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

*Edgecombe, Greene, Johnston, Nash, and Wilson	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$6.00				
Carpenters	4.36				
Cement masons	3.66				
Electricians	3.60				
Glaziers	4.22				
Ironworkers, Structural	3.15				
Laborers:					
Unskilled	3.10				
Pipelayers	3.50				
Lathers	6.95				
Painters, brush	4.00				
Plasterers	5.65				
Plumbers & steamfitters	3.70				
Roofers	3.46				
Sheet metal workers	3.30				
Soft floor layers	5.10				
Sprinkler fitters (Wilson Co.)	10.28	.75	1.05		.08
Tile setters	5.29				
Truck Drivers	3.10				
POWER EQUIPMENT OPERATORS:					
Backhoe	3.50				
Blade grader	3.25				
Bulldozer	3.42				
Cranes, derricks, draglines	4.29				
Distributor	3.75				
Finishing machine	3.36				
Motor grader	3.30				
Pump	3.25				
Scraper	3.54				
Shovel	3.75				
Screed	3.50				
Trenching machines	4.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Wilkes
DECISION NUMBER: NC80-1020 DATE: Date of Publication
Supersedes Decision No.: NC76-1068 dated May 28, 1976 in 41 FR 22011
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.92				
Bricklayers	5.02				
Carpenters	3.57				
Carpet layers	3.35				
Electricians	3.54				
Laborers:					
Laborers, unskilled	3.10				
Painters, brush	3.30				
Plasterers	4.50				
Plumbers & Pipefitters	3.91				
Roofers	3.11				
Sheet metal workers	2.90				
Sprinkler fitters	10.28	.75	1.05		.08
Tile setters	3.35				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Front end loader	3.75				
Tractor operator	3.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC80-1017 DATE: Date of Publication
Supersedes Decision No.: NC76-1109 dated September 24, 1976 in 41 FR 42128
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Beaufort, Bertie, Chowan, Dare, Edgecombe, Franklin, Halifax, Hertford, Hyde, Nash, Northampton, Pitt, Tyrrell, Vance, Warren, and Wilson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ACOUSTICAL SPRAY APPLICATORS	$4.10				
AIR CONDITIONING & HEATING MECHANICS	4.50				
BRICKLAYERS	6.00				
CARPENTERS	4.98				
CARPET LAYERS	5.00				
CEMENT MASONS	4.90				
DRYWALL FINISHERS	5.00				
DRYWALL HANGERS	5.00				
ELECTRICIANS	4.50				
INSULATION INSTALLERS	3.66				
IRONWORKERS, Structural and Ornamental	5.20				
LABORERS:					
Laborers, Unskilled	3.24				
Asphalt Rakers	3.55				
Mortar Mixers	3.25				
Pipelayers	4.00				
PAINTERS, Brush	4.25				
PLUMBERS & PIPEFITTERS	5.02				
ROOFERS	4.71				
SHEET METAL WORKERS	4.50				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	6.00				
TRUCK DRIVERS	3.46				
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Bulldozers	4.90				
Distributors, Asphalt	4.24				
Forklifts	4.25				
Graders	4.50				
Loaders	4.64				
Pans - Scrapers	4.25				
Pavers	4.25				
Rollers	4.40				
Screeds	4.21				
Tractors	4.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC80-1027
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: NC77-1012 dated March 4, 1977 in 42 FR 12662
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

*Counties: Avery, Mitchell & Watauga

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	5.25				
Bricklayers	6.00				
Carpenters	3.85				
Cement masons	3.32				
Electricians (Avery and Watauga Counties)	4.46				
Electricians (Mitchell County)	5.50				
Ironworkers, structural & ornamental	4.18				
Laborers	3.10				
Painters, brush	4.50				
Plumbers & pipefitters	4.37				
Roofers	4.10				
Sheet metal workers	3.97				
Soft floor layers	3.50				
Tile setters	3.50				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe operator	4.00				
Crane operator	3.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NO.: NC80-1025
COUNTY: Durham
DATE: Date of Publication
Supersedes Decision No. NC77-1046 dated April 8, 1977 in 42 FR 18778
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	5.25				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	4.75				
Electricians	5.00				
Glaziers	5.25				
Ironworkers:					
Structural, ornamental, reinforcing	5.50				
Laborers:					
Laborers, unskilled	3.10				
Mortar Mixers	3.32				
Lathers	6.95				.01
Marble setters	5.25				
Painters, brush	3.76				
Plasterers	6.35				
Plumbers & pipefitters	5.33				
Roofers	4.00				
Sheet metal workers	4.81				
Soft floor layers	4.31				
Sprinkler Fitters	10.28	.75	1.05		.08
Terrazzo workers	6.00				
Tile setters	5.20				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQIPMENT OPERATORS:					
Backhoes	3.75				
Bulldozers	3.90				
Finishing machine	3.85				
Front end loaders	4.25				
Motor graders	4.39				
Rollers	4.10				
Scrapers - Pan	4.01				
Tractor	3.90				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTY: ORANGE
DECISION NO.: NC80-1022 DATE: DATE OF PUBLICATION
Supersedes Decision No. NC77-1092 dated July 8, 1977 in 42 FR 35510
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$ 6.25				
Carpenters	4.83				
Cement masons	5.00				
Electricians	5.00				
Glaziers	5.22				
Ironworkers - structural, ornamental & reinforcing	5.21				
Laborers	3.10				
Painters	4.12				
Plumbers & Pipefitters	5.00				
Roofers	4.00				
Sheet metal workers	4.50				
Tile setters	6.50				
Truck drivers	3.13				
Power Equipment Operators:					
Backhoe	4.37				
Front end loader	4.25				
Roller	3.75				
Welders - rate for craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina COUNTIES: See below*
DECISION NUMBER: NC80-1023 DATE: Date of Publication
Supersedes Decision No.: NC76-1019 dated January 30, 1976 in 41 FR 4796
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

*Counties:
Cartaret, Craven, Jones, Lenior, Onslow, and Pamlico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	5.50				
Carpenters	4.50				
Cement masons	4.23				
Electricians	4.36				
Glaziers	3.55				
Ironworkers:					
Structural	4.75				
Reinforcing	4.25				
Laborers:					
Laborers, unskilled	3.10				
Pipelayers	4.35				
Plasterers' tenders	3.50				
Plasterers	6.00				
Plumbers & Steamfitters	5.51				
Sheet metal workers	3.88				
Sprinkler fitters (Onslow Co.)	5.375				
Sprinkler fitters (Cartaret Co.)	10.28	.75	1.05		.08
Soft floor layers	5.10				
Tile setters	6.00				
Truck drivers	3.10				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoes	4.50				
Motor graders	4.00				
Rollers	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTY: WAKE
DECISION NO.: NC80-1019 DATE: DATE OF PUBLICATION
Supersedes Decision No. NC77-1094 dated July 29, 1977 in 42 FR 38882.
DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$ 5.25				
Bricklayers	6.00				
Carpenters	4.99				
Cement Masons	4.00				
Drywall Mechanics	5.20				
Electricians	4.96				
Elevator Constructors:Mechanics	7.82	.745	.69	a+b	.025
Glaziers	6.00				
Ironworkers:					
Structural & Ornamental	5.00				
Reinforcing	5.50				
Laborers:					
General	3.10				
Air tool operators (jack-hammers, vibrators)	3.75				
Mason tenders	3.25				
Mortar mixers	3.50				
Pipelayers	3.25				
Lathers	7.40				
Marble Setters	6.50				
Painters	4.00				
Plasterers	6.25				
Pipefitters	5.20	.13		.10	
Plumbers	4.91				
Roofers:					
Roofers	4.04				
Waterproofers	4.65				
Sheet Metal Workers	4.90				
Soft Floor Layers	5.08				
Terrazzo Workers	6.50				
Tile Setters	7.00				
Truck Drivers	3.10				
Welders - rate for craft					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Backhoe	$ 3.94				
Bulldozer	4.50				
Crane	5.55				
Finishing machine	4.50				
Front end loader	3.75				
Motor grader	4.75				
Roller	4.00				
Scraper	4.00				
Tractor	4.00				

FOOTNOTES:

a. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service or 6% of the basic hourly rate for employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NUMBER: NC80-1018
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No.:NC77-1096 dated July 29, 1977 in 42 FR 38883
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

* Brunswick, New Hanover, & Pender

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$4.84				
BRICKLAYERS	7.50				
CARPENTERS	5.07				
CARPET LAYERS	5.25				
CEMENT MASONS	5.12				
DRYWALL HANGERS	6.00				
DRYWALL FINISHERS	5.00				
ELECTRICIANS	4.81				
INSULATION INSTALLERS	3.88				
LABORERS:					
Laborers, Unskilled	3.40				
Mason Tenders	3.75				
PAINTERS, BRUSH	4.72				
PLUMBERS & PIPEFITTERS	5.76				
ROOFERS	4.17				
SHEET METAL WORKERS	4.44				
SOFT FLOOR LAYERS	4.75				
TILE SETTERS	5.16				
TRUCK DRIVERS	3.50				
WELDERS - Rate for Craft					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: North Carolina
DECISION NO.: NC80-1016
COUNTIES: Gaston & Mecklenburg
DATE: Date of Publication
Supersedes Decision No. NC77-1109 dated August 26, 1977 in 42 FR 43305
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	5.03				
Bricklayers	5.74				
Carpenters	4.88				
Cement masons	4.61				
Dry wall hanger	5.00				
Electricians	5.14				
Insulation installer	3.57				
Laborers:					
Laborers, Unskilled	3,10				
Mason Tenders	3.69				
Mortar mixers	3.77				
Pipelayers	4.11				
Painters,	4.21				
Painters, spray	4.47				
Plumbers & pipefitters	5.66				
Roofers	5.31				
Sheet metal workers	4.52				
Soft floor layers	4.50				
Tile setters	5.00				
Truck Drivers	3.82				
POWER EQUIPMENT OPERATORS:					
Asphalt paver	4.50				
Backhoe	4.00				
Bulldozer	4.00				
Front end loader	4.00				
Grader	4.00				
Roller	4.08				
Scraper	4.30				
Screed	4.20				
Tractor	3.85				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Comanche
DECISION NO. OK80-4008 DATE: Date of Publication
Supersedes Decision #OK79-4017 dated January 5, 1979 in 44FR13786
DESCRIPTION OF WORK: Residential projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$9.00				
Carpenters	8.20				
Cement masons	7.00				
Electricians	8.45	.20	1%		1/4%
LABORERS:					
Laborers	3.10				
Mason tenders	3.55				
Painters	6.80				
Plumbers	8.77				
Roofers	8.94				
Truck drivers	3.10				

Welders -- receive rate prescribed for craft performing operation to which welding incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(ii).

SUPERSEDEAS DECISION

STATE: South Carolina COUNTIES: See below*
DECISION NUMBER: SC80-1011 DATE: Date of Publication
Supersedes Decision No. SC77-1077 dated June 10, 1977 in 42 FR 30080
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

*Chester, Chesterfield, Fairfield, Kershaw, Lancaster, and York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITICNING MECHANICS	$4.50				
BRICKLAYERS	5.50				
CARPENTERS	4.00				
ELECTRICIANS	5.00				
INSULATION INSTALLERS	4.50				
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	5.50				
LABORERS, Unskilled	3.10				
MARBLE SETTERS	6.00				
PAINTERS, Brush	5.00				
PLUMBERS & PIPEFITTERS	6.00				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.50				
TRUCK DRIVERS	3.10				
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozers	3.99				
Cranes, Derricks, Draglines	4.25				
Loaders	3.50				
Motor Graders	4.10				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: Statewide
DECISION NUMBER: SC80-1012
Supersedes Decision No. SC78-1046 dated May 12, 1978 in 43 FR 20717
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; tunnels; bridges designed to accommodate navigation; rest areas which include building structures; and railroad construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$4.69				
CARPENTERS' HELPERS	3.67				
CONCRETE FINISHERS	4.25				
FORMSETTER, ROAD	4.01				
LABORERS, UNSKILLED	3.10				
MASONS	3.92				
MECHANICS	4.15				
MECHANICS' HELPERS	4.00				
PAINTERS, BRIDGE	6.23				
PILEDRIVERS, LEADMEN	4.75				
PIPELAYERS	3.39				
SIGN ERECTORS	5.00				
POWER EQUIPMENT OPERATORS:					
Asphalt Pavers	3.43				
Asphalt Plant	3.40				
Bulldozers	4.41				
Bulldozers (Utility)	3.58				
Cold Feed Attendant	3.36				
Concrete Finishing Machines	5.17				
Concrete Pavers	4.63				
Cranes, Backhoes, Draglines, Shovels:					
1 yard & under	4.08				
Cranes, Backhoes, Draglines, Shovels:					
Over 1 yard	5.30				
Drills	3.93				
Grade-alls	4.50				
Greasemen	3.36				
Hydro Seeders	4.38				
Loaders	3.63				
Motor Graders (fine grade)	4.35				
Motor Graders (rough grade)	3.96				
Rollers (finish)	3.41				
Scrapers	3.75				
Screed-Asphalt	3.50				
Striping Machines	3.50				
Tractor-Crawler	3.25				
Truck Drivers (multi-rear axle)	3.10				
Truck Drivers - Heavy Duty	3.44				
Welder	4.77				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler
DECISION NO. TX80-4001 DATE: Date of Publication
Supersedes Decision No. TX79-4048, dated March 16, 1979, in 44 FR 16330.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving and Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.45	.80	$1.15		.02
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS & STONEMASONS	11.45		.40		
CARPENTERS:					
Zone 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties:					
Carpenters	11.05		.40		.01
Millwrights	11.40		.40		.01
Zone 2 - Childress Co.:					
Carpenters	10.85	.48	.50		.07
Millwrights	11.35	.48	.50		.07
CEMENT MASONS	8.30				
ELECTRICIANS:					
Zone 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties:					
Electricians	11.58	.60	3%+.50		1/2%
Cable Splicers	12.74	.60	3%+.50		1/2%
Zone 2 - Childress Co.:					
Electricians	11.10	.50	3%		1/10%
Cable Splicers	11.35	.50	3%		1/10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$ 7.90			a	
IRONWORKERS:					
Zone 1: Armstrong, Carson, Castro, Childress (excluding southeastern 1/4), Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties	10.65	.55	1.40		.10
Zone 2: Childress County (southeastern 1/4)	10.125	.55	1.40		.10
LABORERS:					
Group 1: General or Construction Laborers	6.17	.63	.32		
Group 2: Air or electric tool operators, jackhammers, vibrator tampers chipping hammers, pipe wrappers, kettleman, asphalt rakers, sand blasterers, pot-tenders, riprap stone pavers, cutting torch operators (demolition), mortar mixer (hand or machine), mason tenders, plasterer tenders, hod carriers, loader and placer, chuck tenders, timberman, collapsible form setters, concrete power buggy operators; carpenter tenders, pipe layers: main, sewer and drainage; make-up man, powderman and blasters; gunite ops. or concrete operators	6.32	.63	.32		
LATHERS	12.15				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Zone 1 - Childress County:					
Lineman; Operators	$11.50	.50	3%		1/2%
Cable Splicers	11.35	.50	3%		1/2%
Groundman	70%JR	.50	3%		1/2%
Zone 2 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties:					
Lineman	11.58	.60	3%+.50		1/2%
Cable Splicers	12.74	.60	3%+.50		1/2%
Groundman	7.66	.60	3%+.50		1/2%
Operator - hole digger, line truck	8.91	.60	3%+.50		1/2%
Flat bed truck driver	6.72	.60	3%+.50		1/2%
MARBLE MASONS (EXTERIOR)	11.45		.40		
PAINTERS:					
Group 1 - Brush and Roller; Paperhangers; Perfa-tapers	9.70		.50		
Group 2 - Structural steel; Swinging stage or chair below 50 ft.	9.82		.50		
Group 3 - Spray and Sandblasters	10.45		.50		
Group 4 - Perfa-tape machine operator	9.95		.50		
PLASTERERS	12.15				.01
PLUMBERS & PIPEFITTERS:					
Zone 1 - shall extend a distance of 25 road miles from the police station in either Amarillo or Borger	10.37	.45	.65	1.06	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS (Cont'd)					
Zone 2 - shall extend a distance of 25 to 50 road miles from either Amarillo or Borger	$10.62	.45	.65	$1.06	
Zone 3 - shall extend a distance of 50 road miles and over from either Amarillo or Borger	10.87	.45	.65	1.06	
ROOFERS	4.50				
SHEET METAL WORKERS	11.58	.50	.66		.12
SPRINKLER FITTERS	12.79	.75	1.05		.08
TRUCK DRIVERS:					
1/2 ton to 3 tons; Ready mix concrete to 3 yds.	3.10				
3 to 5 tons; Ready mix concrete over 3 yds.	3.13				
5 tons and over	3.38				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE FOR GLAZIERS:
a - Paid Holidays A thru F.

PAID HOLIDAYS FOR GLAZIERS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Group 1	$10.25	.40	.50		.10
Group 2	9.75	.40	.50		.10
Group 3	7.80	.40	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1: Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Derricks, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoist, 2 drums or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers-12½ tons and over; Shovels; Heavy Duty Mechanics; All Welders; All tractors with power attachments; Ditching Machines - crawler type; Farm type Tractor (Loader, 1 yd. and over) with Backhoe

Group 2: Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Cherry Pickers - unders 12½ tons; Ditch Witch - J30 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader, Payloader; Blade Grader, towed; Elevators, building; Fork Lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors - Wheel type except when hauling material

Group 3: Oiler-Fireman-Greaser

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

STATE: Texas

COUNTIES: Bee, Kleberg, and Nueces

DECISION NUMBER: TX80-4002

DATE: Date of Publication

Supersedes Decision No. TX79-4005, dated January 5, 1979, in 44 FR 1675.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving and Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.94	.55	.70		
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS:					
Bee County	5.50				
Kleberg and Nueces Cos.	9.94	.37	.30		.07
CARPENTERS:					
Carpenters	8.79	.51	.40		.05
Millwrights	10.95				1%
CEMENT MASONS	9.65				
ELECTRICIANS:					
Electricians	11.30	.60	3%		3/4%
Cable Splicers	11.425	.60	3%		3/4%
GLAZIERS (excluding Kleberg County	7.35		.20		
IRONWORKERS	9.17	.55	1.15		.07
LABORERS:					
Group 1: General laborer (any work not specifically defined herein)	4.80	.28	.10		
Group 2: Craft tenders: Bricklayers, Plasterers, Tile Setters, Concrete and Mortar Mixers, Pipelayers, Lathers, Finish Carpenters Slip Form Operators, Scaffolding, Water Proofers, Cement Finishers; Power tool Operators includes paving buster, Jackhammer, Chipping Gun, Air Tamper, Barie Tamper, Electric Vibrator, air or gasoline driven vibrator or Drills, Sump Pumps and any and all power driven equipment operated by Laborers	5.00	.28	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Group 3: Pipe Wrappers and Dopers	$ 5.15	.28	.10		
Group 4: Gunnite Nozzlemen; Powderman or Blaster	5.25	.28	.10		
LATHERS	7.75	.30	.20	1.00	.01
LINE CONSTRUCTION:					
Linemen	11.32	.60	3%		1/2%
Cable Splicers	11.445	.60	3%		1/2%
Groundmen	6.23	.60	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	8.81	.37	.30		.02
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile and terrazzo finisher	6.87				
Terrazzo floor machine operator	7.07				
Terrazzo base machine operator	7.22				
PAINTERS:					
Brush	8.80	.65	.25		2/10%
Sign	9.05	.65	.25		2/10%
Spray	9.20	.65	.25		2/10%
PLASTERERS	11.00				.01
PLUMBERS & PIPEFITTERS	11.09	.45	.35		.04
ROOFERS:					
Roofers; Kettleman; Waterproofers; Deckmen	7.60		.25		
SHEET METAL WORKERS	8.67	.23	.275		.01
SOFT FLOOR LAYERS	8.79	.51	.40		.05
SPRINKLER FITTERS	12.79	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

STATE: Texas COUNTIES: Jefferson and Orange

DECISION NUMBER: TX80-4003 DATE: Date of Publication

Supersedes Decision No. TX79-4033, dated March 16, 1979, in 44 FR 16326.

DESCRIPTION OF WORK: Building (including Residential) Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$12.40	.90	$1.08		.05
Orange County	12.32	.525	.90		.04
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS and STONEMASONS	13.29	.63	.60		.04
CARPENTERS:					
Carpenters:					
Commercial	11.70	.55	.45		.065
Residential Construction of not more than 2 units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes	11.39	.55	.45		
Millwrights	12.085	.55	.45		.02
Piledrivermen	11.94	.55	.45		
CEMENT MASONS	11.82				
ELECTRICIANS	14.40	.75	3%+.285		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	10.74	.895	.69	4%+a+b	.035
Helpers	70%JR	.895	.69	4%+a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS:					
Northern ½ of Jefferson County	11.10	.60			
Southern ½ of Jefferson County and all of Orange County:					
Commercial	10.25				
Residential	10.10				
IRONWORKERS	11.38	.55	1.15		.10
LABORERS:					
Group 1: Common Laborer; Asphalt ironer and raker; Sand blaster, exclusive of preparation for painters; Dumper, spotter and wagon drill; Powderman-blaster; Well driller	6.68	.38	.53		.02
POWER EQUIPMENT OPERATORS:					
Group 1	$ 8.85	.32	.75		
Group 2	7.725	.32	.75		
Group 3	6.925	.32	.75		
Group 4	7.075	.32	.75		

Group 1: Air Compressor over 125 CFM, gasoline or diesel powered; Asphalt Plant Mixer; Back Filler; Backhoe; Batch Plant (concrete); Blade Grader; Boring Machine(foundation, horizontal or waterwell); Bull Clam; Bulldozer; Cableway; Clamshell; Crane, power operated (all types); Crusher; Derrick, power operated (all types); Dragline; Elevating Grader; Elevator, outside the building; Euclids and similar type machines; Forklift (on construction except in warehouses); Grade-all; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

Group 2: Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Flexplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats of stations, mobile type grade all, etc.); Wagon Drill; Welding Machines (3 to 6) other than electric

Group 3: Oilers, 1st year

Group 4: Oilers, 2nd year

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Group 2: Carpenter tender	$ 6.83	.38	.53		.02
Group 3: Cement masons tender; Air tool operator (jackhammer-vibrator)	6.88	.38	.53		.02
Group 4: Plaster and lather tender; Pipe layers, non-metallic pipe, including handling and laying pumpcrete pipe	6.98	.38	.53		.02
Group 5: Mortar mixers, hod carriers and mason tender	7.03	.38	.53		.02
Group 6: Machine man and nozzleman for gunniting 1½" and over	7.155	.38	.53		.02
LATHERS	12.435	.55			.01
LINE CONSTRUCTION:					
Linemen	13.635	.50	3%		1/2%
Groundmen	9.95	.50	3%		1/2%
PAINTERS:					
Southern ½ of Jefferson County and all of Orange County:					
Group 1: Brush wood and wall, paperhanger:					
Commercial	10.25				
Residential	10.10				
Group 2: Brush, Steel:					
Commercial	10.30				
Residential	10.15				
Group 3: Spray:					
Commercial	10.75				
Residential	10.62				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Group 4: Sandblaster, power cleaning; All time spent rigging:					
Commercial	$10.575				
Residential	10.36				
Group 5: Brush, hot paint or creosote:					
Commercial	11.00				
Residential	10.36				
Group 6: Spray, hot paint or creosote:					
Commercial	11.50				
Residential	10.89				
Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern ½ of Jefferson County:					
Group 1: Brush:					
Commercial	11.20	.60			
Residential	10.95	.60			
Group 2: Paper & Vinyl hanger:					
Commercial	11.45	.60			
Residential	11.20	.60			
Group 3: Brush, steel:					
Commercial	11.37	.60			
Group 4: Spray:					
Commercial	11.62	.60			
Residential	11.37	.60			
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider and skates in all classifications					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS	$12.12	.65	.75		.10
PLASTERERS	12.40	.87	.40		.02
PLUMBERS	13.32	.34			.03
ROOFERS:					
Composition	10.48	.42	.45	.35	.06
Slate and Tile	11.23	.42	.45	.35	.06
Kettlemen	9.74	.42	.45	.35	.06
SHEET METAL WORKERS:					
Commercial	11.70	3%+.52	.55		.13
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is individually conditioned by a separate and independent unit or system	7.61	3%+.52	.55		.13
SPRINKLER FITTERS	12.79	.75	1.05		.08
TILE SETTERS	11.78	.63	.60		.04
TRUCK DRIVERS:					
Group 1: under 1½ tons and wash, grease, tireman, fuel pump operators when used on construction	9.29	.53			
Group 2: 1½ tons thru 2½ tons, dump truck less than 7 yds.	9.80	.53			
Group 3: Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards and when used to transport material), floats, hydraulic tail gate lifts	9.99	.53			
Group 4: Euclids (not self-loading)	10.09	.53			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
Group 5: Warehousemen - material checker; Town driver	$10.15	.53			
POWER EQUIPMENT OPERATORS:					
Group 1	$12.665		.25		
Group 2	10.57		.25		
Group 3	9.80		.25		
Group 4	9.57		.25		

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mons. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

POWER EQUIPMENT OPERATORS (Cont'd)

Group 1: Heavy Duty Mechanic; Blade Grade, self-propelled; Bull Clam; Back Filler; Derrick - power operated, all types; Draglines; Push Cat; Bulldozer and all types of Cat Tractors; Cableway; Backhoe; Shovel; Crane-power operated, all types; Elevating Grader, self-propelled; Hoist - motor driven, two drums or more; Mix Mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Pile-drivers; Scraper - heavy type, over 3 cu.yds.; Trench Machine, all sizes; Gradeall; High-lift; Foundation Boring Machines; Gasoline or diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch Plants; Scoopmobiles; Fingerlift Operator; Elevator when used to haul men or material on construction work; Well Point System and operation of similar dewatering devices

Group 2: Air Compressor; Blade Grade - towed: Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines, 3 to 6 machines; Hoist - single drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

Group 3: Fireman

Group 4: Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NUMBER: TX80-4004 DATE: Date of Publication
Supersedes Decision No. TX79-4010, dated January 5, 1979, in 44 FR 1681.
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving and Utilities Incidental to Building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.36	.70	.96		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS and STONEMASONS	10.90		.60		.05
CARPENTERS:					
Carpenters	10.85	.48	.50		.07
Millwrights	11.35	.48	.50		.07
CEMENT MASONS	9.94				
ELECTRICIANS:					
Electricians	11.10	.50	3%		1/10%
Cable Splicers	11.35	.50	3%		1/10%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.09	.895	.56	4%+a+b	.025
Helpers	70%JR	.895	.56	4%+a+b	.025
Helpers (Probationary)	50%JR				
GLAZIERS	4.97				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	10.00	.55	1.40		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	10.125	.55	1.40		.10
LABORERS:					
Group 1: General Laborer	5.145	.275	.27		
Group 2: Pipelayer (concrete and clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	5.27	.275	.27		
Group 3: Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer; Gunite over 1½" thick; Nozzleman and machine operator	5.395	.275	.27		
Group 4: Powderman, blaster	5.645	.275	.27		
LATHERS	7.65				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman Operator	$11.10	.50	3%		1/2%
Cable Splicers	11.35	.50	3%		1/2%
Groundman	70%JR	.50	3%		1/2%
MARBLE SETTERS	8.61				
PAINTERS:					
Brush	7.50				
Spray	8.50				
PLASTERERS	11.25				.01
PLUMBERS and PIPEFITTERS:					
Zone 1 - within 25 miles of Wichita Falls City limits	11.45	.45	.75		.05
Zone 2 - over 25 miles of Wichita Falls City limits	11.95	.45	.75		.05
ROOFERS	5.42				
SHEET METAL WORKERS	11.76				.09
SOFT FLOOR LAYERS	5.50				
TERRAZZO WORKERS	7.50				
TILE SETTERS	6.50				
TRUCK DRIVERS	3.10				
WELDERS - receive rate prescribed for craft performed operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 2%; over 5 years - 4% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$8.175	.40	.625		.10
Group 2	9.075	.40	.625		.10
Group 3	9.475	.40	.625		.10

Group 1: Oiler - Fireman

Group 2: Air Compressors, Pumps, Welding Machine, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators, building; Form Graders; Hoist, single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plant; Fork Lifts (short, under 25 ft.); Concrete Pumps (all types); Bobcat type equipment; Ford Tractor or like with any attachments (except blade and mower on rear)

Group 3: Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 ft.); Winch Trucks; Six wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Grad-all; Hy-Ho; Hop-to; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressor and Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5)(a)(1)(ii)).

STATE: TEXAS

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX80-4005

DATE: Date of Publication

Supersedes Decision No. TX79-4050, dated March 16, 1979, in 44 FR 16334

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls	$11.95	.70	.90		.08
ZONE 2 - Bosque, Hill & McLennan	11.36	.70	.96		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	11.50		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	9.25				
Millwrights	9.50				
ZONE 2 - Bosque, Falls, Hill & McLennan:					
Carpenters	10.58				
Millwrights	11.35				
CEMENT MASONS	9.89	.60	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen), Bosque, Coryell (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.					
Electricians	10.75	.60	3%		½%
Cable splicers	11.75	.60	3%		½%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen)					
& Coryell (that part south of Cowhouse Creek) Counties					
Electricians & Cable splicers	11.80	.60	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.09	.895	.56	4%+a+b	.025
Helpers	70%JR	.895	.56	4%+a+b	.025
Helpers (Probationary)	50%JR				
GLAZIERS	7.40				
IRONWORKERS	10.55	.55	1.15		.12
LABORERS:					
Unskilled	3.10				
Mason tenders & mortar mixers	3.55				
LATHERS	11.10			1.00	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	12.15		3%		½%
Cable splicers	13.37		3%		½%
Groundman	8.51		3%		½%
PAINTERS:					
GROUP 1 - Brush	9.40				.04
GROUP 2 - Boiler pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	9.90				.04
GROUP 3 - Ames tools for dry wall	10.00				.04
GROUP 4 - Spray work & self-feeding rollers	10.15				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	10.50				.04
PLASTERERS	10.54	.60	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco including Temple, Marlin, Clifton, Hillsboro & Belton	10.17	.30	.40		.04
ZONE 2 - All other areas	10.88	.30	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up damp & water-proofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House	9.82	.45	.60		.09
ZONE 2 - Over 20 miles up to & including 45 miles	10.32	.45	.60		.09
ZONE 3 - Over 45 miles	10.82	.45	.60		.09
SPRINKLER FITTERS	12.79	.75	1.05		.08
TRUCK DRIVERS	3.10				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	11.04		.40		
GROUP 2	9.97		.40		
GROUP 3	8.75		.40		
GROUP 4	8.64		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; bull clam; back filler; derricks, power operated (all types); dragline; push cat operator; euclid operator; bull dozer and all types of cat tractors; cable-way; back hoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts & loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machine (all sizes); gradall; foundation boring machine; scoopmobile; shovel, power operated; pump crete machines; clam shell operator; rock crusher operated on job; welding machine, 6 to 12; two 125 cu. ft. compressors; well points, including installations
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; truck crane driver & oiler, combination man; gasoline or diesel driven welding machine, 3 to 6; hoist, single drum; pump, 2½ in. or larger; pneumatic roller; high-lifts & loaders, 1/3 cu. yd. or less; forklift, 1500 lbs. capacity or less; air compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	3.30				
Asphalt Heaterman	4.00				
Asphalt Raker	4.40				
Asphalt Shoveler	4.25				
Batching Plant Scaleman	5.00				
Carpenter	5.30				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	5.25				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	5.00				
Concrete Finisher Helper (Structures)	4.25				
Concrete Rubber	3.30				
Electrician	7.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.50				
Form Builder Helper (Structures)	3.30				
Form Setter (Paving & Curb)	4.65				
Form Setter Helper (Paving & Curb)	3.75				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	4.00				
Laborer, Common	3.30				
Laborer, Utility Man	3.65				
Mechanic	5.00				
Mechanic Helper	4.10				
Oiler	4.00				
Serviceman	3.50				
Painter (Structures)	3.50				
Piledrivermen	4.00				
Pipelayer: Bosque, Falls, Hill & McLennan	4.00				
Pipelayer (Concrete & Clay): Bell & Coryell Cos.	4.00				
Pipelayer Helper: Bosque, Falls, Hill & McLennan	3.30				
Pipelayer Helper (Concrete & Clay): Bell & Coryell Cos..	3.30				

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers (Bell & Coryell Cos.):					
Zone 1 - 35 miles from Waco including towns of Temple & Belton	10.17	.30	.40		.04
Zone 2 - all area not included in Zone 1	10.88	.30	.40		.04
Powderman	5.50				
Reinforcing Steel Setter (Structures)	4.90				
Reinforcing Steel Helper	3.30				
Sign Erector	4.65				
Sign Erector Helper	3.30				
Spreader Box Man	4.35				
Swamper	4.25				
Power Equipment Operators:					
Asphalt Distributor	4.40				
Asphalt Paving Machine	4.70				
Broom or Sweeper Op.	4.05				
Bulldozer, 150 HP & Less	4.50				
Bulldozer, over 150 HP	4.75				
Concrete Paving Curing Machine	5.00				
Concrete Paving Saw	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	5.50				
Crusher or Screening Plant Operator	4.60				
Foundation Drill Operator (Truck Mounted)	4.50				
Foundation Drill Op. Helper	4.25				
Front End Loader (2½ CY & Less)	4.50				
Front End Loader (Over 2½ CY)	5.00				
Motor Grader Op., Fine Grade	6.00				
Motor Grader Operator	4.50				

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Ops. Cont'd:					
Roller, Steel Wheel (Plant-Mix Pavements)	4.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.95				
Roller, Pneumatic (Self-Propelled)	3.50				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.60				
Tractor (Crawler Type) 150 HP and Less	3.30				
Tractor (Crawler Type) over 150 HP	4.10				
Tractor (Pneumatic) 80 HP & Less	3.50				
Tractor (Pneumatic) over 80 HP	4.00				
Traveling Mixer	4.10				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.45				
Wagon Drill, Boring Machine or Post Hole Driller Op.	4.00				
Truck Drivers:					
Single Axle, Light	3.55				
Tandem Axle or Semitrailer	4.25				
Lowboy-Float	3.95				
Welder	5.00				
Welder Helper	3.60				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX80-4006 DATE: Date of Publication
Supersedes Decision No. TX79-4038, dated March 16, 1979, in 44 FR 16328.

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.95	.70	.90		.08
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS & STONEMASONS	11.17	.50	.40		.05
CARPENTERS:					
Carpenters	10.96	.48	.50		.04
Millwrights	11.21	.48	.50		.04
CEMENT MASONS	9.89	.60	.55		
ELECTRICIANS & CABLE SPLICERS	11.80	.60	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.24	.895	.69	4%+a+b	.035
Helpers	70%JR	.895	.69	4%+a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	9.66		.50		.01
IRONWORKERS	10.55	.55	1.15		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	6.655	.275	.40		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool op.	6.805	.275	.40		.02
GROUP 3 - Plaster tender; Hod carrier; mortar mixers lather tender	6.98	.275	.40		.02
GROUP 4 - Gunnite over 1½" thick; nozzlemen; machine operator; powderman & blaster	7.055	.275	.40		.02
LATHERS	11.525				.01
LINE CONSTRUCTION:					
Linemen	12.40	.60	3%		1/2%
Groundman	6.82	.60	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	9.15	.60			.05
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile & terrazzo finisher	6.87				
Terrazzo floor machine ops.	7.07				
Terrazzo base machine ops.	7.22				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush; taping & floating of sheetrock	9.65				
GROUP 2 - Paperhangers; chipper, burner, torch; skeleton steelwork erected	9.90				
GROUP 3 - Spray; steam cleaning, sand blast & other powered equipment	10.15				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25¢ per hour above all base rates					
PLASTERERS	10.54	.60	.55		.01
PLUMBERS & PIPEFITTERS	11.80	.45	.40		.05
SHEET METAL WORKERS	11.93	3%+.45	.96		.09
SOFT FLOOR LAYERS	11.37	.50	.45		.14
SPRINKLER FITTERS	12.79	.75	1.05		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

a - 1st 6 months - none; 6 months to 5 years - 2% over 5 years - 4% of basic hourly rate

b - Paid Holidays A thru G

BILLING CODE 4510-27-C

[FR Doc. 80-127 Filed 1-3-80; 8:45 am]

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	11.04		.40		
GROUP 2	9.97		.40		
GROUP 3	8.75		.40		
GROUP 4	8.64		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; bull clam; back filler; derricks, power operated (all types); dragline; push cat operator; euclid operator; bull dozer and all types of cat tractors; cable-way; back hoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts & loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machine (all sizes); gradall; foundation boring machine; scoopmobile; shovel, power operated; pump crete machine; clam shell operator; rock crusher, operated on job; welding machine, 6 to 12, two 125 cu. ft. compressors; well points, including installations

GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; truck crane driver & oiler, combination man; gasoline or diesel driven welding machine, 3 to 6; hoist, single drum; pump, 2½ in. or larger; pneumatic roller; high-lifts & loader, 1/3 cu. yd. or less; forklift, 1500 lbs. capacity or less; air compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

federal register

Friday
January 4, 1980

Part VII

Department of Labor

Office of the Secretary

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Proposed Rule

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 32

Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance

AGENCY: Department of Labor.

ACTION: Proposed rule

SUMMARY: These proposed regulations implement Department of Labor requirements under section 504 of the Rehabilitation Act of 1973, as amended, and the Department of Health, Education, and Welfare's rules for Federal agency regulations under section 504, published January 13, 1978 (43 FR 2132). The proposed regulations prohibit discrimination against qualified handicapped individuals in programs receiving or benefiting from Federal financial assistance from the Department of Labor.

DATES: Comments are invited from other Federal agencies and the public. They must be received on or before March 4, 1980.

ADDRESSES: Comments should be sent to *Office of the Assistant Secretary, Employment and Training Administration, 601 "D" Street NW., Washington, D.C. 20210.*

FOR FURTHER INFORMATION CONTACT: Frederick A. Drayton, Division of Equal Employment Opportunity, Employment and Training Administration, 601 "D" Street, NW., Washington, D.C. 20210, Telephone (202) 376–6743.

SUPPLEMENTARY INFORMATION:

Background

Section 504 of the Rehabilitation Act of 1973, as amended, states: "No otherwise qualified handicapped individual in the United States, as defined in section 7(6)(B), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." A "handicapped individual" is defined in 7(6)(B) as "any person who (i) has a physical or mental impairment, which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. For purposes of sections 503 and 504, as such sections relate to employment, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others."

Thus, section 504 prohibits discrimination against all persons who are, have been or may be perceived as handicapped individuals.

This proposal would require recipients of Federal financial assistance from the Department of Labor to ensure that their federally assisted programs and activities are operated without discrimination on the basis of physical or mental handicap. It would prohibit discrimination against qualified handicapped persons in programs and activities receiving assistance from the Department in both their operations and employment practices. In addition to selecting beneficiaries for such programs in a nondiscriminatory manner, recipients would be required to make reasonable accommodation to the handicaps of qualified participants, beneficiaries, job applicants and employees unless the accommodation would cause undue hardship to the programs. Recipients would also be required to assure that handicapped beneficiaries have access to all programs operating in existing buildings. Moreover, new facilities must be constructed so that they would be readily accessible to handicapped persons.

These proposed regulations generally follow HEW's guidelines for Federal agency regulations implementing section 504 (45 CFR Part 85) and also incorporate substantial portions of HEW's regulation implementing section 504 with respect to HEW's programs of Federal financial assistance (45 CFR Part 84), when they are relevant to Department of Labor programs.

Some language variance from the HEW guidelines and regulations is proposed based on the experience of the handicapped community, employers and the public with the HEW regulations. The most significant areas of variance are in the areas of definition of "qualified handicapped individual", accommodations, preemployment medical examinations, accessibility, and procedural simplification.

The proposed regulations deviate slightly from the HEW regulations as to the definition of "qualified handicapped individual" in that the proposed definition does not include the requirement that such an individual be one who with reasonable accommodation can perform the "essential functions of the job in question." Rather, the definition contained in the proposed regulations follows the definition in the Department of Labor's Office of Federal Contract Compliance Program's regulations implementing section 503 of the Act (41 CFR 60–741.2). This variation does not alter the obligations in any significant manner.

The provisions of Subpart B—Employment Practices of 45 CFR Part 84 relating to discrimination prohibited and reasonable accommodation have been included in the proposed regulations.

Relating to discrimination prohibited, these proposed regulations follow HEW's 45 CFR Parts 84 and 85 and adopt the analysis in Appendix A of Part 84 (42 FR 22685, 22689) in prohibiting differences in treatment between handicapped and nonhandicapped individuals under fringe benefit programs. Thus, recipients may not refuse to hire a handicapped person because he or she may be entitled to fringe benefits in connection with his or her handicap, or require such a person to waive rights to fringe benefits, because of the handicap, as a condition of emloyment.

The section on reasonable accommodation follows the HEW regulations, but has been supplemented with an Appendix which clarifies the reasonable accommodation requirements and provides guidance to recipients on methods and techniques for making accommodations. The Appendix proposes the use of alternative testing methods for persons unable to take traditional tests or meet traditional time limitations in such tests. Such alternative testing methods might include adapting existing tests or waiving tests if no alternative is available, and substituting a demonstration of ability to perform.

In lieu of the HEW regulations on employment criteria (45 CFR 84.13), these proposed regulations adopt the provisions of the Department of Labor's Office of Federal Contract Compliance Program's regulations implementing section 503 of the Act (41 CFR 60–741.6(c) (1) and (2)) with respect to the use of physical and mental job qualification requirements.

This proposal follows HEW's 45 CFR 84.14 on the use of preemployment inquiries, but the proposed section (§ 32.15) on preemployment medical examinations varies from the approach taken by HEW. The Department of Labor believes that its proposed procedures accomplish the same objective as the HEW regulations of protecting a handicapped individual from being discriminated against because of a disability, while, at the

same time, allowing a recipient flexibility in the timing of the medical examination.

Although preemployment medical examinations are not totally prohibited, a recipient's medical inquiries and examinations are restricted to determining the current ability of an individual to perform job related functions. Such inquiries or examinations must be isolated from other employment decisions and be the final factor considered in making employment decisions, regardless of the timing of the examination itself. If medical examinations are given, then they must be given to all candidates being considered for the job. If rejection of an individual is based on medical reasons, the individual must be notified in writing of the specific medical impairment which prohibits the individual from performing valid job requirements.

Subpart C on Program Accessibility generally follows the HEW guidelines and regulations, while also offering specific provisions pertaining to Job Corps, Private Sector Initiative Programs (PSIP) and CETA on-the-job-training programs. In these programs, the obligation of compliance would be placed on the primary recipient of Federal financial assistance from the Department of Labor. Thus, where the program operated by the primary recipient, when viewed in its entirety, is readily accessible to the handicapped, all subrecipients operating under that program would be considered in compliance, whether or not each of their programs was readily accessible.

The Job Corps program, Title IV, Part B of the Comprehensive Employment and Training Act, as amended (CETA), is a national program with program authority centralized at the Federal level. Each center offers basically the same services. The assignment of youth to centers is done by the Department of Labor through our regional offices, with the transportation costs paid by the Department of Labor.

Because of the centralized assignment system and the consistency of program services among centers, for purposes of Section 504, we think that all of the centers, as a group, should be considered to be the Job Corps program. We feel Job Corps can comply with the requirements of Section 504 by designating regional centers that will serve both handicapped individuals who need specialized services and nonhandicapped individuals. This would make the Job Corps program accessible "when viewed in its entirety." All centers would, of course, be expected to comply with the basic non-discrimination, employment and grievance procedures provisions of the Section 504 regulations.

Similarly, under the Private Sector Initiative Program (PSIP) in Title VII of the Comprehensive Employment and Training Act, and on-the-job-training programs under other Titles of CETA, we think it would be most effective in opening job opportunities for the handicapped to view the prime sponsor as the "recipient" for purposes of program accessibility. Thus, the program operated by the prime sponsors would be viewed in its entirety to determine compliance. Under PSIP and CETA/OJT programs private employers contract with prime sponsors to hire and train CETA eligible individuals. There are many small employers in these programs for whom many of the requirements for program accessibility would be financially and practically infeasible. The Department of Labor proposes to require that each prime sponsor assure that training and employment opportunities for the handicapped under PSIP and CETA/OJT will be made available from the group of employers participating in the program. As in the case of Job Corps, all employers would be subject to all other provisions of the regulations.

The other changes in this proposal are procedural in nature and attempt to eliminate duplicative or conflicting requirements pertaining to posters and recordkeeping and to the involvement of individuals with a handicap in a recipient's self-evaluation program.

The proposed 504 regulations would require recipients to establish an internal review procedure to handle complaints from employees and beneficiaries. Complainants must file a complaint under those procedures except under limited circumstances. Recipients would be given 60 days to resolve complaints before the Department of Labor conducts an investigation. HEW does not discuss internal review procedures in the guidelines, but makes them mandatory for its own recipients in 45 CFR Part 84.

Proposed § 32.5(d) provides that where the Department of Labor grants funds to another Federal agency to carry out a program under a law administered by the Department of Labor, these regulations will apply. Thus, for example, where the Department of the Interior or the Department of Agriculture operates job corps centers, the same regulations will apply to those centers as apply to privately run Job Corps centers.

To achieve departmental consistency, these regulations provide that Federal contractors covered by the provisions of section 503 of the Act shall be deemed in compliance with the employment provisions of these regulations, with respect to Federal financial assistance from the Department of Labor, if they are in compliance with the Office of Federal Contract Compliance Programs' implementing regulations, 41 CFR Part 60–741. Where necessary, OFCCP's regulations will be amended to conform to these regulations.

HEW's guidelines require agencies to utilize their Title VI procedures to enforce section 504. This proposal adopts the enforcement procedures in the Department of Labor's Title VI regulations at 29 CFR Part 31 but provides that, where appropriate, the Assistant Secretary may assign responsibility for enforcement to another agency of the Department of Labor or of the Federal Government to facilitate coordinated enforcement of sections 503 and 504 and of the 504 programs of two or more agencies.

Summary of Proposed Regulations

The proposed regulations contain five subparts. Subpart A (General Provisions) includes the definition section and the basic prohibition against discrimination on the grounds of physical or mental handicap in all activities of recipients of Department of Labor financial assistance. It also provides for assurances of compliance by recipients and other basic administrative procedures. It requires recipients to adopt internal review procedures to handle complaints.

Subpart B deals with employment practices. It prohibits discrimination by recipients of Department of Labor assistance in all areas of selection, hiring, training, advancement and other aspects of employment. It also requires employers to make reasonable accommodation to qualified handicapped applicants or employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer. In addition, this subpart contains several provisions, drawn from the Department's regulations under section 503 of the Rehabilitation Act of 1973, which articulate further the obligations of recipients of Federal financial assistance with respect to employment. These sections deal with review of all physical or mental job qualification requirements to ensure they are job related and consistent with business necessity and the safe performance of the job. Under this subpart there are provisions allowing recipients to conduct preemployment medical examinations as long as the results of such examinations are isolated from

other employment decisions and are the final factor considered in making the employment decision.

Section 32.17(a) of Subpart B states that the Department of Labor's policy is to encourage the use of the collective bargaining process whenever a recipient's compliance with these regulations may impact on and/or necessitate changes in a collective bargaining agreement(s) to which the recipient is a party. Consistent with this policy, the Department encourages recipients, before making any changes that would impact on a collective bargaining agreement(s), to attempt to resolve such disputes through the collective bargaining process.

Program accessibility is covered in Subpart C which requires that all new facilities be constructed without architectural barriers so that they are fully accessible to handicapped persons. Every existing facility need not be made physically accessible, but programs conducted in those facilities must be made accessible whenever a handicapped individual enrolls in such program. In addition, the application process must be made accessible. Recipients may choose any appropriate method that in fact makes programs in existing facilities accessible, but if they are unable to make the program accessible by any other means, they must undertake structural changes in those facilities. Under this subpart, "recipient" means the primary recipient for purposes of Private Sector Initiative Programs, CETA/OJT and the Job Corps program as a whole.

Subparts A, B, and C of the regulations, as well as Subpart D, which incorporates by reference the Department's investigative and enforcement procedures under Title VI, and Subpart E concerning recordkeeping and other auxiliary matters apply to all recipients of financial assistance from the Department.

Regulatory Analysis

The regulatory analysis is published immediately following the proposed regulations. This analysis summarizes the major alternatives considered thus far during the process of developing the regulations, within the constraints of the standards, procedures and guidelines issued by HEW; and summarizes the economic consequences of implementation.

In consideration of the foregoing, it is proposed to add a new Part 32 to Title 29, Code of Federal Regulations to read as set forth below.

Signed at Washington, D.C., December 21, 1979.

Ray Marshall,

Secretary, U.S. Department of Labor.

Ernest G. Green,

Assistant Secretary, Employment and Training Administration.

Donald Elisburg,

Assistant Secretary, Employment Standards Administration.

Weldon J. Rougeau,

Director, Office of Federal Contract Compliance Programs.

PART 32—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Subpart A—General Provisions

Sec.

32.1 Purpose.
32.2 Application.
32.3 Definitions.
32.4 Discrimination prohibited.
32.5 Assurances required.
32.6 Remedial action, voluntary action, and self-evaluation.
32.7 Designation of responsible employee.
32.8 Notice.
32.9 Administrative requirements for small recipients.
32.10 Effect of State or local law or other requirements and effect of employment opportunities.
32.11 [Reserved.]

Subpart B—Employment Practices

32.12 Discrimination prohibited.
32.13 Reasonable accommodation.
32.14 Physical and mental qualifications.
32.15 Preemployment inquiries.
32.16 Listing of employment openings.
32.17 Labor unions and recruiting and training agencies.
32.18–32.25 [Reserved.]

Subpart C—Program Accessibility

32.26 Discrimination prohibited.
32.27 Existing facilities.
32.28 New construction.
32.29–32.43 [Reserved.]

Subpart D—Procedures

32.44 Compliance information.
32.45 Investigations.
32.46 Procedure for effecting compliance.
32.47 Hearing practice and procedure.

Subpart E—Auxiliary Matters

32.48 Post-termination proceedings.
32.49 Recordkeeping.
32.50 Access to records.
32.51 Rulings and interpretations.

Appendix A.

Authority: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); Sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); Sections 119 and 122 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955; Executive Order 11914, 41 FR 17871.

Subpart A—General Provisions

§ 32.1 Purpose.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicpap in any program or activity receiving or benefiting from Federal financial assistance. The purpose of this part is to implement section 504 with respect to programs and activities receiving or benefiting from Federal financial assistance from the Department of Labor.

§ 32.2 Application.

(a) This part applies to each recipient of Federal financial assistance from the Department of Labor, and every program or activity that receives or benefits from such assistance, but is limited to the particular program for which Federal assistance is provided.

(b) A government contractor covered by the provisions of section 503 of the Act shall be deemed in compliance with the employment provisions of these regulations if it is in compliance with 41 CFR Part 60–741 (or any amendments thereto) with respect to Federal financial assistance from the Department of Labor.

§ 32.3 Definitions.

As used in this part, the term:

"The Act" means the Rehabilitation Act of 1973, Public Law 93–112, as amended by the Rehabilitation Act Amendments of 1974, Public Law 93–516, and by the Rehabilitation, Comprehensive Services, and Development Disabilities Amendments of 1978, Public Law 95–602.

"Assistant Secretary" means the Assistant Secretary for Employment and Training Administration or his or her designee.

"Section 504" means section 504 of the Act.

"Applicant for assistance" means one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.

"Department" means the Department of Labor.

"Facility" means all or any portion of the buildings, structures, equipment, roads, walks, parking lots or other real or personal property or interest in such property which are utilized in the execution of the program for which Federal assistance is received.

"Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guarantee), or any other arrangement by which the Department

provides or otherwise makes available assistance in the form of:

(a) Funds;

(b) Services of Federal personnel; or

(c) Real and personal property or any interest in or use of such property, including:

(1) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

"Government" means the Government of the United States of America.

"Handicap" means any condition or characteristic that renders a person a handicapped individual as defined in this section.

"Handicapped individual"

(a) "Handicapped individual" means any person who

(1) Has a physical or mental impairment which substantially limits one or more major life activities;

(2) Has a record of such an impairment; or

(3) Is regarded as having such an impairment.

(b) As used in the preceeding paragraph of this section, the phrase:

(1) "Physical or mental impairment" means

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) "Substantially limits" means the degree that the impairment affects an individual becoming a beneficiary under the Act or affects an individual's employability. A handicapped individual who is likely to experience difficulty in securing or retaining benefits under the Act or in securing, or retaining, or advancing in employment would be considered substantially limited.

(3) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and receiving education or vocational training.

(4) "Has a record of such an impairment" means that the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activity.

(5) "Is regarded as having such an impairment" means that the individual

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) An individual who has none of the impairments defined in paragraph (b)(1) of this section but is treated by recipient as having such an impairment.

"Qualified handicapped individual" means: (a) With respect to employment, an individual with a handicap who is capable of performing a particular job with reasonable accommodation to his or her handicap or who is capable of performing a particular job.

(b) With respect to services, a handicapped individual who meets eligibility requirements relevant to the receipt of services provided in the program.

"Recipient" means any state or its political subdivisions, any instrumentality of a State or its political subdivisions, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"United States" means the several states, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa and the Trust Territory of the Pacific Islands.

§ 32.4 Discrimination prohibited.

(a) *General.* No qualified handicapped individual shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, service or training, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped individual the opportunity to participate in or benefit from the aid, benefit, service or training;

(ii) Afford a qualified handicapped individual an opportunity to participate in or benefit from the aid, benefit, service or training that is not equal to that afforded others;

(iii) Provide a qualified handicapped individual with any aid, benefit, service or training that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped individuals or to any class of handicapped individuals unless such action is necessary to provide qualified handicapped individuals with aid, benefits, services or training that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped individual by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, service or training to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped individual the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped individual in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

(2) For purposes of this part, aid, benefits, services and training, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped individuals, but must afford handicapped individuals equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

(3) A recipient may not deny a qualified handicapped individual the opportunity to participate in its regular programs or activities, despite the existence of separate or different programs or activities for the handicapped which are established in accordance with this part.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified handicapped individuals to discrimination on the basis of handicap;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the

recipient's program with respect to handicapped individuals; or

(iii) That perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections

(i) That have the effect of excluding handicapped individuals from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped individuals.

(6) As used in this section, the aid, benefit, service or training provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, service or training provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(7) A recipient shall make reasonable accommodations to the physical and mental limitations of qualified handicapped individuals in providing any aid, benefit, service or training unless the accommodation would impose an undue hardship on the operation of its program.

(c) *Programs limited by Federal law.* The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or executive order to handicapped individuals or the exclusion of a specific class of handicapped individuals from a program limited by Federal statute or executive order to a different class of handicapped individuals is not prohibited by this part.

(d) *Integrated setting.* Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped individuals.

(e) *Communications with individuals with impaired vision and hearing.* Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

§ 32.5 Assurances required.

(a) *Assurances.* An applicant for Federal financial assistance for a program or activity to which this part applies shall submit an assurance, on a form specified by the Assistant Secretary, that the program will be operated in compliance with this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of obligation.* (1) In the case of Federal financial assistance extended in the form of real property or Federal financial assistance extended to purchase or lease real property or structures on the property, the assurance will obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) In the case of Federal financial assistance extended to provide personal property, the assurance will obligate the recipient for the period during which it retains ownership or possession of the property.

(3) In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended or the federally-funded program is operated, whichever is longer.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument effecting or recording this transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no Federal transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree to include the covenant described in paragraph (c)(1) of this section in the instrument effecting or recording any subsequent transfer of the property.

(3) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the covenant shall also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant. If a transferee of real property proposes to mortgage or otherwise encumber the real property as security to finance construction of new, or improvement of existing facilities on the property for the purposes for which the property was transferred, the Assistant Secretary may agree to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective. Such an agreement by the Assistant Secretary may be entered into only upon the request of the transferee (recipient) if it is necessary to accomplish such financing and upon such terms and conditions as the Assistant Secretary deems appropriate.

(d) *Inteagency agreements.* Where funds are granted by the Department to another Federal agency to carry out a program under a law administered by the Department, the provisions of this part shall apply to programs and activities operated with such funds.

§ 32.6 Remedial action, voluntary action, and self-evaluation.

(a) *Remedial action.* (1) If the Assistant Secretary finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 of this part, the recipient shall take such remedial action as the Assistant Secretary deems necessary to overcome the effects of the discrimination.

(2) Where a recipient is found to have discriminated against persons on the basis of handicap in violation of section 504 or this part and where another recipient exercises control over the recipient that has discriminated, the Assistant Secretary, where appropriate, may require either or both recipients to take remedial action.

(3) The Assistant Secretary may, where necessary to overcome the effects of discrimination in violation of section 504 or this part, require a recipient to take remedial action.

(i) With respect to handicapped individuals who would have been participants in the program had the discrimination not occurred; and

(ii) With respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when the discrimination occurred; and

(iii) With respect to employees and applicants for employment.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity by qualified handicapped individuals.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this part:

(i) Evaluate, with the assistance of interested persons who are selected by the recipient, including handicapped individuals or organizations representing handicapped individuals,

its current policies and practices and the effects thereof that do not or may not meet the requirements of this part;

(ii) Modify, after consultation with interested persons, who are selected by the recipient, including handicapped individuals or organizations representing handicapped individuals, any policies and practices that do not meet the requirements of this part; and

(iii) Take, after consultation with interested persons, who are selected by the recipient, including handicapped individuals or organizations representing handicapped individuals, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

(2) A recipient that provides services to 15 or more beneficiaries or employs 15 or more persons shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Assistant Secretary upon request.

(i) A list of the interested persons consulted;

(ii) A description of areas examined and any problems identified; and

(iii) A description of any modifications made and of any remedial steps taken.

§ 32.7 Designation of responsible employee.

A recipient that provides services to 15 or more beneficiaries or employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with this part.

§ 32.8 Notice.

(a) A recipient that provides services to 15 or more beneficiaries or employs 15 or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, referral sources, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations which have collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and of this part. The notification shall state, where appropriate, that the recipient does not discriminate in the admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 32.7. A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipient's publications, and distribution of memoranda or other written communications. Notice given under Section 503 Regulations shall satisfy this requirement, but only with respect to employment opportunities.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 32.9 Administrative requirements for small recipients.

The Assistant Secretary may require any recipient that provides services to fewer than 15 beneficiaries or with fewer than 15 employees, or any class of such recipients, to comply with §§ 32.7 and 32.8, in whole or in part, when the Assistant Secretary finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class of recipients to provide benefits or services.

§ 32.10 Effect of state or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or alleviated by the existence of any state or local law or other requirement that, on the basis of handicap, imposes prohibitions or limits upon the eligibility of qualified handicapped individuals to receive services, participate in programs or practice any occupation or profession.

(b) The obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are or may be more limited for handicapped individuals than for nonhandicapped persons.

§ 32.11 [Reserved]

Subpart B—Employment Practices

§ 32.12 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped individual shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this part applies.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(3) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this subparagraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

(b) *Specific activities.* The provisions of this subpart apply to:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer-sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) *Collective bargaining agreements.* Whenever a recipient's obligation to comply with this subpart and to correct discriminatory practices impacts on and/or necessitates changes in a term of a collective bargaining agreement(s) to which the recipient is a party, the recipient shall attempt to achieve compliance consistent with the provisions of § 32.17(a). However a recipient's obligation to comply with this subpart is not relieved by a term of any such collective bargaining agreement(s).

(d) *Compensation.* In offering employment or promotions to handicapped individuals, the recipient shall not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

§ 32.13 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include:

(1) Making the facilities used by employees in the area where the program is conducted readily accessible to and usable by handicapped persons, and

(2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

(c) In determining pursuant to paragraph (a) of this section whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and stucture of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

(d) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

Note.—More detailed guidance on accommodations is contained in Appendix A.

§ 32.14 Physical and mental qualifications.

(a) The recipient shall provide for, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job-related and are consistent with business necessity and the safe performance of the job.

(b) Whenever a recipient applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The recipient shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

§ 32.15 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct preemployment medical examinations or make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature of the severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination, when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally-assisted program or activity, or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped if:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally, if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts.

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Where medical examinations are routinely required before a final employment offer is made or before an applicant is placed in a job pool, from which offers are made on a "first in/first out" basis to meet the exigencies of the employment situation, an employer must meet each of the requirements of this subsection:

(1) All potential employees for the job must be subjected to the medical examination;

(2) The medical examination shall be used to determine the individual's current ability to perform job related qualifications by a doctor qualified to evaluate physical or mental disabilities in relation to the job functions.;

(3) The results of the medical examination shall be specific and objective so as to be susceptible to review by independent medical evaluators and shall be communicated to the applicant or employee at the same time as the employing official;

(4) The results of the medical examination shall not be used to screen out qualified applicants and employees but to determine proper placement and possible reasonable accommodation;

(5) Where medical examinations are performed, an employer shall be able to demonstrate that

(i) A conditional job offer was made or the individual was conditionally placed in a job pool prior to the medical examination being performed; or

(ii) The results of the medical examination were considered by the employing official only after a tentative decision to make a job offer had been made; that is, the medical results were the last factor evaluated by the employing official before a final decision on employment was made.

(6) Unless a conditional job offer is made prior to the medical examination, all potential employees for the job shall be informed at the time of the medical examination that:

(i) The results of the medical examination are the last factor evaluated by the employing official before a final decision on employment is made, and

(ii) If the applicant is found to be tentatively qualified for the position, the medical examination results shall be communicated to the employing official only at that time.

(d) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that:

(1) Employing officials may obtain this information after making a tentative decision to make a job offer to the applicant;

(2) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

(3) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(4) Government officials investigating compliance with the Act shall be provided information upon request.

§ 32.16 Listing of employment openings.

Recipients should request state employment security agencies to refer qualified handicapped individuals for consideration for employment.

§ 32.17 Labor unions and recruiting and training agencies.

(a) The performance of a recipient's obligations under the nondiscrimination provisions of these regulations may necessitate a revision in a collective bargaining agreement(s). The policy of the Department of Labor is to encourage parties to a collective bargaining agreement(s) to resolve such disputes through the collective bargaining process. If resolution cannot be achieved, the parties shall be given an adequate opportunity to present their views to the Assistant Secretary.

(b) The Assistant Secretary shall use his or her best efforts directly through the recipients, subgrantees, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any parties to a labor agreement, recruiting and training agency or other representative of workers who are or may be engaged in work on or under programs receiving Federal financial assistance to cooperate with, and to assist in, the implementation of the purposes of the Act.

§§ 32.18–32.25 [Reserved]

Subpart C—Program Accessibility

§ 32.26 Discrimination Prohibited.

No qualified handicapped individual shall, because a recipient's facilities are inaccessible to or unusable by handicapped individuals, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 32.27 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped individuals. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped individuals.

(b) *Methods.* A recipient may comply with the requirement of § 32.27(a) through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 32.28, or any other methods that result in making its program or activity accessible to handicapped individuals. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with § 32.27(a). In choosing among available methods for meeting the requirement of § 32.27(a), a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Small recipients and regional or national programs.* (1) If a recipient which has fewer than 15 employees or provides services to fewer than 15 beneficiaries finds, after consultation with a handicapped person seeking its services, that there is no method of complying with § 32.27(a) other than making a signaficant alteration in its existing facilities or facility the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.

(2) Job Corps. All agencies, grantees, or contractors which screen or recruit applicants for the Job Corps shall comply with the nondiscrimination provisions of this Part. Each regional office of the Department of Labor's Employment and Training Administration which makes the decision on the assignment of a job corps applicant to a particular center may, where it finds, after consultation with the handicapped person seeking Job Corps services, that there is no method of complying with § 32.27(a) at a particular Job Corps Center, other than by making a significant alteration in its existing facilities or in its training programs, assign that individual to another Job Corps Center which is accessible in accordance with this section. The Job Corps, and each regional office of the Employment and Training Administration, shall assure that the Job Corps Program, when viewed in its entirety, is readily accessible to handicapped individuals and that all future construction, including improvements to existing Centers, be made accessible to the handicapped.

(3) On-The-Job Training Programs. All prime sponsors or other institutions, under contract or grant to the Department's Employment and Training Administration to place applicants in On-The-Job Training Programs, shall comply with the nondiscrimination provisions of this Part. Where they find, after consultation with a handicapped person seeking placement in an On-The-Job Training Program, that there is no method of complying with § 32.27(a) at the site of a particular participating employer, other than by making a significant alteration in its existing facilities, the prime sponsors, grantees, or contractors may, as an alternative, refer the handicapped person to other employers providing comparable training in facilities that are accessible. Each prime sponsor and the Department's Employment and Training Administration shall assure that the On-The-Job Training Program, when viewed in its entirety, is readily accessible to handicapped individuals.

(d) *Time period.* A recipient shall comply with the requirement of § 32.27(a) within 60 days of the effective date of this part except that where structural changes in facilities are necessary, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(e) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirement of § 32.27(a), a recipient shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped individuals. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessiblility of its program or activity to handicapped individuals;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(f) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped individuals.

§ 32.28 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped individuals, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped individuals.

(c) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the most current "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI), shall constitute minimum standards for compliance with paragraphs (a) and (b) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent or greater access to the facility or part of the facility is thereby provided.

§§ 32.29-32.43 [Reserved]

Subpart D—Procedures

§ 32.44 Compliance information.

(a) *Cooperation and assistance.* The Assistant Secretary shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Assistant Secretary timely, complete and accurate compliance reports at such times, and in such form and containing such information as the Assistant Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department data showing the extent to which known handicapped individuals are beneficiaries of and participants in federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Assistant Secretary during normal business hours to such of its books, records, accounts, and other sources of information and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from access to or copying of records or information, or from evaluating or seeking to enforce compliance with this part.

(d) *Posters and information.* Where the Regulations pursuant to section 503 are not applicable, the recipient will post in prominent locations (bulletin boards, time clock areas, etc.) posters designed and furnished by DOL outlining and summarizing the nondiscrimination requirements of section 504. The recipient also will make readily available information on section 504 requirements with respect to compliance procedures, the rights of beneficiaries and employees through handbooks, pamphlets and other materials furnished by DOL.

§ 32.45 Investigations.

(a) *Periodic compliance reviews.* The Assistant Secretary shall from time-to-time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes he or she or any specific class of individuals has been subjected to discrimination prohibited by this part may (or through an authorized representative) file with the Assistant Secretary a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Assistant Secretary for good cause shown.

(c) *Adoption of grievance procedures.* A recipient shall adopt an internal review procedure which provides for the prompt and equitable resolution of complaints alleging any action prohibited by this part. The complainant or his or her representative shall file the complaint with the recipient for processing under those procedures. The recipient shall maintain records on all complaints filed alleging violations of the Act and shall make such records available to the Assistant Secretary upon request. The complaint and all actions taken thereunder shall be kept confidential by the recipient. If the complaint has not been resolved under those procedures satisfactory to the complainant within 60 days of the filing or referral, the complainant or his or her representative may file a complaint with the Assistant Secretary who will proceed as provided in this section. Exhaustion of recipient level procedures shall be required except where:

(1) The recipient has not acted within the time frames specified in this section; or

(2) The recipient's procedures are not in compliance with this section; or

(3) An emergency situation is determined to exist by the Assistant Secretary.

(d) *Contents of complaints.* Complaints must be signed by the complainant or his or her authorized representative and must contain the following information:

(1) Name and address (including telephone number) of the complainant;

(2) Name and address of the recipient or sub-grantee who committed the alleged violation;

(3) A description of the act or acts considered to be a violation;

(4) A statement that the individual is handicapped or has a history of a handicap or other documentation of impairment or was regarded by the recipient as having an impairment; and

(5) Other pertinent information available which will assist in the investigation and resolution of the complaint.

(e) *Incomplete information.* Where a complaint contains incomplete information, the Assistant Secretary shall seek the needed information from the complainant, or any other information which indicates a possible failure to comply with this part, and shall be responsible for developing a complete record. If such information is not provided within 30 days, the complaint may be closed upon notice to the parties.

(f) *Resolution of matters.* Where an investigation indicates that the recipient has not complied with the requirements of the Act or this part, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the recipient or sub-grantee can be found to be in

compliance, it must make a specific commitment, in writing, to take corrective action to meet the requirements of the Act and this part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of such commitment by the Assistant Secretary, the recipient may be considered in compliance on condition that the commitments are kept.

Where the investigation indicates a violation of the Act or regulations in this part (and the matter has not been resolved by informal means), the Assistant Secretary shall afford the recipient an opportunity for a hearing in accordance with § 32.47.

(g) *Intimidatory or retaliatory acts prohibited.* The sanctions and penalties contained in this regulation may be exercised by the Assistant Secretary against any recipient or sub-grantee who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

§ 32.46 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this regulation and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the Department may suspend, terminate or refuse to grant or to continue Federal financial assistance or take any other means authorized by law. Such other means may include, but are not limited to

(1) A referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance; and

(2) Any applicable proceeding under state or local law.

(b) *Noncompliance with the requirements of this part.* If a recipient fails or refused to comply with a requirement imposed by or pursuant to this part, the Department may institute an administrative enforcement proceeding to compel compliance with the requirement, to seek appropriate relief, and or to terminate Federal financial assistance in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until

(1) The Assistant Secretary has advised the applicant or recipient of its failure to comply and compliance has not been secured by voluntary means; and

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until

(1) The Assistant Secretary has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person.

§ 32.47 Hearing practice and procedure.

(a) All hearings conducted under section 504 of the Rehabilitation Act of 1973, as amended, and the regulations in this part shall be governed by the Department of Labor's rules of practice for administrative proceedings to enforce Title VI of the Civil Rights Act of 1964 contained in 29 CFR Part 31.

(b) For the purposes of hearings pursuant to this Part 32, references in 29 CFR Part 31 to Title VI of the Civil Rights Act of 1964 shall mean section 504 of the Rehabilitation Act of 1973, as amended.

(c) The Assistant Secretary from time-to-time may assign to officials of other departments or agencies of the Government or of the Department of Labor (with the consent of such department or agency) responsibilities in connection with the effectuation of the purposes of section 504 of the Act and this part (other than responsibility for final decision as provided in § 32.46), including the achievement of effective coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of section 504 and this part to similar programs and in similar situations.

(d) Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Secretary.

Subpart E—Auxiliary Matters

§ 32.48 Post-termination proceedings.

(a) An applicant or recipient adversely affected by an order suspending, terminating or refusing to grant or continue Federal financial assistance shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility, brings itself into compliance with this part and satisfies the Assistant Secretary that it will fully comply with section 504 and this part.

(b) Any applicant or recipient adversely affected by an order suspending, terminating or refusing to grant or continue Federal financial assistance may request the Assistant Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (a) of this paragraph. If the Assistant Secretary determines that those requirements have been satisfied, the applicant's or recipient's eligibility shall be restored.

(c) If the Assistant Secretary denies any such request, the applicant or recipient may submit a written request for a hearing, specifying why it believes the Assistant Secretary to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure specified in this part. The applicant or recipient will be restored to such eligibility if it proves at such hearing that it satisfied the requirements of paragraph (a) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the

order suspending, terminating, or refusing to grant or continue Federal financial assistance shall remain in effect.

§ 32.49 Recordkeeping.

(a) Each recipient shall maintain for a period not less than three years records regarding complaints and actions taken thereunder, and such employment or other records as required by the Assistant Secretary or by this part and shall furnish such information in the form required by the Assistant Secretary or as the Assistant Secretary deems necessary for the administration of the Act and regulations in this part.

(b) Failure to maintain complete and accurate records as required under this section is a ground for the imposition of appropriate sanctions.

§ 32.50 Access to records.

Each recipient shall permit access and copying during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant thereto for the purposes of investigation.

§ 32.51 Rulings and interpretations.

Rulings under or interpretations of the Act and the regulations contained in this Part 32 shall be made by the Assistant Secretary.

Appendix A

Accommodations may take many forms based on the type of handicap and the needs of the individual. In developing appropriate accommodations, the individual should be consulted as to particular needs.

The following is a list of possible types of accommodations provided for guidance and technical assistance.

Accomodations for Participants and Employees

(a) Job restructuring means the procedure which includes:

(1) Identifying the separate tasks that comprise a job or group of jobs;

(2) Developing new position descriptions which retain some of the tasks of the original job; and

(3) Developing a career ladder which builds upward from the new positions which contain the lesser skilled tasks to regular jobs. A restructured job can be clearly different from the original one in terms of skills, knowledge, abilities, and work experience needed to perform the work. Job restructuring is intended to maximize the abilities of the particular handicapped person and is not intended to permit a contractor to underemploy or job-stereotype that person.

(b) Modify job or program schedules, for example, by allowing for a flexible schedule a few days a week so that a participant or employee may undergo medical treatment or therapy. Work-times or participation in program activities may also be altered to permit handicapped individuals to travel to and from work during non-rush hours. For employees or participants who become unable to perform the duties of their positions because of a physical or mental condition, recipients may be required to grant liberal time off or leave without pay when paid sick leave is exhausted and when the disability is of a nature that it is likely to respond to treatment or hospitalization. See, e.g., 339 Federal Personnel Manual–1–3(b)(1).

(c) Modify program and work procedures and training time.

(d) Relocate particular offices or jobs or program activities so that they are in facilities accessible to and usable by handicapped persons. For example, an employee or participant with a respiratory ailment can be placed in a "nonsmoking" and/or well-ventilated office.

(e) Acquire or modify equipment or devices. For hearing-impaired participants or employees, this may include placing amplifiers on telephone receivers, making telephone equipment compatible with hearing aids, providing flashing lights to supplement telephone rings or installing telecommunications devices (TDD's or TTY's). For blind participants or employees, this may include providing tape recorders or dictating machines for those who cannot type. For wheelchair-users, this may include raising on blocks a desk that is otherwise too low for the employee, rather than purchasing a specially-made desk. A recipient is not obligated to acquire or modify equipment that enables a participant or employee to perform a particular job or participate in a particular program until after an employee with a need for these modifications is hired for a particular office or admitted to a program.

(f) Provide readers, interpreters, and similar assistance as needed for deaf, blind and other handicapped participants or employees. In most instances, this would not require a full-time assistant.

(g) Decrease reliance solely on one form of communication. For example, for deaf participants or employees this may include supplementing program or job orientation sessions with written manuals and other visual materials. If appropriate, a visual warning system should be installed. It may also include providing flashing lights to supplement auditory signals such as sirens and alarm bells. For blind employees, this may include making some communications available in braille, enlarged print, or on cassette recordings. A recipient should tailor the accommodations listed above to the needs of the individual participants or employees who have been admitted to a particular program or hired for a particular office.

(h) Provide human relations-sensitivity training on issues pertaining to handicapped discrimination to all recipient employees.

(i) Conduct ongoing training and planning sessions with recipient supervisors, managers, personnel, technical experts and disability rights advocates to implement and evaluate methods of reasonable accommodation.

Accommodations for Applicants

(a) Announce program and job vacancies in a form readily understandable by mentally handicapped persons and by persons with impaired vision or hearing, for example, by making the announcements available in braille or on cassette tapes. Section 32.4(e) of DOL's proposed section 504 regulations requires recipients to ensure that communications with applicants are available to persons with impaired vision or hearing. Recipients shall undertake to explain, as appropriate, program and job announcements to mentally handicapped participants or employees or applicants. For example, this might entail notifying known mentally handicapped participants or employees of openings for positions that they might be able to perform and taking specific steps to clearly explain the nature of the program or job and its benefits to that individual.

(b) Assure that the interview site is accessible to handicapped persons.

(c) Provide readers, interpreters, and other similar assistance during the application, testing, and interview process.

(d) Appropriately adjust or modify examinations so that the test results accurately reflect the applicant's skills, aptitude or whatever other factor the test purports to measure, rather than reflecitng the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure). This may require the extension of traditional time deadlines or allowing, for example, a blind person to answer an examination orally.

(e) If necessary waive traditional tests and permit the applicant to demonstrate his or her skills through alternate techniques and utilization of adapted tools, aids, and devices.

Regulatory Analysis: Regulations Implementing Section 504 of the Rehabilitation Act of 1973 in the Department of Labor

Executive Summary

A preliminary analysis of the economic impacts associated with implementation of the proposed 504 handicapped regulations indicates capital costs to employment and training programs estimated at nearly $128 million. The potential increase in the numbers of handicapped participants in employment and training programs would be 105,000. At this time, there is not sufficient information for projecting increases in earnings accruing to this group as a result of more accessible employment and training facilities. However, there are other benefits which accrue to society as a result of increased participation by the handicapped in the Department of Labor employment and training programs. Transfer payments to these individuals would be reduced and the total costs of Veterans Administration (VA) and Vocational Rehabilitation programs (VR) could be lowered. There are also intangible benefits such as greater independence for handicapped individuals.

Critical in reviewing these regulations is *the interpretation of the requirement that programs, "when viewed in their entirety," be readily accessible as applied to the Public Service Employment (PSE), On-the-Job Training (OJT), and Private Sector Initiative (PSIP) programs.* Without the very important "when viewed in its entirety" qualifier, the cost of making all the estimated employment and training facilities accessible could approach $300 million. The costs of modification and employer participation depend greatly on whether or not every job site in PSE, OJT, or PSIP must be made accessible.

Introduction

This paper analyzes the costs and benefits (defined as the potential increase in the numbers of handicapped able to participate in Employment Service (ES), Unemployment Insurance (UI) and Comprehensive Employment and Training (CETA) programs as a result of these regulations) of implementing section 504 of the Rehabilitation Act of 1973. Section 504 requires that handicapped persons not be discriminated against with respect to programs and activities carried out by any U.S. agency:

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

The Department of Labor is fully committed to achieving accessibility for handicapped individuals under federally funded employment and training programs and activities. Pursuant to section 504, the Department has prepared a Notice of Proposed Rulemaking to implement the requirements of this statute. To assist the Department in its rulemaking and to meet Executive Branch regulatory requirements, this analysis of costs and benefits of its proposed accessibility regulations has been prepared. It includes:

a. A comparison of cost and benefits associated with the proposed regulation.

b. Estimates of the costs of alternatives to the proposed action. The numbers of potential beneficiaries are assumed to remain the same for each option.

An analysis is required for all "major" proposals, defined to include, among other criteria, all regulations resulting in aggregate increased expenditures by Federal, State and local governments of more than $100 million in a single fiscal year, or more than $150 million in any two consecutive fiscal years. A preliminary analysis of the costs of implementing the proposed 504 regulations indicated that the $100 million threshold could be reached.

The proposed regulations mandate capital expenditures by both the public and private sector. While this analysis estimates cost impacts of the proposed regulations, it does not attempt to link these additional costs to inflation. The government jurisdictions which must meet the added cost burden of the regulations have few options open to them to meet these requirements other than realigning current capital spending plans. Some private employers can avoid the cost burden altogether by not participating in employment and training programs. However, the "cost" of this alternative is the loss of training opportunities for both handicapped and nonhandicapped individuals.

The 504 regulations contain many provisions designed to eliminate discrimination against handicapped individuals. The focus of this analysis is on program accessibility which may be achieved in a number of ways. The major costs are concentrated in the area of accessibility to existing physical facilities.

The Proposed Regulations

The proposed regulations prohibit discrimination against individuals with a handicap in programs receiving or benefiting from Federal financial assistance from the Department of Labor. The following is a summary of the major provisions of the proposed regulations:

Selection and Accessibility. The regulations would prohibit discrimination against qualified handicapped persons in both employment and operating practices for programs receiving assistance from the Department. In addition to selecting beneficiaries for such programs in a nondiscriminatory manner, recipients would be required to make reasonable accommodations to the handicaps of qualified job applicants and employees unless such accommodation would cause "undue hardshiip." Recipients would also be required to assure that handicapped beneficiaries have access to all programs operating in existing buildings. Moreover, new facilities must be constructed so that they would be readily accessible to handicapped individuals.

The number of handicapped currently in employment and training programs indicates that there is already substantial compliance with regulations concerning nondiscriminatory selection of beneficiaries. However, the requirement that recipients assure handicapped individuals access to all programs in existing buildings can have substantial financial implications for local jurisdictions. In addition, it may affect the participation of private employers in employment and training programs.

New Facilities. While all new facilities must be constructed without architectural barriers, employment and training programs do not usually entail the construction of new buildings. However, if any new construction activity is necessary, the additional costs associated with accessibility regulations will be lower than the costs required to retrofit existing buildings.

Application Process. The regulations require that the application process must be accessible. For employment and training programs, the application process can be equated with intake centers as opposed to training and employment sites. It is assumed that all of these structures will have to be made fully accessible.

Program Accessibility. The regulations state that every existing training and employment facility need not be made physically accessible, but *programs* conducted in those facilities must be made accessible whenever a handicapped individual enrolls in a program. If recipients are unable to make programs accessible by other means, the regulations mandate structural alterations to those facilities. We anticipate that a number of existing structures will need accessibility modifications. The number of facilities requiring alterations depends on the particular CETA program.

The magnitude of the resulting financial requirements on State and local jurisdictions depends largely on the interpretation of program accessibility. The strictest interpretation would entail modifications of *all* facilities used by beneficiaries/enrollees of the ES and the CETA prime sponsors. Prime sponsors contract with hundreds of governmental agencies as well as private non-profit and profit-seeking employers covering thousands of work sites; all would have to be modified. At the other end of the spectrum, a broad interpretation of program accessibility would involve the "set aside" of sufficient training slots in accessible facilities to accommodate all actual enrollees with physical handicaps.

"When viewed in its entirety." The proposed regulations assume an intermediate interpretation of program accessibility—requiring that a program be accessible "when viewed in its entirety." A recipient is not required to make each existing facility or every part of a facility accessible to and usable by

handicapped individuals. A program can be made accessible "when viewed in its entirety" by the redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites as well as by physical modifications of facilities.

Integrated Setting. This latitude to meeting program accessibility requirements is subject to qualification in the proposed regulation by the following phrase, "In choosing among available methods, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting." Due to this provision in the proposed regulation, the analysis will assume that program accessibility requires structural modifications of some physical facilities.

Recipient. The term "recipient," as applied to employment and training programs, refers to State Employment Security Agencies (SESA's) and CETA prime sponsors. The term does not apply to agencies and employers who have signed contracts to provide training or employment, the costs of which will be reimbursed by prime sponsors.

Program. Likewise, the term "program" refers to the general types of services provided by the SESA's and prime sponsors—Classroom Training (CRT), On-the-Job Training (OJT), Public Service Employment (PSE) and Work Experience (WE). It does not apply to each and every job site covered by CETA programs. This interpretation is particularly important for OJT and PSIP programs. A typical OJT or PSIP program could consist of contracts with 20 employers for 60 training positions in 20 different occupations, with the majority of the employers offering training in only one occupation (for one to three persons).

Current Status of DOL Programs

Employment Service. The Department's Employment and Training Administration oversees the SESA's and CETA programs with their decentralized manpower delivery system. The SESA's have a total of 2,400 offices throughout the nation. Each office provides employment counseling, testing, job development and referral. In SESA offices, the application process and other services are provided in the same physical location. The percentage of local SESA offices that must be accessible to make the application process and the program accessible when viewed in its entirety will vary in each locality. It will depend on the number of offices and the distance between them. Obviously communities with only one SESA office must modify that office to meet accessibility standards.

CETA. The CETA program is operated through over 470 prime sponsors. Almost all sponsors are State or local jurisdictions. All sponsors have intake centers which provide counseling, testing and referral to training and employment. Occasionally prime sponsors contract with SESA to handle the intake or application function.

The four basic types of service offered by CETA prime sponsors are Classroom Training (CRT), On-the-Job Training (OJT), Public Service Employment (PSE), and Work Experience (WE). In addition some prime sponsors refer job-ready applicants directly from their intake center to jobs as do SESA's. These basic types of service are considered as "programs" in the proposed regulations:

Classroom training is a CETA program for classroom training instruction. Depending on the occupation, labs or simulated work sites with appropriate equipment may be attached to the classroom. Classroom training is offered in locations ranging from a local school classroom with no equipment to a multi-occupation skill center with the latest equipment. Accessibility modifications may thus involve only a classroom and its approaches or an entire skill center with classrooms and equipment areas. For our analysis, we assume that the classrooms located at community colleges are currently in compliance with HEW regulations.

Included under the CRT category is the *Individual Referral* option which is available to prime sponsors. If class size training in an occupation is not a viable alternative, a prime sponsor may send an individual to a community college or proprietary school.

The average number of CRT participants, excluding individual referrals, is 60 per site. Because classroom facilities are relatively expensive, there tends to be longer term commitments to contractors; hence little turnover of CRT sites.

Job Corps is a special form of CRT that addresses itself to youth with severe educational and skills deficiencies. It is a national program as opposed to local programs operated by prime sponsors. Many of the Job Corps centers offer residential training often in a rural setting. Most of the centers are operated by "private for profit" organizations. Trainees can enroll in any Job Corps center, but most participants use their regional center.

In an *On-the-Job* training program, enrollees receive their training in the establishment of a private employer. An OJT site may be a large establishment training hundreds of enrollees but, more frequently, it is a small businessman who agrees to train one or two enrollees for a single 4-to-6 month period. The average number of participants per site is three. Potential occupations and sites cover the full range of U.S. industry and trade. Site turnover tends to be higher than with CRT.

The *Private Sector Initiative Program* (PSIP) which is now being implemented is similar to OJT with some classroom training. Average numbers of participants per site and site turnover are expected to be similar to the OJT program.

Public Service Employment (PSE) and *Work Experience* (WE) programs are subsidized employment. The work is normally performed for governmental agencies or local public school systems but may include employment in private nonprofit organizations. A PSE–WE site may be an average office in an administrative building or when involved in Public Works, Environmental Service, Recreation and Park Maintenance, the job may not be site-specific. WE is largely targeted at in-school youth and hence part-time or summer employment. While WE jobs for youth cover a wide range of occupations and sites, most are concentrated in recreation and park maintenance type of services. Some PSE–WE employment involves large work groups in activities such as park maintenance; however, there are sufficient instances of individual assignments to clerical and semi-skilled administrative services lowering the average number of PSE and WE participants per site to five.

Table 1.—*Estimated Number of Sites by Program Activity*

Type of program	Estimated number of sites	Average number of participants per site
1. ES local offices	2,400	NA
2. CETA Intake (Application)	1,036	NA
3. CRT and Job Corps	4,266	60
4. PSE	106,700	5
5. WE	25,056	5
6. Youth	182,600	5
7. OJT	24,120	3
8. PSIP	30,000	3
Total	376,198	

(The methodology used to estimate the number of sites by program activity is described in detail in the appendix.)

Costs of Proposed Regulation

A thorough analysis of accessibility costs would require an architectural survey of a sample of existing facilities. We elected to develop cost figures based on analyses already completed by

the Department of Transportation for their 504 regulations, by private handicapped organizations. We calculate the costs of the proposed regulations by multiplying the estimated number of application centers and training and employment sites needing modifications by average modification costs. The expected number of intake or application centers is based on the type and size of prime sponsors. The number of work and training sites is estimated from the number of years of service. We further assume that program accessibility requires some physical structural modifications. The methods for estimating the number of sites needing accessibility modifications and for calculating the capital costs are described briefly below. (A more detailed description of the methodology is presented in the appendix.)

Modification Costs. The costs of modification vary according to the type of facility, its function in the delivery system, and the types of handicaps for which it will be modified. Modifications for mobility handicaps are the most extensive and expensive. These modifications can include creation of accessible parking facilities ($100 to $1,000), modification of toilet facilities ($500 to $3,000), construction of entrance ramps ($500 to $3,000), modification of entrances and doorways including kickplates, handles and vision panels ($100 to $1,000), and lowering drinking fountains ($100 to $300). Communications with deaf persons require visual alarm systems ($50) and teletypewriters ($1,000). Blind persons may require tactile warnings ($100 to $400).

For the present analysis, minor modifications are estimated to average $500 consisting of $100 for additional parking, $100 for modifications of entrances and doorways, $100 for lowering drinking fountains, and $200 for installation of visual alarm systems and tactile warnings. More extensive modifications are estimated to average $6,250 as follows: $500 for additional parking, $3,000 for construction of entrance ramps, $1,500 for modification of toilet facilities, $750 for modification of entrances and doorways, $300 for lowering drinking fountains, and $200 for visual alarms and tactile warnings. These estimates are based on studies by the Department of Transportation, the Architectural Compliance Board and Mainstream Inc., a private firm conducting research on this subject matter.

Sites. A site is a place where an individual works or trains. Some jobs such as park maintenance are not site-specific. The total number of existing sites in the employment and training delivery system is estimated to be 376,198. However, it is assumed that a certain percentage of the sites in State and local government facilities are already accessible. Because of the "when viewed in its entirety" clause, it is further assumed that only a portion of the remaining facilities will have to be made accessible.

A summary of capital costs disaggregated by program activity is presented in Table 2.

Table 2.—*Capital Costs By Program Activity*

1. SESA's	$6,000,000
2. CETA Intake Centers	
Minor modifications	388,000
More extensive modifications	5,633,000
CETA Employment and Training Facilities	
3. Classroom Training & Job Corps	4,900,000
4. PSE and WE	55,338,000
5. Youth Programs	28,531,000
6. OJT	12,060,000
7. PSIP	15,000,000
Total	$127,850,000

Overall, it is estimated that the capital costs of making employment and training programs accessible under the proposed regulations would amount to about $128 million. The following sections will discuss the costs of the proposed regulation for individual programs.

Based on a survey of SESA's, it is estimated that the costs of bringing *local employment offices* into compliance with the proposed regulations would amount to $6,000,000 for capital improvements. Sixteen States have reported that they are already in compliance and would not need any capital improvements. Another 20 States estimate that they will need less than $100,000 statewide to bring their facilities into compliance. Many of the States lease facilities for local offices and had difficulty in projecting future rent increases based on owner accessibility modifications. We have ignored increases in the cost of annual rents resulting from owner alterations to leased facilities.

Given the proposed regulation's requirement that the application process must be accessible in all instances, it is assumed that all *CETA intake centers* will have to be accessible. It is also assumed that intake centers need to be modified for all types of handicapped participants. Almost all intake centers have been established since 1973 and are located either in local government buildings or those used by community based organizations. It is estimated that one fourth of all intake centers are currently in compliance and will need only minor modifications plus teletypewriters (total estimated at $1,500 per facility). The other 75 percent of the centers will need more extensive modifications and teletypewriters (total estimated at $7,250 per facility). Using these assumptions, we calculate that, based on the size and type of sponsors, modification costs will total $6 million for the 1,036 CETA intake centers (excluding centers used jointly by SESAs and CETA). One-fourth of the centers will need minor accessibility modifications totaling $388,000 and the rest will need more extensive modifications totaling $5,633,000.

It is estimated that 10 percent of *classroom training* sites are in community colleges already in compliance with HEW regulations. Projecting the distribution of additional handicapped across CETA services will be similar to the distribution of the current participant population, it is assumed that the modification of 784 of the remaining facilities will be sufficient to provide accessible programs at an average modification cost of $6,250, and will cost approximately $4,900,000.

A large portion of *PSE and WE* participants work in State and local government agencies. While some of these positions are not site specific—such as the Departments of Parks, Environmental Protection, Sanitation, and Recreation—it is assumed that a certain percentage of the positions are in accessible facilities. Assuming that the additional handicapped will not be assigned to locations that are not site specific and assuming the same distribution mentioned in classroom training, it is estimated that modification of an additional 4802 of the PSE and 4052 WE sites would provide sufficient access to these programs at a cost of about $55 million.

Although the total number of sites involved in *youth programs* is very large, the analysis assumes that accessibility modifications on only 2.5 percent of the sites will provide sufficient access to the programs. The cost would be $28 million. The lower percentage of modifications used here reflects the assumption that a substantial fraction of the local governments or public schools which employ a large portion of youth already have largely accessible sites. Also the disability rate for 16 to 24 year olds is a relatively low 4.5 percent.

The estimated cost of the proposed regulation for *OJT and PSIP* is based on the assumption that a local OJT or PSIP program providing training in 15 occupations (five in accessible facilities) would be "readily accessible, when viewed in its entirety." Program accessibility could be achieved by using larger employers' sites (about 5 percent

of the total). Modification costs of $10,000 per site are higher because of the need to convert common facilities. Under these assumptions, OJT and PSIP modifications will cost about $27 million.

Alternatives

Cost Estimates

Assumption	No. of sites	Total modification cost
Mainstreaming	355,000	$2,216,662,000
Every occupation	42,219	279,561,000
Program in its entirety (Proposed regulation)	17,945	127,850,000
Modifications as Needed	13,270	82,950,000

The *mainstream* option calls for making all work sites accessible so that any handicapped person could be employed or trained at any site without accessibility considerations. The total number of sites including turnover is far in excess of the potential number of additional physically handicapped that might use employment and training services.

Restricted Interpretation. If making programs accessible is interpreted to mean that each occupation must be available to the handicapped, the cost to prime sponsors will be greatly increased over those for the proposed regulation. In order to make each work or training occupation accessible, it is estimated that the number of sites to be modified would at least double in the PSE program and increase an additional 30 percent of OJT and PSIP small employers. These modifications would cost an additional $151 million, bringing the total cost of this alternative to the neighborhood of $279 million.

More important than the financial costs is private sector participation in the OJT and PSIP programs since it is not known if small employers, would be willing to expose themselves to potentially costly renovations and compliance reviews. There is a $25,000 tax deduction available to employers for these type of modifications. If 75 percent of the employers in the OJT and PSIP programs either withdraw or decline to participate, an estimated 120,000 training opportunities could be lost.

Additional site modifications cost under a more restrictive "each occupation" interpretation:

	Sites	Cost
OJT	6870	42,937,000
PSIP	8550	53,437,000
PSE and WE	8854	55,337,000
		151,711,000

Modifications as Needed. If training and employment sites were modified only on an "as needed" basis, costs would be significantly lower. It is estimated (see next section, below) that about 105,000 additional handicapped individuals could benefit from accessible employment and training facilities. Assuming that a number of sites are accessible now, it is estimated there might be a need for an additional 13,270 sites. At an average cost of about $6,250 per modification, the total capital cost would be about $83 million—considerably less than the costs of the proposed regulation.

Benefits of Proposed Regulation

In the Fiscal Year 1978, CETA programs served 178,500 handicapped persons, accounting for 4.3 percent of all participants. Presumably, most if not all of these persons either are not hindered by architectural barriers or are working or training in facilities that are already accessible.

However, there are undoubtedly a number of persons with severe physical handicaps who are not currently using employment and training services because of architectural barriers but who would avail themselves of these services if they were offered in more accessible facilities.

It is estimated that about 105,000 additional handicapped individuals would benefit from more accessible employment and training facilities. This estimate is based on a 1974 Social Security Administration Survey of Disabled and Nondisabled Adults. The above figure includes severly and partially disabled individuals who require the following aids—wheelchairs, braces, crutches, and artificial limbs, are able to go out of doors without help and are currently looking for work or on layoff.

In addition to 40,000 unemployed, there are about 115,000 severely disabled and 25,000 partially disabled who are not in the labor force. It is estimated that 40,000 severely disabled and all of the 25,000 partially disabled may be employable. The total number of potential beneficiaries estimated thus includes both the unemployed and a portion of those not in the labor force with physical handicaps requiring wheelchairs, braces, crutches, and artificial limbs. It must be recognized that a large portion of this latter group will probably not avail themselves of CETA programs since they can receive more services from the Veterans Administration or the State vocational rehabilitation agencies.

Conclusion

The proposed regulations will provide a wider range of employment and training services to the physically handicapped who have difficulties with architectural barriers in existing facilities. At the same time excessive financial burdens are not placed on local jurisdictions allowing them to provide comprehensive training to all in need of their services.

Appendix

Estimated-Number of Additional Beneficiaries

From the Social Security Administration's Survey of Disabled Adults, it is estimated that there could be approximately 105,000 additional handicapped persons served by CETA programs due to 504 regulations.

It is assumed that the additional handicapped persons will be distributed across the types of CETA Services (CRT, OJT, PSE, WE) in a proportion similar to the current participant population. Such a distribution produces the following figures.

Distribution of Additional Handicapped Beneficiaries by Type of Program

Type of Service	Percent distribution of current population	Additional handicapped persons
CRT	28	29,400
OJT	7	7,350
PSE	47	49,350
WE	18	18,900
Total		105,000

Currently, about 4.5 percent of CETA participants are handicapped. It is assumed that these participants either have no problems with architectural barriers or are working in barrier free facilities. Therefore, there will be no additional cost to continuing service for these handicapped persons.

Estimated Number of Sites

This section discusses the derivation of the number of DOL employment and training sites, which is the base figure for determining modification needs. There are 3 basic kinds of sites: SESA (ES and UI) local offices; CETA intake centers; and the sites at which CETA employment and training services are actually provided.

(a) There are about 2,400 *local SESA offices.*

(b) The estimated number of *CETA intake centers* is based on the size and type of prime sponsors. The size of a sponsor is based on its FY 1978 Title I funding level. All sponsors with less than $6 million funding were assumed to have one intake center except for consortia which would have two centers. Sponsors with $6 to $19 million were assumed to have two centers except for consortia which would have

three centers. All other sponsors were assumed to have one center for each $10 million of funding. The total number of CETA intake centers is estimated at 1,280.

About 19 percent of prime sponsors have delegated all CETA intake activities to SESA's, so the above figures are reduced by a similar percentage, bringing the total estimated intake centers to 1,036.

(c) The number of employment and training sites in use by CETA prime sponsors in Titles II(ABCD) and VI is estimated by dividing the number of slots offered in each type of employment or training program—classroom training (CRT), on-the-job training (OJT), public service employment (PSE) and work experience (WE)—by the approximate number of slots per site for each category. Training slots are equated with years of service.

For most CETA-run CRT facilities, the number of slots per site ranges from 20 to more than 100. An average of 60 CRT slots per site is used in this analysis. Based on CETA experience to date, slots per site are estimated at five for PSE and WE and three for OJT.

The slots involved in Individual Referal are excluded from the calculation of CRT sites on the assumption that sponsors have little or no control over these facilities and will be able to make their program accessible without their inclusion. Those with mobility handicaps would receive individual referrals only to organizations with facilities that are already barrier free.

Not all sites are used throughout the year. Turnover of positions, courses, and training programs enlarges the total number of sites beyond that which is in use at any given time. It is assumed that there is an average site turnover of 10 percent in CRT and PSE and 20 percent in OJT and WE.

FY 1980 Sites in use for CETA Titles II and VI Activities

Category	Years of service (slots)	Slots per site	Average sites	Site turnover	Total sites
CRT	233,800	60	3,896	1.1	4,286
OJT	60,000	3	20,100	1.2	24,120
PSE	485,000	5	97,000	1.1	106,700
WE	104,400	5	20,880	1.2	25,056
Total	883,500		141,876		160,162

(d) Another major source of CETA activity is the youth programs under Title IV. During FY 1980, the Summer Youth Employment Program (SYEP) is expected to provide about 900,000 slots. In addition, there are expected to be about 163,000 years of service (slots) provided for youths in Youth Employment and Training Program (YETP) and the Youth Community Conservation and Improvement Program (YCCIP). A recent GAO Report estimated that when SYEP was at a scale of 1 million enrollees, it provided youth with 165,000 work sites, or 1 site for each 6 enrollees. For FY 1980, this implies about 150,000 sites. As far as the other two programs are concerned, they are largely work experience and career exploration, with some classroom training. It is assumed that there are 5 slots per site, implying 32,600 sites. Total youth program sites are therefore 182,600.

(e) For FY 1979–80, the *Private Sector Initiatives Program* (PSIP) has the goal of training 125,000 persons in OJT-type positions, sometimes with a classroom training component. Because of the emphasis on involving small employers, it is estimated that there will be an average of three trainees per facility. Assuming that a certain percentage of the contracts with small employers will be for relatively short periods of time and further that there will be a high program turnover and a relatively large number of employers, it is estimated that PSIP has a potential of 30,000 training sites.

(f) *Total Employment and Training Sites.* The total number of sites is about 376,198, as summarized in the following table.

SESA local offices	2,400
CETA Intake Centers	1,036
CETA Title II & IV sites	160,162
Youth Program sites	182,600
PSIP (Title VIII) sites	30,000
Total sites	376,198

Estimated Costs

The estimated costs of bringing SESA *local offices* into compliance with the proposed regulations is $6,000,000 for capital improvements. These figures are based on a survey of SESAs. The amounts are to be considered only preliminary estimates because few of the SESAs have studied this problem in detail.

Based on the proposed regulation's requirement that the application process must be accessible in all instances, it is assumed that all *CETA intake centers* will have to be modified for all types of handicapped participants. It is further assumed that one fourth of all intake centers are currently in compliance and will need only minor modifications plus teletypewriters (total estimated at $1,500 per facility). The other 75 percent of the centers will need more extensive modifications and teletypewriters (total estimated at $7,250 per facility).

Based on the size and type of sponsors, it is estimated that there are 1,036 CETA intake centers (excluding centers used jointly by SESAs and CETA). Twenty five percent of these will need minor accessibility modifications totaling $388,500 and 75 percent will need major modifications totaling $5,633,250.

Classroom Training. The potential additional handicapped are 29,400. It is assumed that the "most integrated setting" means that there should be no more than an average of 50 percent handicapped per site.

Using projected FY 1980 years of service, an average of 60 slots per site and a 10 percent site turnover rate, total classroom training sites are estimated at 4,286 sites.

It is assumed that 10 percent of CRT sites (428) are in community colleges that are accessible and therefore appropriate locations for handicapped training. It is further assumed that these sites can easily accommodate 20 percent of the additional handicapped, 5,880 persons.

Additional CRT Sites Needing Accessibility Modifications

Total additional handicapped to be served by CRT—29,400
Handicapped to be served by community colleges—5,880
Remaining handicapped to be served—23,520

The remaining handicapped to be served (23,500) are divided by the average of 30 handicapped per site to give 784 additional CRT sites that need accessibility modifications. The cost of modifying 784 sites at an average of $6,250 per site is $4,900,000.

Public Service Employment. The potential additional handicapped are 49,350 persons. The most integrated setting is assumed to mean no more than an average of 50 percent handicapped per site.

Using projected FY 1980 years of service, an average of 5 slots per site and 10 percent site turnover, total PSE sites are estimated at 106,700 sites.

Thirty percent of PSE positions are with private nonprofit community organizations, 32, 010 sites. Another 30 percent of PSE positions such as park maintenance, recreation, etc. are not site specific, 32,010 sites.

The remaining 40 percent of PSE positions are site specific and appropriate for training the handicapped, 42,680 sites.

Facilities that are now accessible and available for serving those with mobility handicaps

It is assumed that 20 percent of private nonprofit sites are available and can handle an average of 2.5 handicapped persons per site.

Total private nonprofit sites—32,010
Percent accessible—20
Sites accessible to handicapped—6,402
Handicapped per site—2.5
Handicapped accommodate—16,005

It is assumed that PSE positions that are not site specific will not be appropriate for training the handicapped.

It is assumed that 20 percent of State and local government PSE sites are accessible and can handle an average of 2.5 handicapped persons per site.

Total PSE site specific sites—42,680
Percent accessible—20
Sites accessible to handicapped—8,536
Average No. per site—2.5
Handicapped accommodated—21,340

Additional State and Local Government PSE Sites Needing Accessibility Modifications

Total additional handicapped to be served by PSE—49,350
Handicapped served in private nonprofits—16,005
Handicapped to be served in accessible sites—21,340
Remaining handicapped to be served—12,005

The remaining handicapped to be served (12,005) are divided by the average of 2.5 handicapped per site to give 4,802 additional PSE sites that need accessibility modifications. The cost of modifying 4,802 sites at an average of $6,250 per site is $30,012,000.

Work Experience

The potential additional handicapped are 18,900. It is assumed that "the most integrated setting" means that there should be no more than an average of 50 percent handicapped per site.

Using projected FY 1980 years of service, an average of 5 slots per site and a 20 percent site turnover rate, total WE sites are estimated at 25,056 sites.

Thirty percent of WE positions such as school maintenance, recreation, etc., are not site specific and therefore not appropriate positions for these with mobility handicaps 7,517 sites.

Seventy percent of WE positions are site specific and therefore appropriate.

Facilities that are now accessible and available for serving the handicapped. It is assumed that 20 percent of State and local government WE sites are accessible and can serve an average of 2.5 handicapped persons per site.

Total WE site specific sites—17,539
Percent accessible—20
WE sites accessible—3,508
Average number per site—2.5
Handicapped accommodated—8,770

Additional State and Local Government WE Sites Needing Accessibility Modifications

Additional handicapped in WE—18,900
Handicapped to be served in accessible sites—8,770
Remaining handicapped to be served—10,130

The remaining handicapped to be served (10,130) are divided by the average of 2.5 handicapped per site to give 4,052 additional WE sites that need accessibility modifications. The cost of modifying 4,052 sites at an average of $6,250 per site is $25,326,000.

The Handicapped enrollment in *youth programs* has been only about 2.5 percent primarily because the disability rate for 16 to 24 year olds is a relatively low 4.5 percent. For this reason and assuming that a large portion of youth participants work or train in local government or public education facilities, this analysis assumes that accessibility modifications on only 2½ percent of the sites will provide sufficient access to these programs.

Number of youth sites—182,600
Percent needing modification—2½
Number of youth sites needing modification—4,565

The cost of modifying 4,565 youth sites at $6,250 per site amounts to $28,531,000.

Estimating the cost of *OJT and PSIP* programs is more difficult and depends on the interpretation of the regulations. Based on experience with existing OJT programs, it is assumed that 95 percent of participating employers can be classified as small employers. It is assumed that the remaining five percent of the employers can provide accessible facilities and that the occupational training provided in such facilities meets the requirement that the *program* be readily accessible, when viewed in its entirety.

The per facility costs of modifications for the 5 percent of employers providing accessible facilities will probably be higher than the $5,000 estimate for other CETA training facilities. The proposed regulations require modifications not only to the immediate worksite but also to any general areas used by other employees or trainees such as cafeterias, libraries or recreational areas. Based on the estimated costs for CETA facilities, and the more extensive modifications to make common areas accessible, this analysis assumes a $10,000 average cost for 5 perent of employers.

Training category	Estimated number of employers	Percent needing modification	Number of OJT and PSIP employers needing modification
OJT	24,120	5	1,206
PSIP	30,000	5	1,500

The cost of modifying the above sites at $10,000 per site amounts to $12,060,000 in the OJT program and $15,000,000 in the PSIP program.

The above estimates are based on an assumption that a local OJT or PSIP program providing training in 15 occupations, five of which are provided in accessible facilities, would be considered "readily accessible, when viewed in its entirety". If the above assumption is not considered to constitute compliance and all occupations must be accessible, the potential cost would be much higher. It is estimated that as many as 30 percent of the smaller employers would also have to make modifications at $6,250 per site. (Cost assumes smaller size and fewer common areas—cafeterias, etc.)

Training category	Number of small employers	Percent needing modification	Number of Small employers needing modification
OJT	22,900	30	6,870
PSIP	28,500	30	8,500

The cost of modifying the above number of sites at $6,250 per site amounts to $42,937,000 in the OJT program and $53,437,000 in the PSIP program. Employers would bear the costs of making their facilities accessible. These additional costs to small employers are quite hypothetical because it is not know whether they will participate in programs which expose them to such potential costs. There is a $25,000 tax deduction for this type of modification.

Calculation of Modification Costs

	Number of sites		Modification cost	
	Total	Needling modification	Per site (in dollars)	Total (in millions of dollars)
A. Meeting "When Viewed in Its Entirety" Definition				
Type of site:				
SESA	2,400	NA	NA	$6.000
CETA	259	259 (Minor)	$1,250	.388
	777	777 (More extensive)	7,250	5.633
CRT	4,286	784	6,250	4.900
PSE	106,700	4,802	6,250	30.012
WE	25,056	4,052	6,250	25.326
Youth	182,600	4,565	6,250	28.531
OJT	24,120	[1]1,206	10,000	12.060
PSIP	30,000	[1]1,500	10,000	15.000
Total	376,198	[2]17,945	NA	127.850
B. Added to Meet "Each Occupation" Definition				
PSE and WE	NA	8,854	$6,250	$55.337
OJT	NA	[3]6,870	6,250	42.937
PSIP	NA	[3]8,550	6,250	53.437
Subtotal		[3]24,274	6,250	151.711
Total	376,198	[2]42,219		279.561

[1] Large employers.
[2] Excludes SESA local offices.
[3] Small employers.

[FR Doc. 80-223 Filed 1-3-80; 8:45 am]
BILLING CODE 4510-30-M

NOW AVAILABLE



THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

A Guide for the User of the Federal Register–
Code of Federal Regulations System

This handbook contains a narrative version of the main elements of the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide helpful information for using the FEDERAL REGISTER and related publications.

MAIL ORDER FORM To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order). Please send me ..... copies of THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT, *at $2.40 per copy. (Stock No. 022–003–00953–1)*

Please charge this order to my Deposit Account No. .....

Name .....

Street address .....

City and State ..... ZIP Code .....

FOR USE OF SUPT. DOCS.
.....Enclosed.....
To be mailed later.....
.....Subscription.....
Refund.....
Postage.....
Foreign handling.....

☆ GPO: 1977—O-248-807

FOR PROMPT SHIPMENT, PLEASE **PRINT OR TYPE** ADDRESS ON LABEL BELOW INCLUDING **YOUR ZIP CODE**

U.S. GOVERNMENT PRINTING OFFICE
SUPERINTENDENT OF DOCUMENTS
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name .....

Street address .....

City and State ..... ZIP Code .....