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Tuesday
February 5, 1980

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7773 **Advisory Committee on Small and Minority Business Ownership** Executive order

7779 **Energy Conservation** DOE/Office of Conservation and Solar Energy announces change in allocation of grant funds for schools, hospitals and buildings owned by units of local government and public care institutions; effective 1-29-80

7879 **Organized Crime Problem in United States** Justice/LEAA announces competitive long-term research program; apply by 4-4-80

7780 **Public Telecommunications Facilities Program** Commerce/NTIA extends time to March 21, 1980 in which applicants for fiscal year 1980 grants may amend their applications; effective 1-31-80

7992 **Regulatory Calendar** U.S. Regulatory Council requests public comment on guidelines for entries in the Calendar of Federal Regulations; comments by 2-19-80 (Part V of this issue)

7978 **Improving Government Regulations** HUD publishes semiannual agenda of significant regulations (Part IV of this issue)

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7818 **Civil Service** OPM proposes use of performance appraisal systems to determine reduction in force retention; comments by 4–7–80

7974 **Unemployment Compensation** Labor/ETA proposes procedures for computing benefits to individuals earning wages in two or more States; comments by 3–6–80 (Part III of this issue)

7883–7887 **Treasury Securities** Treasury/Office of the Secretary announces auction of 3½ year notes, 7¼ year notes and 30 year bonds

7788 **Clean Water** EPA issues regulations establishing policies and procedures by which States may enter cooperative agreements for protecting and restoring publicly owned freshwater lakes

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Presidential Documents

Title 3—

The President

Proclamation 4720 of February 1, 1980

Modification of Tariffs on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. Headnote 2 of Subpart A of Part 10 of Schedule 1 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS", provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ."

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above consideration; . . ."

2. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A of Part 10 of Schedule 1 of the TSUS are modified and the following rates are established:

	Rates of duty	
	1	*2*
155.20	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.30	Dutiable on total sugar at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. Those parts of Proclamation 4334 of November 16, 1974, Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, and Proclamation 4539 of November 11, 1977, which are inconsistent with the provisions of paragraph (A) above are hereby terminated.

C. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption on and after the date of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

Jimmy Carter

[FR Doc. 80-3787
Filed 2-1-80; 2:32 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12190 of February 1, 1980

Advisory Committee on Small and Minority Business Ownership

By the authority vested in me as President by the Constitution of the United States of America and in order to implement Section 7(j)(3)(A) of the Small Business Act (92 Stat. 1765, 15 U.S.C. 636(j)(3)(A)), which directs the creation of an advisory committee for certain purposes, it is hereby ordered as follows:

1–1. *Establishment of Committee.*

1–101. There is established an Advisory Committee on Small and Minority Business Ownership composed of five high-level officers from five United States businesses and five representatives of minority small businesses.

1–102. The President shall appoint the members of the Committee and designate a Chairman from among its members.

1–103. In selecting the members, the President shall give due consideration to the particular skills desirable to accomplish the purpose and functions of the Committee.

1–2. *Functions of the Committee.*

1–201. (a) The Committee shall assist in monitoring and encouraging the placement of subcontracts by the private sector with eligible small businesses, particularly with small minority businesses, and shall study and propose the incentives and assistance needed by the private sector to help in the training, development, and upgrading of such businesses.

(b) Eligible small businesses are those located in areas of high concentration of unemployed or low-income individuals, businesses owned by low-income individuals, and those businesses eligible for assistance under Section 8(a) of the Small Business Act (15 U.S.C. 637(a), 92 Stat. 1761).

1–202. The Committee shall make periodic reports and recommendations to the President through the Administrator of the Small Business Administration and shall offer such other advice and at such times as the President through the Administrator may request.

1–203. The Committee, through its Chairman, shall report annually to the President and to the Congress on the activities of the Committee during the preceding calendar year.

1–3 *Administrative Provisions.*

1–301. The Committee may request any Executive agency to furnish such information as may be useful in fulfilling the Committee's functions. Each such agency is authorized, to the extent permitted by law, to furnish such information to the Committee.

1–302. Each member of the Committee who is not otherwise employed by the Federal Government shall receive no compensation from the United States by virtue of their service on the Committee, but all members may receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5702 and 5703.

1–303. All necessary administrative staff services, support, facilities, and expenses of the Committee shall, to the extent permitted by law, be furnished by the Small Business Administration.

1–4. *General Provisions.*

1–401. The functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Committee, shall be performed by the Administrator of the Small Business Administration in accordance with guidelines and procedures established by the Administrator of General Services.

1–402. The Committee shall terminate on December 31, 1980.

Jimmy Carter

THE WHITE HOUSE,
February 1, 1980.

[FR Doc. 80–3788
Filed 2–1–80; 2:33 pm]
Billing code 3195–01–M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 781

Disclosure of Foreign Investment in Agricultural Land

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: These amendments adopted by the Agricultural Stabilization and Conservation Service revise the regulations concerning the Disclosure of Foreign Investment in Agricultural Land published in the **Federal Register** on February 6, 1979, as amended by provisions published in the **Federal Register** on August 14, 1979. The changes made by this final rule will establish guidelines for determining the amount of the penalty to be imposed for various types of violation of the reporting obligations specified in § 781.3 and the procedures for actually challenging allegations of violation or the amount of the penalty to be imposed. The amendments are needed in order to improve the nature of the penalty determination process as well as assure those allegedly in violation of the reporting obligation of an opportunity to either deny the accuracy of the allegation or question the amount of the penalty to be imposed.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Walter C. Ferguson, Confidential Assistant to the Administrator, Office of the Administrator, ASCS, U.S. Department of Agriculture, Room 218 Administration building, P.O. Box 2415, Washington, D.C. 20013. (202) 447–8165.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking relating to this final rule was published in the **Federal Register** on October 26, 1979 (44 FR 61601). A 60-day comment period ending December 26, 1979 followed during which comments were received from farm organizations, law firms, land trust companies, banks, oil companies, farmers, and the general public. The rule issued today was revised after consideration of the suggestions offered in such comments in light of the congressional intent as reflected in the Act.

Discussion of Major Comments

Fifteen comments were received. The majority of the comments expressed no major opposition to the proposed regulations. Specific changes in the proposed language were suggested, however.

Returning Incomplete Reports

One commentator suggested that reports which the department considers "incomplete" should be returned to the reporting entity for completion, within a reasonable time, before any penalty is assessed. In light of the fact that the primary objective of the program is to obtain information relative to the extent of foreign investment in U.S. agricultural land, the practicality of this suggestion has prompted a change reflected in this final rule. Specifically, the change provides that a reporting entity will not be viewed as having filed an incomplete report until such entity has been given thirty days from the date of the letter returning the report to complete and return the earlier incomplete report.

Nature of Reporting Violations

Two commentators offered suggestions concerning the state of mind which an entity allegedly violating its reporting obligation must have in order to be considered in actual violation. In particular, the following suggestions were made: A failure to report should not be considered a violation unless it occurred "willfully"; submission of a report containing false or misleading information should not be considered a violation unless submitted in "bad faith" with the false or misleading information being "deliberately" included for the "purpose of deceiving" the Department; submission of a report which is incomplete or which contains false or misleading information should not be considered a violation unless the reporting entity "knows" the report is incomplete or contains false or misleading information—it is not enough that one "knowingly" submits a report which simply happens to be incomplete or contains false or misleading information.

Section 3(a)(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (hereinafter cited as the Act) does not provide that one who has failed to submit a report in accordance with a reporting obligation is in violation only if such failure was "willful". Similarly, section 3(a)(2)(B) of the Act does not provide that one who has submitted a report containing false or misleading information is in violation only if such information was "deliberately" supplied in "bad faith" for the "purpose of deceiving" the Department. This reading of section 3 does not appear to be contradicted by anything in the legislative history. Thus, we have decided to reject the suggestions that a failure to file be accompanied by "willfulness" and that submission of false or misleading information be "deliberate," in "bad faith," and for the "purpose of deceiving" the Department in order to constitute violations of the Act.

Our decision to adopt the suggestion that submission of an incomplete, false, or misleading report not be considered a violation unless the reporting entity "knew the report was incomplete, false, or misleading" (rather than simply "knew a report was submitted" which happened to be incomplete, false, or misleading) was based on the legislative history. While the plain language of section 3 of the Act conveys the impression that the submission of an incomplete, false, or misleading report is a violation if the submission was "knowingly" made, the legislative history indicates that such submissions are to be considered violations only if the reporting entity "knew the report was incomplete, false, or misleading." Therefore, this final rule is changed in order to reflect the intent of Congress as evidenced in the legislative history.

Assessment of Penalties

Several comments discussed the assessment of penalties. One person urged that the proposed rule be changed to provide that the violation of a reporting obligation merely "entitles" the Department to subject the reporting entity to a penalty. This would be

accomplished by removing the word "shall" from opening sentence in § 781.4(b) and substituting in lieu thereof the word "may." This suggestion was rejected since it appears that the use of the word "shall" in the first sentence of section 3(a) of the Act is a specific Congressional directive to at least "subject" every person in violation of a reporting obligation to a penalty, even though the amount of such penalty will, in the end, be determined by the Department. The interests of the foreign person allegedly violating the reporting requirements can be satisfactorily protected during the process to determine both the violation and the extent of the ultimate penalty.

One commentator further suggested, in reference to the assessment of penalties, that the final rule should make clear that the value of the land used in computing the penalty should be only the value of the reportable agricultural land and, further, that the value should be that on the date the reporting obligation attached, rather than that on the date the penalty is assessed. The latter suggestion reflects recognition of the fact that the value of the land may increase substantially during the period of time between the date the reporting obligation attached, or was violated, and the date a penalty is actually assessed.

The Department is sensitive to both of these concerns. Consequently, we have inserted a change in the final rule which clarifies the fact that the amount of the penalty will be determined on the basis of the value of the agricultural land with respect to which the violation occurred. In addition, we have also inserted language in § 781.3(c) to indicate that if the nature of the land with respect to which the violation occurred is no longer agricultural on the date the penalty is assessed, then the value used for calculating the amount of the penalty will be the value of the land on the date it was last used as agricultural land. Since section 3(b) of the Act authorizes the imposition of a penalty not to exceed 25 percent of the fair market value of the land on the date the penalty is assessed, in all cases where the land is still agricultural, the Department will continue to use the value on the date the penalty is assessed.

Miscellaneous

In addition to the foregoing, a comment was also received about the applicability of the final rule to violations occurring before the rule's effective date. It would seem satisfactory simply to note that since this rule amends the existing § 781.4, pursuant to which penalties have not yet been assessed, this final rule will apply to all violations occurring from the outset of the reporting program.

In view of the fact that this final rule amends the existing provisions of Part 781 of 7 CFR, pertaining to determination of violation and the assessment of penalties, so as to provide a procedure guaranteeing those accused of violations an opportunity to either deny the accuracy of the allegation or to question the amount of the penalty to be imposed, a procedure not present in the existing provisions, we believe that good cause exists for making this rule effective immediately rather than postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

Accordingly, 7 CFR § 781.4 is amended and a new § 781.5 is added as follows:

§ 781.4 Assessment of penalties.

(a) Violation of the reporting obligation will consist of:

(1) Failure to submit any report in accordance with § 781.3 or

(2) Submission of a report which the foreign person knows:

(i) Does not contain, initially or within thirty days from the date of a letter returning for completion such incomplete report, all the information required to be in such report, or

(ii) Contains misleading or false information.

(b) Any foreign person who violates the reporting obligation as described in paragraph (a) of this section shall be subject to the following penalties:

(1) Late filed reports: One-tenth of one percent of the fair market value, as determined by Agricultural Stabilization and Conservation Service, of the interest in the agricultural land, with respect to which such violation occurred, for each week or portion thereof that such violation continues, but the total penalty imposed shall not exceed twenty-five percent of the fair market value of the interest in such land.

(2) Submission of an incomplete report or a report containing misleading or false information, or failure to submit a report required to be submitted pursuant to § 781.3: Twenty-five percent of the fair market value, as determined by Agricultural Stabilization and Conservation Service, of the interest in agricultural land with respect to which such violation occurred.

(3) Penalties prescribed above are subject to downward adjustment based on factors including:

(i) Total time the violation existed.

(ii) Method of discovery of the violation.

(iii) Extenuating circumstances concerning the violation.

(iv) Nature of the information misstated or not reported.

(c) The fair market value for the land, with respect to which such violation occurred, shall be such value on the date the penalty is assessed, or if the land is no longer agricultural, on the date it was last used as agricultural land. The price or current estimated value reported by the foreign person, as verified and/or adjusted by the county Agricultural Stabilization and Conservation Committee for the county where the land is located, will be considered to be the fair market value.

§ 781.5 Penalty review procedure.

(a) Whenever it appears that a foreign person has violated the reporting obligation as described in paragraph (a) of § 781.4, a written notice of apparent liability will be sent to his/her last known address by the Agricultural Stabilization and Conservation Service. This notice will set forth the facts which indicate apparent liability, will identify the type of violation listed in paragraph (a) of § 781.4 which is involved; will state the amount of the penalty to be imposed; will include a statement of fair market value of the foreign person's interest in the subject land; and will summarize the courses of action available to the foreign person.

(b) The foreign person involved shall respond to a notice of apparent liability within 60 days after the notice is mailed. If a foreign person fails to respond to the notice of apparent liability, the proposed penalty shall become final. Any of the following actions by the foreign person shall constitute a response meeting the requirements of this paragraph:

(1) Payment of the proposed penalty in the amount specified in the notice of apparent liability and filing of a report, if required, in compliance with § 781.3. The amount shall be paid by check or money order drawn to the Commodity Credit Corporation and shall be mailed to the Treasurer of Commodity Credit Corporation, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. The Department is not responsible for the loss of currency sent through the mails.

(2) Submission of a written statement denying liability for the penalty in whole or in part. Allegations made in any such statement must be supported by detailed factual data. The statement should be mailed to the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

(3) Submission of a written request for a Hearing with the Administrator or with the Administrator's designee. The

request should be submitted to the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

Submission of such a request does not preclude submission of the statement described in paragraph (b)(2) of this section; either or both may be submitted.

(c)(1) If a Hearing is requested, it will be held in Washington, D.C. at a place determined by the Administrator of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture or the Administrator's designee. The Administrator or the Administrator's designee will preside at the Hearing. The appellant shall bear all personal costs connected with such a Hearing.

(2) The Hearing will be scheduled for any mutually convenient time within 30 days after the request is filed with the Administrator, or at a time designated by the Administrator or the Administrator's designee.

(3) At the Hearing, the foreign person may appear personally or be represented by a person of the foreign person's choice, and will be afforded an opportunity to state a position and question ASCS about the factual basis for the notice of apparent liability and the amount of the penalty to be imposed.

(4) A summary of the Hearing will be prepared by the presiding official and transmitted to the Administrator.

(5) The failure of the foreign person to appear at the time and place appointed for the Hearing shall constitute a waiver of the foreign person's right of such a Hearing.

(d) After the submission of a written statement and/or after the Hearing, as prescribed in paragraph (b) and (c) of this section, the Administrator will make a determination based on all relevant information available.

(e) Notice of the Administrator's determination, stating whether a report must be filed or amended in compliance with § 781.3, the amount of the penalty (if any), and the date by which it must be paid, will thereupon be mailed to the foreign person involved by the Administrator or the Administrator's designee. The foreign person shall file or amend the report as required by the Administrator. The penalty in the amount stated shall be paid by check or money order drawn to the Commodity Credit Corporation, and shall be mailed to Treasurer of Commodity Credit Corporation, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. The Department is not responsible for the loss of currency sent through the mails.

(f) If the foreign person contests the notice of apparent liability by submitting a written statement as provided in paragraph (b)(2) of this section, the foreign person may elect either to pay the proposed penalty or decline to pay the proposed penalty pending resolution of the matter by the Administrator. If the foreign person elects to pay the proposed penalty, no further fines will accrue following the date of the notice of apparent liability pending the decision of the Administrator as described in paragraph (d) of this section. If the Administrator determines that the foreign person is not liable for the proposed penalty or is liable for less than the amount paid, the payment will be wholly or partially refunded. If the foreign person declines to pay the proposed penalty and the Administrator ultimately determines that foreign person is liable, the penalty finally imposed shall include fines accrued up until the day of the notice in paragraph (e) of this section.

(g) If a foreign person fails to respond to the notice of apparent liability as required by paragraph (b) of this section, or fails to pay the penalty imposed by the Administrator under paragraph (d) of this section, the case will, without further notice, be referred by the Department to the Department of Justice for prosecution in the appropriate District Court to recover the amount of the penalty.

(h) Any amounts approved by the U.S. Department of Agriculture for disbursement to a foreign person under the programs administered by the Department may be setoff against penalties assessed hereunder against such person, in accordance with the provisions of 7 CFR Part 13.

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 from Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

(Pub. L. 95-460, 92 Stat. 1265; 7 U.S.C. 3501)

Signed at Washington, D.C. on January 30, 1980.

Weldon B. Denny,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-3705 Filed 2-4-80; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 1000

General Provisions of Federal Milk Marketing Orders; Order Terminating Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rules.

SUMMARY: This document terminates certain provisions in the General Provisions that are common to and part of each Federal milk marketing order. The provisions require the market administrator of an order to execute and deliver to the Secretary a bond covering himself and a bond covering each employee designated to act in his stead. This termination conforms with Pub. L. 92-310, which exempts Federal government employees from bonding requirements.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202/447-7311.

SUPPLEMENTARY INFORMATION: This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and of the General Provisions of Federal milk marketing orders (7 CFR Part 1000).

It is hereby found and determined that the following provisions of the General Provisions do not tend to effectuate the declared policy of the Act:

§ 1000.3 [Amended]

1. In § 1000.3, paragraph (c)(1) in its entirety.

§ 1000.3 [Amended]

2. In § 1000.3(c)(3), the provisions "bond and" and "and the necessary bonds of his employees".

Statement of Consideration

This action terminates certain provisions in the General Provisions that are common to and part of each Federal milk marketing order. The provisions require that a market administrator "execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead." The provisions also specify a time period in which the administrator must deliver the bonds and state that they shall be in an amount and with surety thereon satisfactory to the Secretary.

This action conforms with the provisions of Public Law 92-310 which

exempts Federal government employees from bonding requirements.

It is therefore ordered, That the aforesaid provisions of the General Provisions are hereby terminated upon publication of this order in the **Federal Register.**

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

Signed at Washington, D.C., on January 30, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation.

[FR Doc. 80-3704 Filed 2-4-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Office of Alien Property

8 CFR Chapter II

Deletion of Chapter

Editorial Note.—The Office of the Federal Register has received a letter from the Department of Justice that states in part:

* * * The Attorney General is the successor to the Alien Property Custodian under Executive Order 9788, October 14, 1946, 11 FR 11981. The vesting program conducted by the Alien Property Custodian under the authority of the Trading with the Enemy Act, 50 U.S.C. App. 1 et seq., and all administrative claims under Sections 32 and 34 of the Act, which were governed by the Rules of the Office of Alien Property, have now been determined.

Although the Attorney General continues to the present as successor to the Alien Property Custodian, the Department of Justice's remaining functions relate principally to the management and disposal of the records of the former Office of Alien Property, and correspondence relating to the World War II vesting program; none of these functions are governed by the Rules of the Office of Alien Property.

There exists, therefore, no further justification for the periodic republication of the Rules of the Office of Alien Property, and I recommend that the republication of Chapter II, Title 8, Code of Federal Regulations be discontinued beginning in 1980.

PARTS 501–510—[DELETED]

Therefore, the regulations codified in Chapter II of Title 8, Code of Federal Regulations, consisting of Parts 501 through 510 inclusive, are deleted as obsolete.

BILLING CODE 6820-27-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Certain Animals and Poultry and Certain Animal and Poultry Products; Inspection and Other Requirements for Certain Means of Conveyance and Shipping Containers Thereon; Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the issuance of special permits to be drawn on a lottery basis for the allotment of quarantine space for the second group of cattle to be imported through the Harry S Truman Animal Import Center. This action is being taken to allow special permits to be allotted permittees of first importation of cattle through the Harry S Truman Animal Import Center (HSTAIC) that were not able to obtain cattle qualified for such importation. The intended effect of this action is to exempt such persons from having to participate in the lottery drawing for the second importation of animals into HSTAIC in order to receive a special permit for the second importation.

EFFECTIVE DATE: January 30, 1980.

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

SUPPLEMENTARY INFORMATION: On August 19, 1977 (42 FR 41848–41849) procedures were established for awarding special import permits to prospective importers of cattle from countries affected with foot-and-mouth disease (FMD). These procedures include prospective importers submitting and application for a special permit to import an animal into HSTAIC. The awarding of such special permits is made through a lottery drawing of the applications. On November 2, 1979, there was published in the **Federal Register** (44 FR 53083) an amendment to 9 CFR Part 92 which established a specific date on which applications would be accepted for special permits to be drawn on a lottery basis for the allotment of quarantine space for the second group of cattle to be imported through HSTAIC. On Friday, December 14, 1979, there was published in the **Federal Register** (44 FR 72574) an amendment that extended the specific date for receipt of applications for such special permits to February 1, 1980, and extended the date for the second drawing for allocation of quarantine space for that importation from January 28, 1980, to February 15, 1980.

The special permit holders for the 400 available spaces for the first importation of cattle through HSTAIC all designated Brazil as the country of origin of the cattle. Upon notification by the Department that they would receive a special permit, the special permittee had the responsibility to secure cattle which would qualify for entry into HSTAIC in accordance with the Department's requirements.

Representatives of the Department met with animal health authorities of the central Brazilian government to establish the manner by which cattle from that country would qualify for entry into HSTAIC. At the time of these meetings, those parties determined that the pre-entry requirements would include a certification by the Brazilian animal health authorities that herd of cattle were determined by herd health history records to have not been on a premises for the five years immediately prior to certification where foot-and-mouth disease existed during that time. The Department's officials believed that a five-year health history record was necessary to insure that the cattle would be free from foot-and-mouth disease. The central Brazilian government animal health authorities believed that for a large number of cattle, records did exist to which certification could be made. However, when the Department's representatives went to Brazil to commence the pre-entry examination and testing of cattle, it was determined that there was great difficulty in locating herds with satisfactory official five-year animal health history records. These records are maintained by the various state governments of Brazil. In many instances, the records either did not exist for the cattle, or existed for only a two-year period, or five-year records showed that the herds had experienced foot-and-mouth disease within the five-year period. Additionally, for those cattle for which satisfactory five-year records did exist, testing of the animals indicated that the animals were positive on official tests for communicable animal disease and therefore not qualified for export to HSTAIC. Further, because time had already been reserved for cattle to be placed in the Brazilian foreign embarkation facility for preparation for entry into HSTAIC, additional time to search for other herds was not possible. Also, delaying the processing of the cattle into the foreign embarkation facility would have increased the chance of exposure to

disease of those animals which had already qualified for entry into the embarkation facility. Consequently, the number of available cattle in Brazil among which the special permit holders could select for entry into HSTAIC was extremely limited and the number which actually qualified was extremely limited.

Therefore, because of the aforementioned circumstances, the Department has determined that it would be equitable for the holders of special permits issued for the first importation and for which cattle have not been qualified for entry into HSTAIC, to be given a preference in the drawing for the second importation. Those persons issued special permits for the first importation who submit both an application and the required cooperative agreement and funds or payment bond by the specified date of February 14, 1980, for the second drawing, will be issued permits and allotted space for the second importation of cattle through HSTAIC. For each such individual, a permit will be issued for not more than the number of cattle specified in his special permit for the first importation less the number of cattle which he has imported into HSTAIC for the first quarantine period.

For such applicants who desire to import additional animals in the second importation, special permits will be issued on a lottery basis in accordance with the established procedures of § 92.41(a).

Additionally, the regulations have been revised to reflect the availability of the protocol for importing cattle into HSTAIC. The protocol contains the tests and procedures which cattle must comply with in order to be eligible for entry into HSTAIC. These tests and procedures must be adhered to in order to insure to the greatest degree possible, that diseased animals, particularly those affected with foot-and-mouth disease, do not enter HSTAIC. This is in keeping with the intent of Congress in establishing the Animal import center. Congress established the Center to improve the quality of livestock in the United States. However, at the same time, Congress made it clear that the Department must take all necessary measures to insure that communicable animal diseases such as foot-and-mouth disease do not enter the United States through the operation of HSTAIC (See 1970 U.S. Code Cong. and Adm. News p. 2968).

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

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

1. In § 92.41, paragraph (a)(2), the first sentence is amended to read:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S Truman Animal Import Center.

(a) * * *

(1) * * *

(2) *Drawing for permits.* At least 6 months before the proposed date of entry of cattle into the Harry S Truman Animal Import Center and at the time, date, and place specified in the Notice of Drawing, a Department employee shall consecutively draw the names of applicants until a maximum of 400 names have been selected to receive one special permit for one animal each, except that each person holding a special permit for the first importation shall, prior to the second drawing, be awarded space for not more than the number of animals specified on said first importation special permit less the number of animals entered by the person under the permit into the HSTAIC for the first quarantine period, and; Provided, That the Cooperative Trust Fund Agreement required by section 92.41(c) of these regulations has been signed by the applicant and delivered to the Department by February 14, 1980, along with the required funds or payment bond.* * *

* * * * * *

§ 92.41 [Amended]

2. In § 92.41(c), subparagraph A.7., a reference to footnote 15 is added at the end of the first sentence, and a new footnote 15 is added to read:

[15] The protocol containing the tests and procedures which must be performed in order for cattle to be imported into the United States through the Harry S Truman Animal Import Center may be obtained upon request from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

(Sec. 2, 32 Stat. 792, as amended; sec. 1, 84 Stat. 202 (21 U.S.C. 111, and 135); 37 FR 28464, 28477; 38 FR 19141)

The amendment revises and clarifies the method of importing cattle into the Harry S Truman Animal Import Center. Applications for the second importation are required to be received by the Department by February 1, 1980. The drawing for the second importation is scheduled for February 15, 1980. The second importation of animals to be imported into the Harry S Truman Animal Import Center is scheduled for June, 1980. It is in the public interest that the Department advise prospective importers of the revised procedure as soon as possible in order that those affected may adjust their plans accordingly. The amendment is of an emergency nature and must be placed in effect immediately in order to serve the purpose intended.

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. 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.

Done at Washington, D.C., this 30th day of January 1980.

John K. Atwell,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 80-3626 Filed 2-4-80; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 455

Technical Assistance and Energy Conservation Measures: Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Change in allocation of funds among States for first grant program cycle.

SUMMARY: The allocation of funds among States for the first grant program cycle, published in the **Federal Register**

on April 17, 1979, is hereby changed. Table 5 (appearing at 44 FR 22947) is hereby replaced with a new Table 5 set forth in this notice. The new allocation of funds necessitated by the reappropriation (Public Law 96–126; November 27, 1979), at a reduced level, of the fiscal year 1978 funds appropriated to and allocated by DOE for the first grant program cycle. The amounts set forth in the new Table 5 do not reflect reallocations and adjustments in accordance with 455.12(b) and 455.12(d). Such reallocations and adjustments will be reflected in the allocation of funds for the second grant program cycle.

Grants awards for technical assistance programs for schools and hospitals in any State within the first grant program cycle shall not exceed 30 percent of the amount allocated to that State.

FOR FURTHER INFORMATION CONTACT: Michael Willingham, Institutional Buildings Grants Program Division, Office of Conservation and Solar Energy, Department of Energy, Room 2H–043, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Issued in Washington, D.C. January 28, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

Table 5

DOE region State	Schools and hospitals	Local government public care
Region I:		
Connecticut	2,328,693	291,087
Maine	1,245,569	155,696
Massachusetts	3,989,388	498,674
New Hampshire	1,030,381	128,798
Rhode Island	981,742	122,718
Vermont	797,966	99,746
Region II:		
New Jersey	4,709,812	588,727
New York	11,302,550	1,412,819
Puerto Rico	1,786,845	223,356
Virgin Islands	508,534	63,567
Region III:		
Delaware	747,305	93,413
Dist. of Columbia	834,010	104,251
Maryland	2,628,456	328,557
Pennsylvania	7,440,927	930,116
Virginia	2,915,002	364,375
West Virginia	1,428,049	178,506
Region IV:		
Alabama	2,042,146	255,268
Florida	3,598,958	449,870
Georgia	2,531,891	316,486
Kentucky	2,244,997	280,625
Mississippi	1,468,589	183,574
North Carolina	2,889,420	361,177
South Carolina	1,663,669	207,959
Tennessee	2,493,871	311,734
Region V:		
Illinois	7,588,450	948,556
Indiana	3,638,287	454,786
Michigan	6,500,363	812,545
Minnesota	3,742,892	467,862
Ohio	6,823,528	852,941
Wisconsin	3,808,303	476,038
Region VI:		
Arkansas	1,356,487	169,561
Louisiana	1,893,125	236,641
New Mexico	985,975	123,247
Oklahoma	1,764,202	220,525
Texas	5,704,404	713,050
Region VII:		
Iowa	2,452,188	306,524
Kansas	1,792,140	224,017
Missouri	3,203,066	400,383
Nebraska	1,489,675	186,209
Region VIII:		
Colorado	2,132,099	266,512
Montana	989,976	123,747
North Dakota	984,971	123,121
South Dakota	934,835	116,854
Utah	1,211,381	151,423
Wyoming	696,810	87,101
Region IX:		
American Samoa	454,823	56,853
Arizona	1,459,226	182,403
California	7,101,839	887,730
Guam	486,895	60,862
Hawaii	726,358	90,795
Nevada	767,482	95,935
Region X:		
Alaska	824,068	103,009
Idaho	960,852	120,106
Oregon	1,561,568	195,196
Washington	2,354,955	294,369
U.S. total	139,999,993	17,500,000

[FR Doc. 80–3644 Filed 2–4–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

15 CFR Part 2301

Public Telecommunications Facilities Program; Extension of Time Within Which to File Amendments to FY 1980 Grant Applications

AGENCY: National Telecommunications Information Administration, Commerce Department.

ACTION: Order Extending Time Within Which to File Amendments to FY 1980 Grant Applications.

SUMMARY: The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, is extending to March 21, 1980, the time in which applicants for FY 1980 grants under the Public Telecommunications Financing Act of 1978 (Pub. L. 95–567, 92 Stat. 2405), may amend their applications. This action is being taken because NTIA has switched from a manual to a computerized record keeping system. The start up of this system will take enough time so that adherence to the 45 day amendment period provided in Section 2301.5(b) of the PTFP Rules may be insufficient for the initial review of applications. NTIA also recognizes that the short period of time between the conclusion of the FY 1979 and the FY 1980 grant rounds may have been insufficient to permit applicants to prepare the strongest possible applications.

EFFECTIVE DATE: January 31, 1980; time extended to March 21, 1980 to file amendments to FY 1980 Grant Applications.

FOR FURTHER INFORMATION CONTACT: Dr. John Cameron, Director, Public Telecommunications Facilities Division, National Telecommunications and Information, Room 298, 1325 G Street, N.W., Washington, D.C. 20005. (202) 724–3307.

Adopted: January 31, 1980.

In the Matter of the Public Telecommunications Facilities Program.

The National Telecommunications and Information Administration (NTIA) is extending to March 21, 1980, the time within which applicants for FY 1980 Public Telecommunications Facilities Program (PTFP) grants may amend their applications under Section 2301.5(b) of the PTFP Rules.[1] The FY 1980 closing date for the filing of applications was January 9, 1980, and amendments are due by February 25, 1980. (The 45th day, February 23rd, falls on a Saturday.)

The filing date for amendments is being extended for two reasons. First, the PTFP has switched for a manual to a computerized file system for logging in applications describing the proposals and keeping track of the applications' PTFP and FCC status. While this new system will prove to be an efficient and timesaving improvement, its initial start up time will be such that we believe applicants and PTFP staff should have more time to review and amend applications than Section 2301.5 of the Rule provides. Second, the time between the awarding of FY 1979 grants at the end of September 1979 and the FY 1980 closing date was shorter than we would ordinarily like. This resulted from the transfer of the program from the Department of Health, Education, and Welfare to NTIA, our need to adopt rules, priorities and an application form within sufficient time to solicit and review applications and award grants before the end of FY 1979. As a result, we believe that applicants may not have had enough time to prepare the strongest possible applications. For these reasons, we have decided to extend the amendment period to March 21, 1980.

This action is being taken pursuant to Section 392(e) of the Public Telecommunications Financing Act of 1978 (Pub. L. No. 95–567, 92 Stat. 2405) and Section 2301.37 of the PTFP Rules.

Henry Geller,

Administrator.

[FR Doc. 80–3738 Filed 2–4–80; 8:45 am]

BILLING CODE 3510–60–M

[1] This section provides that: An applicant may amend its application or submit additional information at any time up to 45 calendar days after the closing date published pursuant to § 2301.9 of the Rules.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. IA-710A]

Delegations of Authority to the Director of the Division of Investment Management, the Director of the Division of Enforcement, and the Regional Administrators; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendments; correction.

SUMMARY: This document corrects final rule amendments on delegations of authority to the Director of the Division of Investment Management, the Director of the Division of Enforcement, and the Regional Administrators which appear at page 76773 of the **Federal Register** of December 28, 1979, FR Doc. 79-39620.

EFFECTIVE DATE: December 19, 1979.

FOR FURTHER INFORMATION CONTACT: Michael J. Eizelman, Esq., Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202) 272-2079.

SUPPLEMENTARY INFORMATION: On page 76774 the first paragraph under the heading "Authority, Effective Date" should read as follows: The Commission hereby amends Rules 30-4, 30-5 and 30-6 of the rules of the Commission relating to general organization (17 CFR 200.30-4, 30-5 and 30-6) by adding new paragraph (a)(8) to Rule 30-4; by adding new paragraphs (e)(3), (4), (5) and (6) to Rule 30-5; and by redesignating paragraphs (e), (f) and (g) of Rule 30-6 as paragraphs (f), (g) and (h) respectively, and by adding a new paragraph (e) thereto, pursuant to the authority contained in the Act of August 30, 1962, Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2) and Section 211(a) of the Advisers Act (15 U.S.C. 80b-11(a)).

§ 200.30-4 [Corrected]

1. (a) Under the heading "Commission Action," Amendment No. 1 should read "By adding new paragraph (a)(8) to § 200.30-4 as follows:"

(b) In the regulatory text the paragraph designation is changed from (6) to (8).

§ 200.30-6 [Corrected]

2. (a) Amendment No. 3 should read "By redesignating paragraphs (e), (f) and (g) of § 200.30-6 as paragraphs (f), (g) and (h) respectively and by adding a new paragraph (e) thereto as follows:"

(b) In the regulatory text the paragraph designation is changed from (d) to (e).

January 24, 1980.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-3575 Filed 2-1-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-23]

Ceiling Prices, Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978; Amendments to Final Regulations

Issued: January 29, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: This rule amends § 271.101(a) of the Federal Energy Regulatory Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA). By this amendment, the Commission publishes the Maximum Lawful Prices under the NGPA for the months of February, March and April of 1980. Section 101(b)(6) of the NGPA requires that the Commission compute and make available prices and inflation adjustments before the beginning of any month for which such figures apply.

EFFECTIVE DATE: January 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mark G. Magnuson, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8511.

A. Background

Section 101(b)(6) of the NGPA requires that the Commission compute and make available maximum lawful prices and inflation adjustments before the beginning of any month for which such figures apply. Pursuant to that mandate, the Commission is amending its regulations implementing the NGPA to issue the maximum lawful prices for the months of February, March and April of 1980, by the publication of price tables for the applicable quarter.

Table I specifies the maximum lawful prices for gas subject to sections 102, 103, 106(b)(1)(B), 107, 108 and 109 of the NGPA. Table II specifies the prices for section 104 and 106(a); Table III sets forth the inflation adjustments.

B. Summary of Amended Regulations

The Commission's regulations under the NGPA are being amended by the publication of Tables I, II, and III establishing the maximum lawful prices and inflation adjustment factors for February, March and April of 1980. This amendment affects the Subpart A of Part 271, entitled:

"Summary Tables and Calculations" (§§ 271.101(a) and 271.102(c)).

C. Public Procedure and Effective Date

The Commission is making these amendments effective upon the date of issuance of this order upon a finding that it is impractical and unnecessary to comply with the notice and public procedure provisions of 5 U.S.C. 533. Section 101(b)(6) of the NGPA requires that maximum lawful prices and inflation adjustments be made available by the Commission before the beginning of the month to which they apply. However, publication of the GNP Implicit Price Deflator by the Department of Commerce at least 8 days before the most recent calendar quarter, does not provide sufficient time for comment before the maximum lawful prices and inflation adjustments go into effect. Notice and public comment are unnecessary as well as impractical because the changes do not change the substance of the regulations and because the changes in prices and inflation adjustments are mandated by statute. Good cause exists to make these amendments regarding the rate changes for February, March and April of 1980, effective immediately. Such a procedure is required in order to comply with the NGPA, and, if such a procedure is not followed, producers may bill and file incorrectly for the affected categories of gas.

(Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*; Natural Gas Policy Act of 1978, Pub. L. 95-621, 92 Stat. 3350; Department of Energy Organization Act, 42 U.S.C. § 7107, *et seq.*, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

§ 271.101 [Amended]

1. Section 271.101 is amended in paragraph (a) by inserting the maximum lawful prices for February, March and April of 1980 in Tables I and II.

Table I.—*Natural Gas Ceiling Prices (Other Than NGPA Secs. 104 and 106(a))*

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries made in:																
	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980
B, 102, New Natural Gas, Certain OCS Gas	$2.078	$2.096	$2.116	$2.136	$2.156	$2.177	$2.198	$2.220	$2.244	$2.268	$2.292	$2.314	$2.336	$2.358	$2.381	$2.404	$2.428
C, 103, New Onshore Production Wells	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096	2.113	2.128	2.143	2.158	2.173	2.188	2.204
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas.[1]	1121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195	1.205	1.213	1.221	1.229	1.238	1.247	1.256
G, 107, High Cost Gas (below 15,000 Only) [2]	2.078	2.096	2.116	2.136	2.156	2.177	2.198	2.220	2.244	2.268	2.292	2.314	2.336	2.358	2.381	2.404	2.428
H, 108, Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426	2.452	2.475	2.499	2.523	2.548	2.573	2.598
I, 109, Not Otherwise Covered	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736	1.750	1.762	1.774	1.786	1.799	1.812	1.825

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this table. This alternative maximum lawful price for each month appears in this row of Table I.

[2] Commencing November 1, 1979, the price of natural gas finally determined to be eligible as high-cost gas under Section 107(c)(1) through (4) of the NGPA is deregulated. The prices shown for November 1979 through April 1980 only apply to interim collection of the 107(c)(1) (below 15,000 feet only) category of high cost gas.

Table II.—*Natural Gas Ceiling Prices: NGPA Secs. 104 and 106(a) (Subpart D, Part 271)*

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:																
	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980
Post-1974 gas, All producers	$1.630	$1.639	$1.650	$1.661	$1.672	$1.684	$1.696	$1.708	$1.722	$1.736	$1.750	$1.762	$1.774	$1.786	$1.799	$1.812	$1.825
1973–1974 Biennium gas:																	
Small producer	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480	1.490	1.500	1.510	1.521	1.532	1.543
Large producer	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152	1.160	1.168	1.176	1.184
Interstate Rollover gas:																	
Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.728	.728	.728	.728
Large producer	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646	.650	.654	.659	.664	.669	.674
Replacement contract gas or recompletion gas:																	
Small producer	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829	.835	.841	.847	.853	.859	.865
Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635	.639	.643	.647	.652	.657	.662
Flowing gas:																	
Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355	.357	.359	.361	.364	.367	.370
Certain Permian Basin gas:																	
Small producer	.462	.465	.468	.471	.474	.477	.480	.486	.487	.491	.495	.498	.501	.504	.508	.512	.516
Large producer	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440	.443	.446	.449	.452
Certain Rocky Mountain gas:																	
Small produer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501	.504	.508	.512	.516
Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Certain Appalachian Basin gas:																	
North Subarea contracts dated after 10–7–69	.368	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394	.397	.400	.403	.406	.409	.412
Other Contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370	.373	.376	.379	.382	.385	.388
Minimum Rate Gas,[1] All Producers	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218	.220	.222	.224	.226

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf., rather than per MMBtu.

§ 271.102 [Amended]

2. Section 271.102 is amended in paragraph (c) by the insertion of the inflation adjustment factor for the months of February, March, and April of 1980 in Table III.

Table III.—*Inflation adjustment*

Month of delivery	Factor [1]
1977:	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978:	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979:	
January	1.00581
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00805
September	1.00805
October	1.00805
November	1.00690
December	1.00690
1980:	
January	1.00690
February	1.00713
March	1.00713
April	1.00713

[1] By which price in preceding month is multiplied.

[FR Doc. 80-3587 Filed 2-4-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 5

Revised Delegations of Authority

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority to the Commissioner of Food and Drugs and the redelegation of authority to agency officials. This action is taken because of revised delegations of authority under various sections of the Public Health Service (PHS) Act.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management

and Operations (HFA–340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: 1. On June 7, 1979, the Assistant Secretary for Health issued a revised delegation of authority under section 301 of the Public Health Service (PHS) Act giving the Commissioner the authorities added to section 301 by Pub. L. 95–622.

Amendments by Pub. L. 95–622 to section 301(a) of the PHS act authorize the provision of substances and living organisms to individuals and entities for biomedical and behavioral research. The amendments added section 301(b), which requires studies and testing of substances for harmful biological effects, research into the biological effects of low-level ionizing radiation, and studies of human nutrition, and authorizes support of these activities through contracts and grants. The revised delegation of authority under section 301 adds these authorities to the authority previously delegated to the Commissioner.

2. On August 20, 1979, the Director, Office of Management, PHS, issued a revised delegation of authority under section 501 of the PHS Act giving the Commissioner the authority to accept gifts, excluding the acceptance of gifts of real property. The revised delegation of authority under section 501 of the PHS act supersedes the previous delegation of authority by the Assistant Secretary for Health to the Commissioner, removes the previous monetary limitation of $1,000 with respect to the value of gifts, and authorizes the Commissioner to redelegate only the authority to accept gifts valued at $5,000 or less.

3. On September 7, 1979, the Director, Office of Management, PHS, issued a revised delegation of authority under section 223 of the PHS Act terminating the Commissioner's authority to establish volunteer service programs and accept volunteer services. The revised delegation of authority under section 223 of the act terminates all previous delegations of authority and redelegates the authority within the PHS only to the Alcohol, Drug Abuse, and Mental Health Administration, Health Services Administration, and the National Institutes of Health.

4. Section 314(f) of the PHS act, which authorized the interchange of personnel with States, has been repeated. Consequently, the authority that had been delegated to the Commissioner under section 314(f) has been eliminated.

5. Section 5.1 is being amended to show the revised delegation of authority under section 301 to the Commissioner, to delete the delegation of authority under section 314(f), and to show the delegation of authority under section 501.

6. Section 5.25 is being revised to delegate the expanded research, investigation, and testing authorities to the bureau level.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him or her as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended as follows:

1. In Subpart A, § 5.1 is amended by revising the section heading, by revising paragraph (a)(2), by deleting paragraph (a)(20), by revising paragraph (c), and by adding new paragraph (e) to read as follows:

§ 5.1 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(2) Functions vested in the Secretary under section 301 (Research and Investigation), as amended by Pub. L. 95–622; section 307 (International Cooperation); section 310 (Health Education and Information); and section 311 (Federal-State Cooperation) of the Public Health Service Act (42 U.S.C. 241, 2421, 242o, 243) which relate to the functions of the Food and Drug Administration.

* * * * *

(20) [Reserved].

* * * * *

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management, to certify true copies of any books, records, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

* * * * *

(e) The Director, Office of Management, Public Health Service, has redelegated to the Commissioner of Food and Drugs, with authority to redelegate authority to accept gifts of $5,000 or less, the authority under section 501 of the Public Health Service Act (42 U.S.C. 219) to accept offers of gifts, excluding the acceptance of gifts of real property, providing the total costs associated with acceptance will not exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

2. In Subpart B, § 5.25 is revised to read as follows:

§ 5.25 Research, investigation, and testing programs.

(a) The Directors of Bureaus, the Executive Director of Regional Operations, and the Director of the National Center for Toxicological Research are authorized under sections 301 as amended by Pub. L. 95–622, 307, and 311 of the Public Health Service Act to establish research, investigation, and testing programs which relate to their assigned functions and to approve grants for conducting such programs.

(b) The Director of the Bureau of Radiological Health is authorized to establish an electronic product radiation control program and to approve grants for conducting the program under section 356 of the Public Health Service Act.

(c) The Associate and Deputy Associate Commissioner for Management and Operations, the Director and Deputy Director of the Division of Contracts and Grants Management of the Office of Management and Operations, and the Chief of the Grants Management Branch of that Division and Office are authorized to sign and issue all notices of grant awards and amendments thereto and sign and issue notices of suspension and termination thereof for grants approved under the authority delegated in paragraphs (a) and (b) of this section.

Effective date: This regulation shall be effective February 5, 1980.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 29, 1980.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3678 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 146

[Docket No. 78P-0039]

Lemon Juice; Standards of Identity and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document establishes standards of identity and fill of container for lemon juice. These standards were developed after considering the Codex Alimentarius Commission's "Recommended International Standard for Lemon Juice Preserved Exclusively by Physical Means," and the comments received in response to the proposal. This action will promote honesty and fair dealing in the interest of consumers and facilitate international trade.

DATES: These standards become effective July 1, 1981, for all affected products initially introduced into interstate commerce on or after this date.

Voluntary compliance may begin March 7, 1980.

Objections by March 6, 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: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The standards in this final rule will, among other things, (1) permit the addition of concentrated lemon juice to lemon juice at a maximum level of 15 percent on an acid weight basis to adjust the acidity; (2) allow for the use of safe and suitable preservatives as a method of preservation, in addition to physical methods of preservation; (3) standardize "lemon juice from concentrate" at a minimum soluble solids content of 6 percent by weight and a minimum acidity of 4.5 percent by weight, calculated as anhydrous citric acid; and (4) establish a standard of fill of container based upon a minimum of 90 percent of the total capacity of the container but exempting frozen lemon juice and certain individual serving-size packages of the food from such a fill of container requirement.

In the **Federal Register** of April 7, 1978 (43 FR 14678), the Food and Drug Administration (FDA) issued a proposal to establish standards of identity and fill of container for lemon juice. These proposed standards would (1) provide for the use of concentrated lemon juice, with appropriate labeling, as a source of juice ingredient; (2) allow for the use of safe and suitable preservatives as a method of preservation, in addition to physical methods of preservation including heat sterilization, freezing, and refrigeration; (3) standardize "lemon juice from concentrate" at a minimum soluble solids content of 6 percent by weight and a minimum acidity of 4.5 percent by weight, calculated as anhydrous citric acid; (4) permit the addition of lemon oil and lemon essence derived from lemons in accordance with good manufacturing practice; (5) establish a standard of fill of container based upon a minimum of 90 percent of the total capacity of the container; and (6) employ a statistical sampling plan for determining compliance with the fill of container requirement.

The proposal invited interested persons to submit comments with supporting data concerning the benefit of including a provision permitting the addition of concentrated lemon juice to lemon juice. Comments were invited on the limitations that should be placed on the amount of concentrate which may be added to lemon juice as well as the type of labeling that would be appropriate to inform the consumer of such addition.

In the **Federal Register** of June 6, 1978 (43 FR 24547), the agency issued a notice granting an industry request to extend the comment period for 60 days, until August 7, 1978, to provide processors additional time to submit information and comments. Eight letters each containing one or more comments were received from four food processors and four industry associations. One comment supported the proposal but suggested minor editorial changes. The remaining comments and the agency's responses are as follows:

"Fresh" Lemon Juice

1. Two comments suggested that a separate standard of identity for "fresh" lemon juice should be established.

The agency disagrees. No data were submitted, nor is the agency aware of any data that support the establishment of a separate standard of identity for "fresh" lemon juice. Therefore, without the evidence to demonstrate otherwise, the agency concludes that a regulation covering this product is unnecessary. This is in keeping with the President's directive not to promulgate needless regulations. Any interested person who believes that a separate standard for "fresh" lemon juice is necessary is invited to submit a petition with supporting data that demonstrate this need.

Acidity

2. One comment from a major manufacturer of lemon juice from concentrate (producing approximately 80 percent of the total U.S. market) in favoring the proposed 4.5 percent acidity level for reconstituted lemon juice stated, "* * * while the 4.5 percent acidity appeared appropriate, the soluble solids level was somewhat lower for such acidity level than had been experienced with domestic lemon juice." Following a review of its lemon juice data of soluble solids/acidity levels, the manufacturer commented further, "we have concluded, while domestic lemon juice of 4.5 percent acidity would likely have a slightly higher soluble solids level than 6.0 percent, the difference is not significant enough to justify official U.S. standards that differ from the International Codex standards, particularly since the characterizing component of lemon juice is the acidity rather than the soluble solids."

Five comments suggested that the minimum acidity of 4.5 percent proposed for lemon juice from concentrate should be increased to 5 percent and should apply to both lemon juice and lemon juice from concentrate. They pointed out that the acidity level is one of the most important characteristics of the food's identity and, therefore, should be set at a uniform level. One processor submitted data that showed the mean citric acid level by month in single-strength lemon juice for the period 1965-1976 to vary from 4.9 to 5.4 percent.

The agency disagrees with the suggestion that the minimum acidity level required for lemon juice from concentrate should be increased from 4.5 to 5.0 percent. The agency is basing this decision on data that indicate that the average acidity of juice from all lemons will be somewhat more than 5 percent but that there will be some seasons and some portions of seasons when, in fact, a majority of the juice will be less than 5 percent. Consequently, the proposed 4.5 percent minimum acidity requirement for lemon juice concentrate is retained in § 146.114(a)(1). Further, the agency does not agree that a minimum acidity requirement should be established for a single strength lemon juice which has not been prepared from concentrated lemon juice. Seasonal environmental

factors, such as soil and climatic conditions, may have an effect on the citric acid content of the individual fruit. Because of these variables the agency historically has not set minimum acidity requirements in the standards of identity for other fruit juices prepared from unconcentrated, undiluted extract from mature fruits. For the same reason the agency is not setting a minimum acidity requirement for single-strength lemon juice which has not been prepared from concentrated lemon juice as provided for in the regulation as set out below.

Addition of Concentrated Lemon Juice

3. In response to the request for comments, six comments supported permitting the addition of concentrated lemon juice to single-strength lemon juice. Five of these comments suggested that the level of concentrate permitted should be not more than 15 percent on an acid weight basis. One processor stated: "The significance of 15 percent or less of added acid from concentrate is evident when it is considered that lemon juice is not consumed directly as a food or beverage and that the suggested maximum would be necessary only in extreme, highly unlikely instances. Further, lemon juice invariably is diluted to 13 percent or less before use as a beverage, so that the percentage of the food as consumed which would be derived from the concentrate would not be more than 2 percent * * *".

The agency agrees that the addition of a limited amount of concentrated lemon juice to nonreconstituted lemon juice, in an amount reasonably necessary to adjust the acidity of the finished product, will be in the interest of consumers. Therefore, the final regulation (21 CFR 146.114(a)(1)) provides for the adjustment of the acid content of lemon juice by permitting the addition of the optional concentrated lemon juice ingredient at a maximum level of 15 percent on an acid weight basis.

Preservation

4. One comment pointed out an omission in § 146.114(a)(1) of the proposal which states "* * * when sealed in a container to be held at ambient temperatures, it is so processed by heat, before or after sealing, as to prevent spoilage." The comment argues that lemon juice is commonly cold filled, "relying on the preservative to inhibit the growth of microorganisms."

The agency agrees that there was an omission and is correcting § 146.114(a)(1) of the final regulation by inserting immediately before the phrase "so processed by heat," the phrase "preserved by the addition of safe and suitable preservatives or."

Optional Ingredients

5. Several comments indicated that there may be industry confusion as to which ingredients are optional and must be declared in the ingredient statement. One comment indicated that the standard of identity for lemon juice from concentrate should include the use of lemon juice as a diluent in addition to water.

The agency agrees with these comments and is adding new § 146.114(a)(2) which provides for the use of lemon juice as a diluent and lists the optional ingredients permitted.

Labeling

6. Six comments opposed the label declaration of water when used to reconstitute lemon juice to the single-strength juice. It was pointed out that the Codex proposal does not include such a requirement. Two of the comments maintained that the implication of such labeling is that water addition constitutes inferiority. They contended that there is no significant compositional difference between unconcentrated lemon juice and lemon juice from concentrate. Four of the comments argued that the proposed labeling for lemon juice from concentrate is redundant in that it requires that the reconstitution of the product be declared both in the product's name and in the ingredient statement. They also contended that declaring water in the ingredient statement will mislead consumers into believing that the juice has been "watered down."

While FDA acknowledges that the ultimate compositional characteristics of lemon juice from concentrate and unconcentrated lemon juice may be quite similar, the agency believes that it is reasonable to require the ingredient statement of lemon juice from concentrate to disclose that water is an ingredient. In addition, lemon juice also may be added as a diluent in the manufacture of lemon juice from concentrate. Therefore, the agency concludes that water and lemon juice are optional ingredients and subject to label declaration as required by the applicable sections of Part 101.

7. Six comments expressed dissatisfaction that the proposal did not provide for the labeling of "blends" of lemon juices (i.e., lemon juice, concentrated lemon juice, and/or lemon juice from concentrate). They stated that unless lemon juice products were allowed to be labeled "lemon juice," problems would result including consumer confusion and increased costs from the necessity of maintaining inventories of labels for each of the product blends.

The agency agrees with the contentions raised by these comments. Therefore, § 146.114(a)(3)(i)(*a*)(*2*) has been added to provide for the name "lemon juice" for the food prepared from unconcentrated, undiluted liquid from lemons to which concentrated lemon juice is added to adjust acidity as prescribed in § 146.114(a)(1). The agency believes that the listing of concentrated lemon juice in the ingredient statement will be sufficient to inform the consumer of its presence in the product. Section 146.114(a)(3)(i)(*b*) has been added to require the name "lemon juice from concentrate"or "reconstituted lemon juice" for those foods prepared from concentrated lemon juice and water and/or lemon juice, or from lemon juice from concentrate and lemon juice.

8. One comment asserted that a minimum type size should be specified and that the qualifying words "reconstituted" or "from concentrate" should appear in a type size not less than one-half the size type as the words "lemon juice."

The agency agrees with the comment and is specifying the type size in § 146.114(a)(3)(i) (*b*) accordingly.

Fill of Container

9. Two comments requested that single service containers of lemon juice, with a declared net volume of 2 ounces or less, or any container covered by 21 CFR 1.24(a)(3) (pertaining to food exemptions from required label statements), be exempted from the 90-percent fill of container requirement. The comments noted that the FDA's regulation for the determination of fill of container, as set forth in 21 CFR 130.12(b), provides for the measurement of rigid containers, i.e., cans. They stated that single-service portions of lemon juice are generally packaged in sealed pouches made of flexible films or laminates. The physical nature of these containers makes a determination of their volume or capacity difficult, if not impossible. They stated further that while standards of fill are generally thought to be for protection of consumers, a 90-percent fill requirement for single-service portions of lemon juice would be a real disadvantage to consumers. A single-service container of lemon juice filled to 90-percent capacity, even it packaged in a rigid cup, would likely spill or squirt as the consumer attempted to open the container. They argued that this problem is especially acute whenever single-service containers are used in settings that

involve motion—cars, trains, or airplanes. For a flexible film container that must be torn open by a consumer, a 90-percent fill would "create a mess."

The agency agrees with the arguments presented in support of an exemption from the 90-percent fill of container requirement for single-service containers of lemon juice. For two reasons, however, the agency concludes that an exemption for a net volume of ½ ounce, rather than the suggested 2 ounces, should be granted as the maximum single service size. First, the comments provided no data to support the 2-ounce level. Second, the U.S. Department of Agriculture's "Household Food Consumption Survey—1956–66" results indicate that a portion of lemon juice for an "eating occasion" is equivalent to ½ fluid ounce or less. Therefore, § 146.114(c)(1) has been revised so that the proposed exemption to the 90-percent fill of container requirement "when the food is frozen" now appears in paragraph (c)(1)(i), and the new exemption for "when the food is packaged in individual serving-size packages containing ½ fluid ounce or less for use as described in § 1.24(a)(3) of this chapter" is added in paragraph (c)(1)(ii).

After consideration of the comments received and other relevant information in the record, the agency concludes that it will promote honesty and fair dealing in the interest of consumers to establish standards of identity and fill of container for lemon juice as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 146 is amended by adding new § 146.114 to read as follows:

§ 146.114 Lemon juice.

(a) *Identity*—(1) *Description.* Lemon juice is the unfermented juice, obtained by mechanical process, from sound, mature lemons (*Citrus limon* (L.) Burm. f.), from which seeds (except embryonic seeds and small fragments of seed which cannot be separated by good manufacturing practice) and excess pulp are removed. The juice may be adjusted by the addition of the optional concentrated lemon juice ingredient specified in paragraph (a)(2) of this section in such quantity so that the increase in acidity, calculated as anhydrous citric acid, does not exceed 15 percent of the acidity of the finished food. The lemon oil and lemon essence (derived from lemons) content may be adjusted in accordance with good manufacturing practice. The juice may have been concentrated and later reconstituted. When prepared from concentrated lemon juice, the finished food contains not less than 6 percent, by weight, of soluble solids taken as the refractometric sucrose value (of the filtrate), corrected to 20° C, but uncorrected for acidity, in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" in table 52.012 of "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975 [1] and has a titratable acidity content of not less than 4.5 percent, by weight, calculated as anhydrous citrus acid. The food may contain one or any combination of the safe and suitable optional ingredients specified in paragraph (a)(2) of this section. Lemon juice, as defined in this paragraph, may be preserved by heat sterilization (canning), refrigeration, freezing, or by the addition of safe and suitable preservatives. When sealed in a container to be held at ambient temperatures, it is preserved by the addition of safe and suitable preservatives or so processed by heat, before or after sealing, as to prevent spoilage.

(2) *Optional ingredients.* The optional safe and suitable ingredients referred to in paragraph (a)(1) of this section are:

(i) Concentrated lemon juice (lemon juice from which part of the water has been removed).

(ii) Water and/or lemon juice to reconstitute concentrated lemon juice in the manufacture of lemon juice from concentrate.

(iii) Preservatives.

(3) *Labeling.* (i) The name of the food is:

(*a*) "Lemon juice "(*1*) if the food is prepared from unconcentrated, undiluted liquid extracted from mature lemons; or (*2*) if the food is prepared from unconcentrated, undiluted liquid extracted from mature lemons to which concentrated lemon juice is added to adjust acidity as provided for in paragraph (a)(1) of this section.

(*b*) "Lemon juice from concentrate" or "reconstituted lemon juice" (*1*) if the food is prepared from concentrated lemon juice and water and/or lemon juice; or (*2*) if the food is prepared from lemon juice from concentrate and lemon juice. The words "from concentrate" or "reconstituted" shall be shown in letters not less than one-half the height of the letters in the word "lemon juice."

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044, or examined in the Office of the Federal Register Library.

(ii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved].

(c) *Fill of container.* (1) The standard of fill of container for lemon juice, except when the food is frozen, is not less than 90 percent of the toal capacity of the container as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter, except (i) when the food is frozen or (ii) when the food is packaged in individual serving-size packages, containing ½ fluid ounce or less, for use as described in §1.24(a)(3) of this chapter.

(2) Compliance is determined as specified in § 146.3(g)(2).

(3) If the lemon juice fails to meet the standard of fill as prescribed in paragraph (c)(1) and (2) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein prescribed.

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 6, 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 above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin March 7, 1980, and all affected products

initially introduced into interstate commerce on or after July 1, 1981 shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: January 25, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3679 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin and Bacitracin

AGENCY: Food and Drug Administration, HEW.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co., providing for safe and effective use of a higher range of bacitracin methylene disalicylate (MD) in combination with monensin in finished broiler feeds.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, filed a supplemental NADA (49-463) providing for use of 5 to 25 grams of bacitracin MD per ton of finished broiler feed in combination with 90 to 110 grams of monensin sodium per ton. Approval of its supplement permits Elanco to increase only the bacitracin MD range (now 5 to 10 grams per ton) of the currently approved combination. The feeds are used for increased rate of weight gain, improved feed efficiency, and as an aid in prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

The Director of the Bureau of Veterinary Medicine concludes that approval of this supplemental application poses no increased human risk from exposure to residues of the new animal drugs, monensin and bacitracin, because the number of food-producing animals receiving medication will not significantly increase as a result of this approval and because the drugs are already approved in combination at the requested dosage ranges for the same indication. Accordingly, under the bureau's proposed supplemental NADA approval policy (see the **Federal Register** of December 23, 1977 (42 FR 64367)), this Category II approval did not require a reevaluation of the safety and efficacy data supporting the parent application.

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), Food and Drug Administration, Rm. 4-65, 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), § 558.355 is amended by revising paragraph (f)(1)(iii) to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(1) * * *

(iii) *Amount per ton.* Monensin, 90-110 grams plus bacitracin, 5-25 grams.

* * * * *

Effective date. This amendment is effective February 5, 1980.

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

Dated: January 29, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-3511 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 841

[Docket No. N-80-972]

Public Housing Program, Development Phase; Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for low-income public housing with elevators in Kennewick, Washington.

DATES: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street, S.W., Washington, D.C., 20410, (202) 755-4956 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development cost for construction and equipment of new public housing projects.

These schedules establish per unit limits on prototype costs (dwelling construction and equipment) for development of low-income public housing under the United States Housing Act of 1937. Section 6(b) of the Act provides that the prototype costs shall be effective upon the date of publication in the **Federal Register,** and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the

comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, the per unit cost schedules setting Prototype Cost Limits for Low-Income Housing are amended as follows:

At 24 CFR Part 841, Appendix A, Prototype Cost Limits for Low-Income Public Housing, revise the per unit cost schedule for elevator dwellings, as shown on the prototype per unit cost schedule, Region X, Kennewick, Washington.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d))

Issued at Washington, D.C. on January 28, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

Region X

	Bedrooms						
	0	1	2	3	4	5	6
Kennewick, Wash.:							
Detached and semidetached							
Row dwellings							
Walkup							
Elevator-structure	27,800	30,600	38,850				

[FR Doc. 80-3663 Filed 2-4-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Army

35 CFR Part 253

Panama Canal Commission Personnel Matters

AGENCY: Secretary of the Army.

ACTION: Final rule.

SUMMARY: The Panama Canal Act of 1979, Pub. L. No. 96-70, 93 Stat. 452, creates two statutory positions in the Panama Canal Commission: A Chief Engineer and an Ombudsman. This rule excludes those positions and their principal assistants from the Merit System established pursuant to section 10 of an Act of July 25, 1958, Pub. L. No. 85-550, 72 Stat. 408 and continued under Title 2, Canal Zone Code, Section 149, 76A Stat. 18, and section 1214 of the Panama Canal Act of 1979. The rule will also exclude the positions from various other provisions of the employment system applicable to employment in Federal agencies in the Republic of Panama. Because this rule pertains to personnel matters of the Panama Canal Commission it is unnecessary to issue a notice of proposed rulemaking under Title 5, U.S.C., Section 553.

EFFECTIVE DATE: January 13, 1980.

ADDRESS: Department of the Army, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Colonel Michael Rhode, Jr., Office of the Assistant Secretary of the Army (CW), Washington, D.C. 20310; telephone (202) 695-1370.

Adoption of Amendment

Accordingly, effective January 13, 1980, 35 CFR 253.8(b) is amended by adding a new subparagraph (14) to read as follows:

§ 253.8 Exclusions.

* * * * *

(b) * * *

(14) The positions in the Panama Canal Commission of Ombudsman, Chief Engineer, Assistant to the Ombudsman, and Deputy Chief Engineer.

* * * * *

(Panama Canal Act of 1979, sec. 1212. 93 Stat. 452, 465: 35 CFR 251.2(a)(1))

Clifford L. Alexander, Jr.,

Secretary of the Army.

[FR Doc. 80-3681 Filed 2-4-80; 8:45 am]

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL 1388-4]

Cooperative Agreements for Protecting and Restoring Publicly Owned Freshwater Lakes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes policies and procedures by which States may enter into cooperative agreements to assist in carrying out approved methods and procedures for restoring publicly owned freshwater lakes, and protecting them against degradation, as authorized by section 314 of the Clean Water Act (33 U.S.C. 1251 *et seq.*). This regulation was proposed on January 29, 1979 (44 FR 5685) for a sixty-day public comment period. EPA received 48 letters of comment which we have considered in developing this regulation.

EFFECTIVE DATE: This regulation governs only clean lakes cooperative agreements which are awarded after February 5, 1980. Cooperative agreements and grants that are awarded before February 5, 1980, will continue according to their original terms subject to the regulations under which the funds were awarded. Clean lakes applications received before February 5, 1980 will be processed according to past procedures.

ADDRESSES: Comments submitted on these regulations may be inspected at the Public Information Reference Unit, EPA Headquarters, Room 2922, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460, between 8 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Joseph A. Krivak, Criteria and Standards Division (WH-585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755-0100.

SUPPLEMENTARY INFORMATION: This regulation contains the policies and procedures governing the provision of Federal financial assistance to States for the protection and restoration of publicly owned freshwater lakes as authorized by the Clean Water Act (33 U.S.C. 1251 *et seq.*) Section 314. The program is called the clean lakes program.

The Federal Grant and Cooperative Agreement Act requires all Federal Agencies to classify each assistance transaction as either a grant or a cooperative agreement. EPA will award grants when little Federal involvement

in the project is expected, and cooperative agreements when significant Federal involvement is anticipated. We expect significant EPA involvement in all Clean Lakes projects and have designated cooperative agreements as the appropriate award instrument.

Section 314 requires each State to prepare and submit a report to EPA including: (1) An identification and classification of all publicly owned freshwater lakes in that State according to eutrophic condition; (2) procedures, processes, and methods (including land use requirements) to control sources of pollution of these lakes; and (3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of these lakes. Section 314 also provides financial assistance to States to implement lake restoration and protection methods and procedures approved by the Administrator.

Pub. L. 95–217, amended section 314(b) of the Clean Water Act by adding the following: "The Administrator shall provide financial assistance to States to prepare the identification and classification surveys required in subsection (a)(1) of this section." On July 10, 1978, EPA published a notice of availability in the **Federal Register** for States to: identify and classify their publicly owned freshwater lakes according to trophic condition, establish priority rankings for lakes in need of restoration; and conduct diagnostic-feasibility studies to determine methods and procedures to protect or restore the quality of those lakes (43 FR 29617). Total assistance of up to $100,000 is available to each State for this lake classification survey. No award can exceed 70 percent of the eligible cost of the proposed project.

EPA carefully evaluated the performance of the clean lakes program during 1977 to determine how it might be improved. Based on this evaluation, we developed the revised procedures contained in this regulation. We published the proposed section 314 regulation, in the **Federal Register** (44 FR 5685) on January 29, 1979, for a sixty-day public comment period. In addition, we sent approximately 1000 copies of the proposed rule to the people identified on the current mailing list of the Environmental Resources Unit of the University of Wisconsin—Extension, to State agencies, environmental interest groups and specific requestors. The official comment period closed on March 30, 1979, and EPA has received 48 comment letters.

The following discussion responds to the comments received on the proposed regulation and is arranged in the order of the sections of the regulation. Changes made in the final form of the regulation in response to public comment are discussed. Our responses to significant comments that did not lead to changes are also discussed.

Definitions

Freshwater lake

Some commenters believed that the definition of freshwater lake (§ 35.1605–2) should not include a limiting value for total dissolved solids (TDS). Section 314 allows funding only for publicly owned "freshwater" lakes. Since TDS is found in various scientific texts as a measure to distinguish freshwater from brackish water and saltwater, we believe it is relevant. We have selected a value of 1 percent TDS which is ten times the value used on page 306 in the *Water Encyclopedia,* Water Information Center, Inc., Port Washington, New York, 1970. We used the high value so that freshwater lakes that have received a high TDS loading a result of irrigation return flows and other land management practices (primarily in the far West) can be eligible.

Publicly owned freshwater lake

Several comments concerned the definition of "publicly owned freshwater lake" (§ 35.1605–3). We proposed that a publicly owned freshwater lake is, "[a] freshwater lake that offers public access to the lake through publicly owned contiguous lands so that any member of the public may have the same or equivalent opportunity to enjoy privileges and benefits of the lake as any other member of the public or as any resident around the lake." We understand that a lakeshore property owner stands to receive greater benefit from a lake than a day visitor. We have omitted reference to the lakeside resident, but we are still concerned about the potential for the clean lakes program providing benefits to the lakeshore property owner rather than the general public. However, since projects demonstrating the greatest public benefits will receive the highest priority under the review criteria in § 35.1640–1, we do not expect problems.

Other commenters questioned the appropriateness of requiring publicly owned contiguous land as the public access point. We believe the requirement is necessary to ensure that the public maintains unrestricted use of a lake after it is improved. Even so, in some cases where publicly owned contiguous land is not available, the lake may have substantial public use and benefit. One State indicated that by State statute all lakes greater than 10 acres surface area are in the public domain even if the shoreline is totally private. The State statute also guarantees that public access will be provided. In these cases EPA will require the State to define exactly where the public access points are, and to provide written agreements between the State and particular private property owners specifying the conditions and limitations of the public access. We will also require permanent signs to show the public access points and specify any lake use limitations. Similarly, States could negotiate long terms leases or similar arrangements with private land owners, including private non-profits groups, to provide the necessary public access points. Again, we will require signs to indicate the limitations and extent of the public access. These arrangements would have to be completed before the award.

Eligibility

Some commenters suggested that section 314 cooperative agreements should continue to be awarded to local agencies. They contend that, otherwise, there will be a substantial erosion of the grassroots orientation of the program. We support the need to keep a grassroots thrust in the clean lakes program because of the voluntary nature of this assistance program. However, section 314 permits award of assistance only to States. Even so, since some States may not provide all the matching support required in clean lakes cooperative agreements, local agencies may provide the required remaining matching funds. We believe this funding partnership will preserve the grassroots nature of the program. We will work with the appropriate State agencies to assure that they minimize associated paperwork and "redtape," and provide clear concise guidance to local agencies. This will help to maintain the enthusiasm and involvement of local agencies.

EPA received several comments concerning the eligibility of Indian Tribes for section 314 funding. The commenters were concerned that, because Indian lands do not fall under the dominion of State Government, Tribal Governments may not be able to participate in this program. The statutory requirements of section 314 restricts award of assistance only to States. Section 35.1615 allows States to make financial arrangements with agencies located within the State including Indian Tribes to support lake restoration projects.

Some commenters objected to EPA's policy of not awarding assistance for lakes that are used only as drinking

water supplies. EPA has operated under this policy since the first awards under the clean lakes program in January 1976. We believe that the primary purpose of section 314 is to implement the goals of the Clean Water Act stated in section 101(a) as they relate to publicly owned freshwater lakes. Section 101(a)(2) states that, "* * * it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for *recreation* in and on the water be achieved by July 1, 1983." (emphasis added) The conference committee report of the 95th Congress, first session (House Report No. 95–830) made special note on page 94 in the comments of changes made to the Clean Water Act by the 1977 Amendments, that EPA should give special attention to restoring lakes which offer the potential for high utility as recreation areas. In keeping with the existing EPA policy and in support of the Congressional intent, we do not believe it is appropriate to allow funding of projects for lakes that are used only as drinking water supplies. Other funding sources are available to assist municipalities and States with protecting or improving drinking water supplies. Most communities accomplish this by assessing an appropriate water users fee under a regular billing procedure to support reservior and processing plant operation and maintenance costs. Also, a portion of city and county taxes is likely to be used for such high priority community expenses.

Funding Levels

In the preamble of the proposed regulation, we requested comments on the proposed phasing of clean lakes cooperative agreements and the funding levels designated for each. The seventeen commenters who responded did not present persuasive arguments that the program would be more effective if the proposed matching requirements were reduced.

We continue to believe that the 50 percent matching requirement requires sufficient State/substate (non-Federal) commitment to assure the best project is implemented and proper maintenance of the project is continued after implementation is complete.

Lake Classification Requirement

A number of the comments concerned § 35.1630, requiring States to classify their publicly owned freshwater lakes in need of protection and restoration by January 1, 1982 in order to be eligible for funding support after that date under section 314. As explained in the preamble of the proposed rule, this requirement does not mean that all of a State's publicly owned freshwater lakes must be surveyed, but a State must provide EPA with survey results of their priority lakes and the rationale for selecting the lakes surveyed. Other comments concerned EPA financial assistance to the States to perform the lake classification requirement. EPA will continue to award this cooperative agreement to States on a one-time-basis, under the July 10, 1978, **Federal Register** notice, until September 30, 1981. Approximately 20 States applied for this funding assistance. Most projects will be conducted over 18 months. We will restrict funding of this activity to a one-time award until all States electing to participate have initiated these efforts, and we have reviewed the overall program results.

Monitoring

A few commenters suggested the EPA should make available a third award phase for intensive monitoring of perhaps 10 percent of the implementation projects. The projects would be carefully selected to evaluate those lake restorative techniques that have little documentation on their capabilities and effectiveness. Although committed to strengthen the understanding of procedures to protect and restore the quality of the Nation's lakes, we continue to believe that some monitoring of each project during and after project implementation will provide us with a better review of program effectiveness than intensive monitoring in a few projects. However, we are encouraging EPA's Office of Research and Development to conduct a greater number of intensive investigations of lake protection and restoration techniques under the 104(h) authority of the Clean Water Act. We believe this approach will be responsive to both the program needs and the intent of the legislation.

Application and Priority

Several commenters asked how many Phase 1 and Phase 2 project applications an individual State could submit for funding consideration. The regulation does not specify a number. However, all applications must receive a State priority and we will consider the State priority placed on an application along with the other criteria presented in § 35.1640–1 when developing funding recommendations. We do foresee instances where, after considering all of these factors, a State may receive more than one of each type of cooperative agreement.

A significant number of comments where received on the required content of Phase 1 project applications. Most of these comments indicated that the information required is excessive and costly to assemble or obtain. As discussed in the preamble of the proposed rule, we believe that this information should be readily available to States and local agencies. No study or water quality monitoring is necessary to obtain the information since only the presentation of existing information is required. Furthermore, the information required in Phase 1 applications is precisely the information that participating States are required to assemble under their lake classification surveys conducted under the July 10, 1978, **Federal Register** notice.

We have reduced the mandatory information required in Phase 1 applications in response to those comments. Although not mandatory, § 35.1620–2(b) still includes a list of information that EPA believes should be in a Phase 1 application to allow EPA to effectively evaluate project applications and make funding decisions. Applications describing a proposed project in more complete terms may receive higher rating when evaluated according to the review criteria in § 35.1640–1.

EPA received four comments on the State requirement to set priorities on Phase 1 and Phase 2 projects as stated in § 35.1620–5. The commenters were concerned principally with the State capability to foresee specific projects 12 to 18 months in advance in sufficient detail to allow them to apply realistic funding priorities. We understand the problems associated with these procedures and realized that projects and associated priorities set more than a year in advance are subject to change. In § 35.1620–5 we have allowed States to alter project priority lists with a minimum of State effort. We need the information contained on State priority lists to determine program needs. We also need it to provide a basis for adjusting our workforce to match the identified workload.

Allotment

In the preamble of the proposed regulation we request comments regarding the allocation of clean lakes program appropriations to assure an equitable distribution of funds among the States. We received 6 comments on this issue; 4 supporting the status quo, one supporting the specification in the regulation of an annual deadline for application submission, and the other suggesting that an allocation of appropriations be made directly to the

States, although no formula was proposed. EPA's Office of General Counsel (OGC) and Grants Administration Division (GAD) suggested that a Regional allocation formula be considered as a means of providing equitable funding distribution. Despite the relatively small amount of program appropriations, we believe an allocation procedure has considerable merit. The advantages include: Regional flexibility in the negotiations with States for lake restoration projects, and better Regional capability to forecast workloads and develop appropriate manpower plans for annual budget submissions. Considering the advantages mentioned above, EPA will provide each Regional office a resource target from the section 314 appropriation based on State's identification of clean lakes work in the State WQM work programs. The State identification will consist of a two year forecasting of clean lakes applications, with funding needs, as part of the annual work program. The summation of these forecasts, coupled with the Congressional appropriation, will permit EPA to provide equitable resource targets. Regional offices will use these targets to negotiate projects within each State.

Targetting, based upon two year forecasting in work programs, will take effect in fiscal year 1982. For fiscal year 1981, EPA will target resources based on State-supplied information in existing State/EPA agreements, WQM work programs, and from the WQM Needs Survey.

Review Criteria

We have changed the application review criteria presented under § 35.1640–1 to reflect several comments. We have added a criterion to emphasize the importance of improving fish and wildlife habitat, and improving the populations of fish species.

A few commenters questioned the applicability of application review criteria § 35.1640–1(a)(4)(ii–iv). We believe that these criteria should be considered by States to judge the cost of a project in relation to public benefits derived, e.g., the more persons using a restored or protected lake the greater the benefits from the expenditure of public funds. Further, persons with low incomes cannot travel easily to lakes for recreational purposes unless the lakes are close to have sufficient public transportation to them. Such factors should be considered in the decision making process. This component is not intended to preclude lakes in rural settings from receiving financial assistance under the clean lakes program.

The project award procedures under § 35.1650 have been changed. All EPA funding decisions will be made in the EPA Regional office by officials designated by the Regional Administrator. Program guidance and technical assistance will be supplied by EPA Headquarters, and all project applications will receive Headquarters review and technical recommendations.

Limitations on Award

Most comments on § 35.1650–2 were editorial and only minor changes in the language of this section have been made. Specific comments questioned the exclusion of aquatic plant harvesting as a lake restoration procedure. Section 35.1650–2(b)(5) does not exclude aquatic plant harvesting from supportable lake restoration programs. However, we believe that aquatic plant harvesting is only a temporary restorative measure in cases where pollution control measures are not implemented in the watershed to the greatest practicable extent. Even in cases where such pollution controls are in place, nutrient loading to the lake may be so great that harvesting aquatic vegetation may be required regularly to allow use of the lake. We will not generally consider a project for aquatic plant harvesting unless it will result in long lasting improvements.

A few commenters were confused regarding the relationship between 208 State and areawide wastewater management planning and the eligibility of a State to receive section 314 support. Section 208 planning does not have to be approved for a State to receive clean lakes assistance. If a 208 plan has been approved, the pertinent and applicable pollution controls identified in the 208 plan must be included in a clean lakes implementation plan. If a 208 plan has not been approved but has been developed, the pertinent and applicable pollution controls identified in the 208 plan should be included in the clean lakes project. If there is no 208 planning, then the lake protection and restoration procedures developed under a section 314 project should be consistent with 208 planning procedures so that the lake restoration planning can be included in any future 208 planning activities for the particular lake area.

In order to assure that these procedures are followed, States must certify under § 35.1620–2(a), that a project is consistent with the State Water Quality Management work program (see § 35.1513). Under § 35.1620–2(b), Phase 1 applications shall include written certification from the appropriate areawide or State 208 planning agency that work conducted under the proposed project will not duplicate work completed under any 208 planning grant, and that the applicant proposes to use any applicable approved 208 planning in the clean lakes project design. Under § 35.1620–2(c), Phase 2 applications must contain written certification from appropriate areawide or State 208 planning agencies that the proposed Phase 2 lake restoration proposal is consistent with any approved 208 planning.

One commenter suggested that 314 funding should be restricted so that it is not used to enhance boating or onshore recreational opportunities. EPA did not include these restrictions in the regulations for a variety of reasons. Lakes are traditionally used as recreational sites by the general public, and the degradation of those recreational sites through water pollution prompted the Congress to include section 314 in the Clean Water Act. EPA is supportive of the multiple use concept in the use of public funds. Frequently, the heavy use of the immediate lake shore will promote excessive pollutant loading, e.g., sediment and plant nutrients. In some cases, outright purchase of these lands to provide buffer strips is the most effective method of pollution control. Often lake shores can be used for low intensity recreational activities. Similarly, land abutting the lake may be purchased to provide an area to build a lake treatment structure and these areas should be considered for recreational opportunities.

Since recreational opportunities and water quality can sometimes be improved by removal of accumulated lake sediments, it would be inappropriate for EPA to ban dredging as an element of a comprehensive lake restoration project solely because it would benefit recreational activities.

As a means to assure that adverse environmental impact mitigation procedures are implemented in a lake restoration project, we have removed the 20 percent restriction on the cost of mitigation activities. All necessary mitigation activities should be included in the project. If mitigation costs are excessive, then the public benefits, when evaluated against project costs, will be lower and a proposed project will have lower priority for funding.

Conditions on Award

Numerous commenters were concerned about payment of the non-Federal share of a project by the State. We have modified § 35.1650–3(a)(2) to allow a State to arrange financing through substate financial agreements.

We understand that in many instances local agencies will be providing some or all of the required non-Federal matching share for clean lakes projects. It should be noted that as the only eligible award recipient, the State assumes the ultimate responsibility for the non-Federal share.

Some commenters argued that the monitoring program required under Appendix A (b)(3) is defined too rigidly. We agree, so we have modified the regulation to allow States and project officers to negotiate a program that is appropriate for each project.

Most commenters on the award conditions believe the requirement that States must maintain a project for ten years after a project is completed is excessive. We believe that States should agree to an operation and maintenance program that would assure that effective pollution controls are maintained to maximize the benefits in relation to the cost of the project. We believe that 10 years is a reasonable amount of time. Because we have no data to defend the cost effectiveness of this condition, it has been modified to cover only the project period. We believe the commitment by a State to an effective operation and maintenance program in the post project period is important and should be given special consideration in the evaluation of project proposals. Therefore, the evaluation criteria have been modified in § 35.1640–1 to include an assessment of the adequateness of the proposed post project operation and maintenance program.

We have changed section 35.1650–3(b) to allow Phase 1 recipients to negotiate with the project officer the project scope of work that is stated in section (a)(10) of Appendix A. Many commenters argued that the information required by section (a)(10) should be determined on a case by case basis. We believe that flexibility is desirable and will minimize project costs without sacrificing program integrity and public benefits. Similarly, we have modified § 35.1650–3(c) to allow flexibility on the design of Phase 2 monitoring programs to fulfill the requirement of section (b)(3) of Appendix A. Again, EPA project officer approval is required before the scope of work can be modified.

EPA received a significant number of comments on the reporting requirements in § 35.1650–5. The commenters were critical of the number of reports required and the amount of information required in Phase 1 project progress reports. Accordingly, we have modified the reporting requirements so that Phase 1 reports are only required semi-annually, and the final report will be the only Phase 1 report requiring the submission of water quality data. The frequency of Phase 2 reporting will not exceed quarterly and will be based on the complexity of the project. The reporting requirement will be stipulated in the cooperative agreement.

Several commenters requested clarification of subsection (a)(7) of Appendix A. We believe that recipients and EPA should have sufficient information about the usability of other lakes in proximity to the project lake to evaluate the benefits in relation to the costs of a proposed project. The funds available to support lake protection and restoration activities are limited. Information required by subsection (a)(7) should be helpful to States in establishing priorities for projects. The regulations do not require States to conduct exhaustive surveys of lake resources within a 80 kilometer radius of the project lake, but we do need an understanding of similar lake use opportunities in that distance to assure appropriate use of public funds.

A few comments concerned the procedures used to determine the limiting nutrient in lakes. Section (a)(10) of Appendix A requires the calculation of total nitrogen to total phosphorus ratios and/or the use of the algal assay bottle tests. One commenter stated that the algal assay bottle test should be a required procedure. Although the bottle test is an excellent investigative procedure, we believe that many States lack the appropriate equipment to perform these analyses and the costs would be excessive in some cases. Other commenters suggested that other forms of nitrogen and phosphorus should be used to calculate the N/P ratio. We are aware of the significant controversy over the appropriateness and reproducibility of tests using other fractional chemical forms of these nutrients. EPA believes that at this time, the total nitrogen and total phosphorus ratio is the most desirable test. Appendix A calls for the measurement of several chemical forms of these nutrients. Investigators and EPA may wish to calculate other ratios in addition to total nitrogen to total phosphorus using these measurements.

Since the publication of the proposed rules, EPA's Administrator on June 14, 1979, signed a memorandum to assure that all environmental measurements done with EPA funding result in usable data of known quality. Any clean lakes cooperative agreements, awarded after OMB approves the Administrator's directive under the Federal Reports Act will contain a condition requiring compliance.

State/EPA Agreement

In these and other regulations, we are developing the concept of a State/EPA Agreement. The Agreement will provide a way for EPA Regional Administrators and States to coordinate a variety of programs under the Clean Water Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act and other laws administered by EPA. This subpart governs only that part of the State/EPA Agreement which relates to cooperative agreements under the clean lakes program. Other programs included in the State/EPA Agreement will be governed by provisions found elsewhere in this chapter. Beginning in FY 1980, State programs funded under section 314 of the Act will be part of the State/EPA Agreement and the State/EPA Agreement must be completed before grant award. EPA will issue guidance concerning the development and the content of the State/EPA Agreement.

Regulatory Analysis

We have determined that this regulation does not require regulatory analysis under Executive Order 12044.

Evaluation

Section 2(d)(8) of Executive Order 12044 requires that each regulation be accompanied by a plan for evaluating a regulation after it issued. In order to comply with this requirement, EPA will conduct an evaluation of this regulation which will either be presented in the section 304(j) report, which is scheduled to be published in December 1981, or published separately.

Dated: January 28, 1980.

Douglas M. Costle,

Administrator.

PART 35, SUBPART H ADDED

EPA is amending Title 40 of the Code of Federal Regulations by adding a new Subpart H to Part 35 to read as follows:

PART 35—STATE AND LOCAL ASSISTANCE

* * * * *

Subpart H—Cooperative Agreements for Protecting and Restoring Publicly Owned Freshwater Lakes

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Appendix A Requirements for diagnostic-feasibility studies and environmental evaluations.

Authority: Secs. 314 and 501, Clean Water Act (86 Stat. 816; 33 U.S.C. 1251 *et seq.*)

Subpart H—Cooperative Agreements For Protecting and Restoring Publicly Owned Freshwater Lakes

§ 35.1600 Purpose.

This subpart supplements the EPA general grant regulations and procedures (Part 30 of this chapter) and establishes policies and procedures for cooperative agreements to assist States in carrying out approved methods and procedures for restoration (including protection against degradation) of publicly owned freshwater lakes.

§ 35.1603 Summary of clean lakes assistance program.

(a) Under section 314 of the Clean Water Act, EPA may provide financial assistance to States to implement methods and procedures to protect and restore publicly owned freshwater lakes. Although cooperative agreements may be awarded only to States, these regulations allow States, through substate agreements, to delegate some or all of the required work to substate agencies.

(b) Only projects that deal with publicly owned freshwater lakes are eligible for assistance. The State must have assigned a priority to restore the lake, and the State must certify that the lake project is consistent with the State Water Quality Management Plan (§ 35.1521) developed under the State/EPA Agreement. The State/EPA Agreement is a mechanism for EPA Regional Administrators and States to coordinate a variety of programs under the Clean Water Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act and other laws administered by EPA.

(c) These regulations provide for Phase 1 and 2 cooperative agreements. The purpose of a Phase 1 cooperative agreement is to allow a State to conduct a diagnostic-feasibility study to determine a lake's quality, evaluate possible solutions to existing pollution problems, and recommend a feasible program to restore or preserve the quality of the lake. A Phase 2 cooperative agreement is to be used for implementing recommended methods and procedures for controlling pollution entering the lake and restoring the lake. EPA award of Phase 1 assistance does not obligate EPA to award Phase 2 assistance for that project. Additionally, a Phase 1 award is not a prerequisite for receiving a Phase 2 award. However, a Phase 2 application for a proposed project that was not evaluated under a Phase 1 project shall contain the information required by Appendix A.

(d) EPA will evaluate all applications in accordance with the application review criteria of § 35.1640–1. The review criteria include technical feasibility, public benefit, reasonableness of proposed costs, environmental impact, and the State's priority ranking of the lake project.

(e) Before awarding funding assistance, the Regional Administrator shall determine that pollution control measures in the lake watershed authorized by section 201, included in an approved 208 plan, or required by section 402 of the Act are completed or are being implemented according to a schedule that is included in an approved plan or discharge permit. Clean lakes funds may not be used to control the discharge of pollutants from a point source where the cause of pollution can be alleviated through a municipal or industrial permit under section 402 of the Act or through the planning and construction of wastewater treatment facilities under section 201 of the Act.

§ 35.1605 Definitions.

The terms used in this subpart have the meanings defined in section 502 of the Act. In addition, the following terms shall have the meaning set forth below.

§ 35.1605–1 The Act.

The Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*).

§ 35.1605–2 Freshwater lake.

Any inland pond, reservoir, impoundment, or other similar body of water that has recreational value, that exhibits no oceanic and tidal influences, and that has a total dissolved solids concentration of less than 1 percent.

§ 35.1605–3 Publicly owned freshwater lake.

A freshwater lake that offers public access to the lake through publicly owned contiguous land so that any person has the same opportunity to enjoy non-consumptive privileges and benefits of the lake as any other person. If user fees are charged for public use and access through State or substate operated facilities, the fees must be used for maintaining the public access and recreational facilities of this lake or other publicly owned freshwater lakes in the State, or for improving the quality of these lakes.

§ 35.1605–4 Nonpoint source.

Pollution sources which generally are not controlled by establishing effluent limitations under sections 301, 302, and 402 of the Act. Nonpoint source pollutants are not traceable to a discrete identifiable origin, but generally result from land runoff, precipitation, drainage, or seepage.

§ 35.1605–5 Eutrophic lake.

A lake that exhibits any of the following characteristics: (a) Excessive biomass accumulations of primary producers; (b) rapid organic and/or inorganic sedimentation and shallowing; or (c) seasonal and/or diurnal dissolved oxygen deficiencies that may cause obnoxious odors, fish kills, or a shift in the composition of aquatic fauna to less desirable forms.

§ 35.1605–6 Trophic condition.

A relative description of a lake's biological productivity based on the availability of plant nutrients. The range of trophic conditions is characterized by the terms of oligotrophic for the least biologically productive, to eutrophic for the most biologically productive.

§ 35.1605–7 Desalinization.

Any mechanical procedure or process where some or all of the salt is removed from lake water and the freshwater portion is returned to the lake.

§ 35.1605–8 Diagnostic-feasibility study.

A two part study to determine a lake's current condition and to develop possible methods for lake restoration and protection.

(a) The diagnostic portion of the study includes gathering information and data to determine the limnological, morphological, demographic, socio-economic, and other pertinent characteristics of the lake and its watershed. This information will provide recipients an understanding of

the quality of the lake, specifying the location and loading characteristics of significant sources polluting the lake.

(b) The feasibility portion of the study includes: (1) Analyzing the diagnostic information to define methods and procedures for controlling the sources of pollution; (2) determining the most energy and cost efficient procedures to improve the quality of the lake for maximum public benefit; (3) developing a technical plan and milestone schedule for implementing pollution control measures and in-lake restoration procedures; and (4) if necessary, conducting pilot scale evaluations.

§ 35.1610 Eligibility.

EPA shall award cooperative agreements for restoring publicly owned freshwater lakes only to the State agency designated by the State's Chief Executive. The award will be for projects which meet the requirements of this subchapter.

§ 35.1613 Distribution of funds.

(a) For each fiscal year EPA will notify each Regional Administrator of the amount of funds targeted for each Region through annual clean lakes program guidance. To assure an equitable distribution of funds the targeted amounts will be based on the clean lakes program which States identify in their State WQM work programs.

(b) EPA may set aside up to twenty percent of the annual appropriations for Phase 1 projects.

§ 35.1615 Substate agreements.

States may make financial assistance available to substate agencies by means of a written interagency agreement transferring project funds from the State to those agencies. The agreement shall be developed, administered and approved in accordance with the provisions of 40 CFR 33.240 (Intergovernmental agreements). A State may enter into an agreement with a substate agency to perform all or a portion of the work under a clean lakes cooperative agreement. Recipients shall submit copies of all interagency agreements to the Regional Administrator. If the sum involved exceeds $100,000, the agreement shall be approved by the Regional Administrator before funds are released by the State to the substate agency. The agreement shall incorporate by reference the provisions of this subchapter. The agreement shall specify outputs, milestone schedule, and the budget required to perform the associated work in the same manner as the cooperative agreement between the State and EPA.

§ 35.1620 Application requirements.

(a) EPA will process applications in accordance with Subpart B of Part 30 of this subchapter. Applicants for assistance under the clean lakes program shall submit EPA form 5700–33 (original with signature and two copies) to the appropriate EPA Regional Office (see 40 CFR 30.130).

(b) Before applying for assistance, applicants should contact the appropriate Regional Administrator to determine EPA's current funding capability.

§ 35.1620–1 Types of assistance.

EPA will provide assistance in two phases in the clean lakes program.

(a) *Phase 1—Diagnostic-feasibility studies.* Phase 1 awards of up to $100,000 per award (requiring a 30 percent non-Federal share) are available to support diagnostic-feasibility studies (see Appendix A).

(b) *Phase 2—Implementation.* Phase 2 awards (requiring a 50 percent non-Federal share) are available to support the implementation of pollution control and/or in-lake restoration methods and procedures including final engineering design.

§ 35.1620–2 Contents of applications.

(a) All applications shall contain a written State certification that the project is consistent with State Water Quality Management work program (see § 35.1513 of this subchapter) and the State Comprehensive Outdoor Recreation Plan (if completed). Additionally, the State shall indicate the priority ranking for the particular project (see § 35.1620–5).

(b) Phase 1 applications shall contain: (1) A narrative statement describing the specific procedures that will be used by the recipient to conduct the diagnostic-feasibility study including a description of the public participation to be involved (see § 25.11 of this chapter);

(2) A milestone schedule;

(3) An itemized cost estimate including a justification for these costs;

(4) A written certification from the appropriate areawide or State 208 planning agency that the proposed work will not duplicate work completed under any 208 planning grant, and that the applicant is proposing to use any applicable approved 208 planning in the clean lakes project design; and

(5) For each lake being investigated, the information under subparagraph (5)(i) of this paragraph and, when available, the information under subparagraph (5)(ii) of this paragraph.

(i) Mandatory information.

(A) The legal name of the lake, reservoir, or pond.

(B) The location of the lake within the State, including the latitude and longitude, in degrees, minutes, and seconds of the approximate center of the lake.

(C) A description of the physical characteristics of the lake, including its maximum depth (in meters); its mean depth (in meters); its surface area (in hectares); its volume (in cubic meters); the presence or absence of stratified conditions; and major hydrologic inflows and outflows.

(D) A summary of available chemical and biological data demonstrating the past trends and current water quality of the lake.

(E) A description of the type and amount of public access to the lake, and the public benefits that would be derived by implementing pollution control and lake restoration procedures.

(F) A description of any recreational uses of the lake that are impaired due to degraded water quality. Indicate the cause of the impairment, such as algae, vascular aquatic plants, sediments, or other pollutants.

(G) A description of the local interests and fiscal resources committed to restoring the lake.

(H) A description of the proposed monitoring program to provide the information required in Appendix A paragraph (a)(10) of this section.

(ii) Discretionary information. States should submit this information when available to assist EPA in reviewing the application.

(A) A description of the lake watershed in terms of size, land use (list each major land use classification as a percentage of the whole), and the general topography, including major soil types.

(B) An identification of the major point source pollution discharges in the watershed. If the sources are currently controlled under the National Pollutant Discharge Elimination System (NPDES), include the permit numbers.

(C) An estimate of the percent contribution of total nutrient and sediment loading to the lake by the identified point sources.

(D) An indication of the major nonpoint sources in the watershed. If the sources are being controlled describe the control practice(s), including best land management practices.

(E) An indication of the lake restoration measures anticipated, including watershed management, and a projection of the net improvement in water quality.

(F) A statement of known or anticipated adverse environmental impacts resulting from lake restoration.

(c) Phase 2 applications shall include: (1) The information specified in Appendix A in a diagnostic/feasibility study or its equivalent; (2) certification by the appropriate areawide or State 208 planning agencies that the proposed Phase 2 lake restoration proposal is consistent with any approved 208 planning; and (3) copies of all issued permits or permit applications (including a summary of the status of applications) that are required for the discharge of dredged or fill material under section 404 of the Act.

§ 35.1620–3 Environmental evaluation.

Phase 2 applicants shall submit an evaluation of the environmental impacts of the proposed project in accordance with the requirements in Appendix A of this regulation.

§ 35.1620–4 Public participation.

(a) *General.* (1) In accordance with this Part and Part 25 of this chapter, the applicant shall provide for, encourage, and assist public participation in developing a proposed lake restoration project.

(2) Public consultation may be coordinated with related activities to enhance the economy, the effectiveness, and the timeliness of the effort, or to enhance the clarity of the issue. This procedure shall not discourage the widest possible participation by the public.

(b) *Phase 1.* (1) Phase 1 recipients shall solicit public comment in developing, evaluating, and selecting alternatives; in assessing potential adverse environmental impacts; and in identifying measures to mitigate any adverse impacts that were identified. The recipient shall provide information relevant to these decisions, in fact sheet or summary form, and distribute them to the public at least 30 days before selecting a proposed method of lake restoration. Recipients shall hold a formal or informal meeting with the public after all pertinent information is distributed, but before a lake restoration method is selected. If there is significant public interest in the cooperative agreement activity, an advisory group to study the process shall be formed in accordance with the requirements of § 25.3(d)(4) of this chapter.

(2) A formal public hearing shall be held if the Phase 1 recipient selects a lake restoration method that involves major construction, dredging, or significant modifications to the environment, or if the recipient or the Regional Administrator determines that a hearing would be beneficial.

(c) *Phase 2.* (1) A summary of the recipient's response to all public comments, along with copies of any written comments, shall be prepared and submitted to EPA with a Phase 2 application.

(2) Where a proposed project has not been studied under a Phase 1 cooperative agreement, the applicant for Phase 2 assistance shall provide an opportunity for public consultation with adequate and timely notices before submitting an application to EPA. The public shall be given the opportunity to discuss the proposed project, the alternatives, and any potentially adverse environmental impacts. A public hearing shall be held where the proposed project involves major construction, dredging or other significant modification of the environment. The applicant shall provide a summary of his responses to all public comments and submit the summary, along with copies of any written comments, with the application.

§ 35.1620–5 State work programs and lake priority lists.

(a)(1) A State shall submit to the Regional Administrator as part of its annual work program (§ 35.1513 of this subchapter) a description of the activities it will conduct during the Federal fiscal year to classify its lakes according to trophic condition (§ 35.1630) and to set priorities for implementing clean lakes projects within the State. The work plan must list in priority order the cooperative agreement applications that will be submitted by the State for Phase 1 and Phase 2 projects during the upcoming fiscal year, along with the rationale used to establish project priorities. Each State must also list the cooperative agreement applications, with necessary funding, which it expects to submit in the following fiscal year. This information will assist EPA in targeting resources under § 35.1613.

(2) A State may petition the Regional Administrator by letter to modify the EPA approved priority list established under paragraph (a)(1) of this section. This may be done at any time if the State believes there is sufficient justification to alter the priority list contained in its annual work program, e.g., if a community with a lower priority project has sufficient resources available to provide the required matching funding while a higher priority project does not, or if new data indicates that a lower priority lake will have greater public benefit than a higher priority lake.

(b) Clean lakes restoration priorities should be consistent with the Statewide water quality management strategy (see § 35.1511–2 of this subchapter). In establishing priorities on particular lake restoration projects, States should use as criteria the application review criteria (§ 35.1640–1) that EPA will use in preparing funding recommendations for specific projects. If a State chooses to use different criteria, the State should indicate this to the Regional Administrator as part of the annual work program.

§ 35.1620–6 State and local clearinghouse procedures.

In accordance with § 30.305 of this subchapter, all requirements of OMB Circular A–95 must be met before States submit applications to EPA.

§ 35.1630 State lake classification surveys.

States that wish to participate in the clean lakes program shall establish and submit to EPA by January 1, 1982, a classification, according to trophic condition, of their publicly owned freshwater lakes that are in need of restoration or protection. After December 31, 1981, States that have not complied with this requirement will not be eligible for Federal financial assistance under this subpart until they complete their survey.

§ 35.1640 Application review and evaluation.

EPA will review applications as they are received. EPA may request outside review by appropriate experts to assist with technical evaluation. Funding decisions will be based on the merit of each application in accordance with the application review criteria under § 35.1640–1. EPA will consider Phase 1 applications separately from Phase 2 applications.

§ 35.1640–1 Application review criteria.

(a) When evaluating applications, EPA will consider information supplied by the applicant which address the following criteria:

(1) The technical feasibility of the project, and where appropriate, the estimated improvement in lake water quality.

(2) The anticipated positive changes that the project would produce in the overall lake ecosystem, including the watershed, such as the net reduction in sediment, nutrient, and other pollutant loadings.

(3) The estimated improvement in fish and wildlife habitat and associated beneficial effects on specific fish populations of sport and commercial species.

(4) The extent of anticipated benefits to the public. EPA will consider such factors as (i) the degree, nature and sufficiency of public access to the lake;

(ii) the size and economic structure of the population residing near the lake which would use the improved lake for recreational and other purposes; (iii) the amount and kind of public transportation available for transport of the public to and from the public access points; (iv) whether other relatively clean publicly owned freshwater lakes within 80 kilometer radius already adequately serve the population; and (v) whether the restoration would benefit primarily the owners of private land adjacent to the lake.

(5) The degree to which the project considers the "open space" policies contained in sections 201(f), 201(g), and 208(b)(2)(A) of the Act.

(6) The reasonableness of the proposed costs relative to the proposed work, the likelihood that the project will succeed, and the potential public benefits.

(7) The means for controlling adverse environmental impacts which would result from the proposed restoration of the lake. EPA will give specific attention to the environmental concerns listed in Section (c) of Appendix A.

(8) The State priority ranking for a particular project.

(9) The State's operation and maintenance program to ensure that the pollution control measures and/or in-lake restorative techniques supported under the project will be continued after the project is completed.

(b) For Phase 1 applications, the review criteria presented in paragraph (a) of this section will be modified in relation to the smaller amount of technical information and analysis that is available in the application. Specifically, under criterion (a)(1), EPA will consider a technical assessment of the proposed project approach to meet the requirements stated in Appendix A to this regulation. Under criterion (a)(4), EPA will consider the degree of public access to the lake and the public benefit. Under criterion (a)(7), EPA will consider known or anticipated adverse environmental impacts identified in the application or that EPA can presume will occur. Criterion (a)(9) will not be considered.

§ 35.1650 Award.

(a) Under 40 CFR 30.345, generally 90 days after EPA has received a complete application, the application will either be: (1) Approved for funding in an amount determined to be appropriate for the project; (2) returned to the applicant due to lack of funding; or (3) disapproved. The applicant shall be promptly notified in writing by the EPA Regional Administrator of any funding decisions.

(b) Applications that are disapproved can be submitted as new applications to EPA if the State resolves the issues identified during EPA review.

§ 35.1650-1 Project period.

(a) The project period for Phase 1 projects shall not exceed three years.

(b) The project period for Phase 2 projects shall not exceed four years. Implementation of complex projects and projects incorporating major construction may have longer project periods if approved by the Regional Administrator.

§ 35.1650-2 Limitations on awards.

(a) Before awarding assistance, the Regional Administrator shall determine that:

(1) The applicant has met all of the applicable requirements of § 35.1620 and § 35.1630; and

(2) State programs under section 314 of the Act are part of a State/EPA Agreement which shall be completed before the project is awarded.

(b) Before awarding Phase 2 projects, the Regional Administrator shall further determine that:

(1) When a Phase 1 project was awarded, the final report prepared under Phase 1 is used by the applicant to apply for Phase 2 assistance. The lake restoration plan selected under the Phase 1 project must be implemented under a Phase 2 cooperative agreement.

(2) Pollution control measures in the lake watershed authorized by section 201, included in an approved 208 plan, or required by section 402 of the Act have been completed or are being implemented according to a schedule that is included in an approved plan or discharge permit.

(3) The project does not include costs for controlling point source discharges of pollutants where those sources can be alleviated by permits issued under section 402 of the Act, or by the planning and construction of wastewater treatment facilities under section 201 of the Act.

(4) The State has appropriately considered the "open space" policy presented in sections 201(f), 201(g)(6), and 208(b)(2)(A) of the Act in any wastewater management activities being implemented by them in the lake watershed.

(5)(i) The project does not include costs for harvesting aquatic vegetation, or for chemical treatment to alleviate temporarily the symptoms of eutrophication, or for operating and maintaining lake aeration devices, or for providing similar palliative methods and procedures, unless these procedures are the most energy efficient or cost effective lake restorative method. (ii) Palliative approaches can be supported only where pollution in the lake watershed has been controlled to the greatest practicable extent, and where such methods and procedures are a necessary part of a project during the project period. EPA will determine the eligibility of such a project, based on the applicant's justification for the proposed restoration, the estimated time period for improved lake water quality, and public benefits associated with the restoration.

(6) The project does not include costs for desalinization procedures for naturally saline lakes.

(7) The project does not include costs for purchasing or long term leasing of land used solely to provide public access to a lake.

(8) The project does not include costs resulting from litigation against the recipient by EPA.

(9) The project does not include costs for measures to mitigate adverse environmental impacts that are not identified in the approved project scope of work. (EPA may allow additional costs for mitigation after it has reevaluated the cost-effectiveness of the selected alternative and has approved a request for an increase from the recipient.)

§ 35.1650-3 Conditions on award.

(a) *All awards.* (1) All assistance awarded under the Clean Lakes program is subject to the EPA General Grant conditions (Subpart C and Appendix A of Part 30 of this chapter). (2) For each clean lakes project the State agrees to pay or arrange the payment of the non-Federal share of the project costs.

(b) *Phase 1.* Phase 1 projects are subject to the following conditions:

(1) The recipient must receive EPA project officer approval on any changes to satisfy the requirements of (a)(10) of Appendix A before undertaking any other work under the grant.

(2) (i) Before selecting the best alternative for controlling pollution and improving the lake, as required in paragraph (b)(1) of Appendix A of this regulation, and before undertaking any other work stated under paragraph (b) of Appendix A, the recipient shall submit an interim report to the project officer. The interim report must include a discussion of the various available alternatives and a technical justification for the alternative that the recipient will probably choose. The report must include a summary of the public involvement and the comments that occurred during the development of the alternatives. (ii) The recipient must obtain EPA project officer approval of

the selected alternative before conducting additional work under the project.

(c) *Phase 2.* Phase 2 projects are subject to the following conditions:

(1) (i) The State shall monitor the project to provide data necessary to evaluate the efficiency of the project as jointly agreed to and approved by the EPA project officer. The monitoring program described in paragraph (b)(3) of Appendix A of this regulation as well as any specific measurements that would be necessary to assess specific aspects of the project, must be considered during the development of a monitoring program and schedule. The project recipient shall receive the approval of the EPA project officer for a monitoring program and schedule to satisfy the requirements of Appendix A paragraph (b)(3) before undertaking any other work under the project. (ii) Phase 2 projects shall be monitored for at least one year after construction or pollution control practices are completed.

(2) The State shall manage and maintain the project so that all pollution control measures supported under the project will be continued during the project period at the same level of efficiency as when they were implemented. The State will provide reports regarding project maintenance as required in the cooperative agreement.

(3) The State shall upgrade its water quality standards to reflect a higher water quality use classification if the higher water quality use was achieved as a result of the project (see 40 CFR 35.1550(c)(2)).

(4) If an approved project allows purchases of equipment for lake maintenance, such as weed harvesters, aeration equipment, and laboratory equipment, the State shall maintain and operate the equipment according to an approved lake maintenance plan for a period specified in the cooperative agreement. In no case shall that period be for less than the time it takes to completely amortize the equipment.

(5) If primary adverse environmental impacts result from implementing approved lake restoration or protection procedures, the State shall include measures to mitigate these adverse impacts at part of the work under the project.

(6) If adverse impacts could result to unrecorded archeological sites, the State shall stop work or modify work plans to protect these sites in accordance with the National Historic Preservation Act. (EPA may allow additional costs for ensuring proper protection of unrecorded archeological sites in the project area after reevaluating the cost effectiveness of the procedures and approving a request for a cost increase from the recipient.)

(7) If a project involves construction or dredging that requires a section 404 permit for the discharge of dredged or fill material, the recipient shall obtain the necessary section 404 permits before performing any dredge or fill work.

§ 35.1650–4 Payment.

(a) Under § 30.615 of this chapter, EPA generally will make payments through letter of credit. However, the Regional Administrator may place any recipient on advance payment or on cost reimbursement, as necessary.

(b) Phase 2 projects involving construction of facilities or dredging and filling activities shall be paid by reimbursement.

§ 35.1650–5 Allowable costs.

(a) The State will be paid under § 35.1650–4 for the Federal share of all necessary costs within the scope of the approved project and determined to be allowable under 40 CFR 30.705, the provisions of this subpart, and the cooperative agreement.

(b) Costs for restoring lakes used solely for drinking water supplies are not allowable under the Clean Lakes Program.

§ 35.1650–6 Reports.

(a) States with Phase 1 projects shall submit semi-annual progress reports (original and one copy) to the EPA project officer within 30 days after the end of every other standard quarter. Standard quarters end on March 31, June 30, September 30, and December 31. These reports shall include the following:

(1) Work progress relative to the milestone schedule, and difficulties encountered during the previous six months.

(2) A brief discussion of the project findings appropriate to the work conducted during the previous six months.

(3) A report of expenditures in the past six months and those anticipated in the next six months.

(b) *Phase 2.* States with Phase 2 projects shall submit progress reports (original and one copy) according to the schedule established in the cooperative agreement. The frequency of Phase 2 project progress reports shall be determined by the size and complexity of the project, and shall be required no more frequently than quarterly. The Phase 2 progress report shall contain all of the information required for Phase 1 progress reports indicated in paragraph (a) of this section. This report also must include water quality monitoring data and a discussion of the changes in water quality which appear to have resulted from the lake restoration activities implemented during the reporting period.

(c) *Final Report.* States shall prepare a final report for all grants in accordance with § 30.635–2 of this subchapter. Phase 1 reports shall be organized according to the outline of information requirements stated in Appendix A. All water quality data obtained under the grant shall be submitted in the final report. Phase 2 reports shall conform to the format presented in the EPA manual on "Scientific and Technical Publications," May 14, 1974, as revised or updated. The States shall submit the report within 90 days after the project is completed.

(d) *Financial Status Report.* Within 90 days after the end of each budget period, the grantee shall submit to the Regional Administrator an annual report of all expenditures (Federal and non–Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, payments may be withheld under § 30.615–3 of this chapter until this report is received.

Appendix A—Requirements for Diagnostic-Feasibility Studies and Environmental Evaluations

Phase 1 clean lakes projects shall include in their scope of work at least the following requirements, preferably in the order presented and under appropriate subheadings. The information required by paragraph (a)(10) and the monitoring procedures stated in paragraph (b)(3) of this Appendix may be modified to conform to specific project requirements to reduce project costs without jeopardizing adequacy of technical information or the integrity of the project. All modifications must be approved by the EPA project officer as specified in §§ 35.1650–3(b)(1) and 35.1650–3(c)(1).

(a) A diagnostic study consisting of:

(1) An identification of the lake to be restored or studied, including the name, the State in which it is located, the location within the State, the general hydrologic relationship to associated upstream and downstream waters and the approved State water quality standards for the lake.

(2) A geological description of the drainage basin including soil types and soil loss to stream courses that are tributary to the lake.

(3) A description of the public access to the lake including the amount and type of public transportation to the access points.

(4) A description of the size and economic structure of the population residing near the lake which would use the improved lake for recreation and other purposes.

(5) A summary of historical lake uses, including recreational uses up to the present time, and how these uses may have changed because of water quality degradation.

(6) An explanation, if a particular segment of the lake user population is or will be more adversely impacted by lake degradation.

(7) A statement regarding the water use of the lake compared to other lakes within a 80 kilometer radius.

(8) An itemized inventory of known point source pollution discharges affecting or which have affected lake water quality over the past 5 years, and the abatement actions for these discharges that have been taken, or are in progress. If corrective action for the pollution sources is contemplated in the future, the time period should be specified.

(9) A description of the land uses in the lake watershed, listing each land use classification as a percentage of the whole and discussing the amount of nonpoint pollutant loading produced by each category.

(10) A discussion and analysis of historical baseline limnological data and one year of current limnological data. The monitoring schedule presented in paragraph (b)(3) of Appendix A must be followed in obtaining the one year of current limnological data. This presentation shall include the present trophic condition of the lake as well as its surface area (hectares), maximum depth (meters), average depth (meters), hydraulic residence time, the area of the watershed draining to the lake (hectares), and the physical, chemical, and biological quality of the lake and important lake tributary waters. Bathymetric maps should be provided. If dredging is expected to be included in the restoration activities, representative bottom sediment core samples shall be collected and analyzed using methods approved by the EPA project officer for phosphorus, nitrogen, heavy metals, other chemicals appropriate to State water quality standards, and persistent synthetic organic chemicals where appropriate. Further, the elutriate must be subjected to test procedures developed by the U.S. Army Corps of Engineers and analyzed for the same constituents. An assessment of the phosphorus (and nitrogen when it is the limiting lake nutrient) inflows and outflows associated with the lake and a hydraulic budget including ground water flow must be included. Vertical temperature and dissolved oxygen data must be included for the lake to determine if the hypolimnion becomes anaerobic and, if so, for how long and over what extent of the bottom. Total and soluble reactive phosphorus (P); and nitrite, nitrate, ammonia and organic nitrogen (N) concentratons must be determined for the lake. Chlorophyll *a* values should be measured for the upper mixing zone. Representative alkalinities should be determined. Algal assay bottle test data or total N to total P ratios should be used to define the growth limiting nutrient. The extent of algal blooms, and the predominant algal genera must be discussed. Algal biomass should be determined through algal genera identification, cell density counts (numbers of cells per milliliter) and converted to cell volume based on factors derived from direct measurements; and reported in biomass of each major genus identified. Secchi disk depth and suspended solids should be measured and reported. The portion of the shoreline and bottom that is impacted by vascular plants (submersed, floating, or emersed higher aquatic vegetation) must be estimated, specifically the lake surface area between 0 and the 10 meter depth contour or twice the Secchi disk transparency depth, whichever is less, and that estimate should include an identification of the predominant species. Where a lake is subject to significant public contact use or is fished for consumptive purposes, monitoring for public health reasons should be part of the monitoring program. Standard bacteriological analyses and fish flesh analyses for organic and heavy metal contamination should be included.

(11) An identification and discussion of the biological resources in the lake, such as fish population, and a discussion of the major known ecological relationships.

(b) A feasibility study consisting of:

(1) An identification and discussion of the alternatives considered for pollution control or lake restoration and an identification and justification of the selected alternative. This should include a discussion of expected water quality improvement, technical feasibility, and estimated costs of each alternative. The discussion of each feasible alternative and the selected lake restoration procedure must include detailed descriptions specifying exactly what activities would be undertaken under each, showing how and where these procedures would be implemented, illustrating the engineering specifications that would be followed including preliminary engineering drawings to show in detail the construction aspects of the project, and presenting a quantitative analysis of the pollution control effectiveness and the lake water quality improvement that is anticipated.

(2) A discussion of the particular benefits expected to result from implementing the project, including new public water uses that may result from the enhanced water quality.

(3) A Phase 2 monitoring program indicating the water quality sampling schedule. A limited monitoring program must be maintained during project implementation, particularly during construction phases or in-lake treatment, to provide sufficient data that will allow the State and the EPA project officer to redirect the project if necessary, to ensure desired objectives are achieved. During pre-project, implementation, and post-project monitoring activities, a single in-lake site should be sampled monthly during the months of September through April and biweekly during May through August. This site must be located in an area that best represents the limnological properties of the lake, preferably the deepest point in the lake. Additional sampling sites may be warranted in cases where lake basin morphometry creates distinctly different hydrologic and limnologic sub-basins; or where major lake tributaries adversely affect lake water quality. The sampling schedule may be shifted according to seasonal differences at various latitudes. The biweekly samples must be scheduled to coincide with the period of elevated biological activity. If possible, a set of samples should be collected immediately following spring turnover of the lake. Samples must be collected between 0800 and 1600 hours of each sampling day unless diel studies are part of the monitoring program. Samples must be collected between one-half meter below the surface and one-half meter off the bottom, and must be collected at intervals of every one and one-half meters, or at six equal depth intervals, whichever number of samples is less. Collection and analyses of all samples must be conducted according to EPA approved methods. All of the samples collected must be analyzed for total and soluble reactive phosphorus; nitrite, nitrate, ammonia, and organic nitrogen; pH; temperature; and dissolved oxygen. Representative alkalinities should be determined. Samples collected in the upper mixing zone must be analyzed for chlorophyll *a*. Algal biomass in the upper mixing zone should be determined through algal genera

identification, cell density counts (number of cells per milliliter) and converted to cell volume based on factors derived from direct measurements; and reported in terms of biomass of each major genera identified. Secchi disk depth and suspended solids must be measured at each sampling period. The surface area of the lake covered by macrophytes between 0 and the 10 meter depth contour or twice the Secchi disk transparency depth, whichever is less, must be reported. The monitoring program for each clean lakes project must include all the required information mentioned above, in addition to any specific measurements that are found to be necessary to assess certain aspects of the project. Based on the information supplied by the Phase 2 project applicant and the technical evaluation of the proposal, a detailed monitoring program for Phase 2 will be established for each approved project and will be a condition of the cooperative agreement. Phase 2 projects will be monitored for at least one year after construction or pollution control practices are completed to evaluate project effectiveness.

(4) A proposed milestone work schedule for completing the project with a proposed budget and a payment schedule that is related to the milestone.

(5) A detailed description of how non-Federal funds will be obtained for the proposed project.

(6) A description of the relationship of the proposed project to pollution control programs such as the section 201 construction grants program, the section 208 areawide wastewater management program, the Department of Agriculture Soil Conservation Service and Agriculture Stabilization and Conservation Service programs, the Department of Housing and Urban Development block grant program, the Department of Interior Heritage Conservation and Recreation Service programs and any other local, State, regional and Federal programs that may be related to the proposed project. Copies of any pertinent correspondence, contracts, grant applications and permits associated with these programs should be provided to the EPA project officer.

(7) A summary of public participation in developing and assessing the proposed project which is in compliance with Part 25 of this chapter. The summary shall describe the matters brought before the public, the measures taken by the reporting agency to meet its responsibilities under Part 25 and related provisions elsewhere in this chapter, the public response, and the agency's response to significant comments. Part 25.8 responsiveness summaries may be used to meet appropriate portions of these requirements to avoid duplication.

(8) A description of the operation and maintenance plan that the State will follow, including the time frame over which this plan will be operated, to ensure that the pollution controls implemented during the project are continued after the project is completed.

(9) Copies of all permits or pending permit applications (including the status of such applications) necessary to satisfy the requirements of section 404 of the Act. If the approved project includes dredging activities or other activities requiring permits, the State must obtain from the U.S. Army Corps of Engineers or other agencies the permits required for the discharge of dredged or fill material under section 404 of the Act or other Federal, State or local requirements. Should additional information be required to obtain these permits, the State shall provide it. Copies of section 404 permit applications and any associated correspondence must be provide to the EPA project officer at the time they are submitted to the U.S. Army Corps of Engineers. After reviewing the 404 permit application, the project officer may provide recommendations for appropriate controls and treatment of supernatant derived from dredged material disposal sites to ensure the maximum effectiveness of lake restoration procedures.

(c) States shall complete and submit an environmental evaluation which considers the questions listed below. In many cases the questions cannot be satisfactorily answered with a mere "Yes" or "No". States are encouraged to address other considerations which they believe apply to their project.

(1) Will the proposed project displace any people?

(2) Will the proposed project deface existing residences or residential areas? What mitigative actions such as landscaping, screening, or buffer zones have been considered? Are they included?

(3) Will the proposed project be likely to lead to a change in established land use patterns, such as increased development pressure near the lake? To what extent and how will this change be controlled through land use planning, zoning, or through other methods?

(4) Will the proposed project adversly affect a significant amount of prime agricultural land or agricultural operations on such land?

(5) Will the proposed project result in a significant adverse effect on parkland, other public land, or lands of recognized scenic value?

(6) Has the State Historical Society or State Historical Preservation Officer been contacted? Has he responded, and if so, what was the nature of that response? Will the proposed project result in a significant adversely effect on lands or structures of historic, architectural, archaeological or cultural value?

(7) Will the proposed project lead to a significant long-range increase in energy demands?

(8) Will the proposed project result in significant and long range adverse changes in ambient air quality or noise levels? Short term?

(9) If the proposed project involves the use of in-lake chemical treatment, what long and short term adverse effects can be expected from that treatment? How will the project recipient mitigate these effects?

(10) Does the proposal contain all the information that EPA requires in order to determine whether the project complies with Executive Order 11988 on floodplains? Is the proposed project located in a floodplain? If so, will the project involve construction of structures in the floodplain? What steps will be taken to reduce the possible effects of flood damage to the project?

(11) If the project involves physically modifying the lake shore or its bed or its watershed, by dredging, for example, what steps will be taken to minimize any immediate and long term adverse effects of such activities? When dredging is employed, where will the dredged material be deposited, what can be expected and what measures will the recipient employ to minimize any significant adverse impacts from its deposition?

(12) Does the project proposal contain all information that EPA requires in order to determine whether the project complies with Executive Order 11990 on wetlands? Will the proposed project have a significant adverse effect on fish and wildlife, or on wetlands or any other wildife habitat, especially those of endangered species? How significant is this impact in relation to the local or regional critical habitat needs? Have actions to mitigate habitat destruction been incorporated into the project? Has the recipient properly consulted with appropriate State and Federal fish, game and wildlife agencies and with the U.S. Fish and Wildlife Service? What were their replies?

(13) Describe any feasible alternatives to the proposed project in terms of environmental impacts, commitment of resources, public interest and costs and why they were not proposed.

(14) Describe other measures not discussed previously that are necessary to mitigate adverse enivironmental impacts resulting from the implementation of the proposed project.

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40 CFR Parts 51, 52

[FRL-1404-8]

Prevention of Significant Deterioration; Partial Stay of Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial stay of regulations.

SUMMARY: By the administrative order which appears below, EPA stays its existing regulations for the prevention of significant air quality deterioration, 40 CFR 51.24 and 52.21 (1978), as to any source or modification which either (1) would not be major under the amendments to those regulations proposed at 44 FR 51924 (September 5, 1979) or (2) would be located in an area designated under Section 107 of the Clean Air Act as nonattainment for each pollutant for which the source or modification would be major under the proposed amendments.

EFFECTIVE DATE: The effective date of the stay is the date of signature of this notice. (January 30, 1980)

FOR FURTHER INFORMATION CONTACT: James Weigold, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, 919/541-5292.

SUPPLEMENTARY INFORMATION: In June 1979, the United States Court of Appeals for the District of Columbia Circuit in a preliminary opinion held invalid certain key provisions of the regulations for the prevention of significant air quality deterioration which EPA had promulgated approximately one year earlier ("the 1978 PSD regulations"). *See Alabama Power Company* v. *Costle*, 13 ERC 1225. Those regulations appear at 40 CFR 51.24 and 52.21 (1978).

In September 1979, EPA proposed comprehensive amendments to the 1978 PSD regulations in response to the preliminary opinion in *Alabama Power*. *See* 44 FR 51924. Among those amendments are rules that would replace the provisions the court held invalid. Also among them are important provisions that would complement the replacements, for example, certain *de minimis* exemptions (*see id.* at 51937-38).

On December 14, 1979, the Court of Appeals in a final opinion reaffirmed its earlier decisions on the validity of the provisions at issue in *Alabama Power*. *See* 13 ERC 1993. Hence, when the opinion comes into effect, it will render ineffective key elements of the 1978 PSD regulations.

EPA will be unable to complete the rulemaking it began in September until at least June 1980. The comments EPA has received so far are voluminous and raise important issues that deserve serious consideration. In addition, in response to numerous requests, EPA recently reopened the comment period for comment on the September proposals in light of the final opinion of the court. Furthermore, EPA is reanalyzing the proposed *de minimis* exemptions and completing an economic impact assessment of the proposals. Finally, internal review of drafts of the final amendments will require considerable time.

To avoid the uncertainty and confusion that would occur if the opinion came into effect before EPA completed the rulemaking it began in September, EPA and many of the petitioners in *Alabama Power* have asked the court to keep the opinion from coming into effect until June 2, 1980, on the condition that EPA issue the administrative stay which appears below.

The purpose of the administrative stay is to relieve from the permitting requirements of the 1978 PSD regulations roughly those sources and modifications that would not be subject to the permitting requirements of valid replacement regulations that would comport with the *Alabama Power* opinion. Obviously, it would be unfair and unnecessary to force such sources and modifications to get a PSD permit under the 1978 PSD regulations during this transition period.

EPA has decided to issue the administrative stay before the court acts on the request of the various parties in *Alabama Power*. Many persons are ready to begin construction of sources and modifications that would need a PSD permit under the 1978 PSD regulations, but not under valid replacement regulations. EPA has concluded that to allow the 1978 PSD regulations to interfere any longer with such construction would be both unfair and unnecessary. Hence, it is issuing the administrative stay which appears below.

EPA regards the issuance of the administrative stay as "nationally applicable" "final action" within the meaning of Section 307(b)(1) of the Clean Air Act (the "Act"), 42 U.S.C. 7607(b)(1). EPA does not, however, regard the stay as the "promulgation or revision of regulations" within the meaning of Section 307(d)(1)(I) of the Act, 42 U.S.C. 7607(d)(1)(I). The stay is merely an order providing equitable relief during the period before the completion of the rulemaking that EPA began in September. The procedural requirements of Section 307(d), therefore, do not apply to the issuance of the administrative stay.

In any event, those requirements, as well as the notice and comment requirements of Section 4 of the Administrative Procedure Act (the "APA"), 5 U.S.C. 553, do not apply for other reasons. First, meeting either set of requirements would be "contrary to the public interest" within the meaning of Section 4(b)(B) of the APA, 5 U.S.C. 553(b)(B), since it would unnecessarily delay the construction of those sources and modifications to which the stay applies. Meeting those requirements would also be "unnecessary" within the meaning of that section, since the stay provides relief which is generally consistent with the final opinion of the court in *Alabama Power*. Finally, meeting those requirements would be "impracticable" within the meaning of Section 4(b)(B), since it would defeat the very purpose of the stay: to provide relief as soon as possible and, together with a judicial stay of the effect of the final opinion, free the agency to concentrate on the rulemaking it began in September. *See* Clean Air Act § 307(d)(1)(N), 42 U.S.C. 7607(d)(1)(N). For the same reasons, EPA finds that it has good cause to make the administrative stay immediately effective. See APA § 4(d), 5 U.S.C. 553(d).

The administrative stay opens a gap in the coverage of the new source review requirements for nonattainment areas that EPA intends to close in the near future through the promulgation of final rules. In general, those nonattainment requirements currently do not apply to a source or modification that, although locating in an area designated nonattainment for each pollutant for which it would be major, would not significantly impact those portions of the area where pollution actually exceeds the appliable national ambient air quality standard or standards (NAAQS). *See, e.g.*, 40 CFR Part 51, Appendix S, § II(D), 44 FR 3283 (January 16, 1979). In establishing that "clean pocket" exemption, EPA assumed that PSD permitting requirements would apply to any such source or modification, thereby filling the gap in the coverage of the

nonattainment requirements. The administrative stay, however, in effect exempts any such source or modification from those PSD requirements. Consequently, in general, no PSD or nonattainment new source review requirements now apply to a source or modification that would locate in an area designated nonattainment for each pollutant for which the source or modification would be major and that would neither significantly aggravate nor cause a NAAQS violation. EPA is now preparing final rules which would apply new source review requirements to any such source or modification and plans to promulgate them in 30 to 45 days.

(Clean Air Act, 42 U.S.C. 7401 *et seq.*)

Dated: January 30, 1980.

Douglas M. Costle,

Administrator.

Order Staying the Application of Regulations at 40 CFR 51.24 and 52.21 (1978) as to Certain Sources and Modifications

In view of the decision of the United States Court of Appeals for the District of Columbia Circuit dated December 14, 1979, in *Alabama Power Company* v. *Costle* (No. 78–1006 and consolidated cases), the court has been asked to stay issuance of mandate in those cases. During the time issuance of mandate is stayed, I will continue to administer the regulations for the prevention of significant air quality deterioration which appear at 40 CFR 51.24 and 52.21 (1978) ("the 1978 PSD regulations"). However, I hereby stay the application of the 1978 PSD regulations as to any major stationary source or major modification as defined in those regulations which either (1) would not be a major stationary source or major modification under the amendments to the PSD regulations as proposed at 44 FR 51924 (September 5, 1979), or (2) would be located in an area designated under Section 107 of the Clean Air Act, 42 U.S.C. 7407, as nonattainment for each pollutant for which the source or modification would be major under the proposed amendments. Thus, a source or modification would not be subject to PSD review if either the 1978 PSD regulations would not apply to it or this stay applies to it.

In issuing this stay, I intend that no state or local entity to which I have delegated any authority under 40 CFR 52.21(v) (1978) may apply 40 CFR 52.21 (1978) to any source or modification to which this stay applies during the time the stay remains in effect. I do not intend, however, to affect in any way the status of any state-adopted PSD program which I have approved.

I intend that all additional substantive requirements relating to best available control technology, monitoring, and source applicability in the upcoming final regulations shall not be applied retroactively to any source or modification which has commenced construction or submitted a completed permit application prior to the effective date of those final regulations, unless otherwise ordered by a court.

This stay applies immediately.

[FR Doc. 80-3708 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1406-1]

Final Rulemaking on Conditional Approval of Colorado State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: In an October 5, 1979, **Federal Register** notice EPA solicited comments on the deadlines for conditional approval items in the Colorado plan and on the adequacy of the Denver and Larimer-Weld Transportation Control Measure schedules. These deadlines were also proposed by EPA as dates by which conditions needed to be met in order to avoid imposition of Federal funding and economic growth limitations. EPA has reviewed comments received and has decided to make minor changes to the conditional approval deadlines. The conditional approval of the Denver and Larimer-Weld transportation control measure schedules remain unchanged.

ADDRESSES: Comments received on this proposal may be examined during normal business hours at:

Environmental Protection Agency, Region VIII Library, 1860 Lincoln Street, Denver, Colorado 80295.

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

EFFECTIVE DATE: Effective February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief Air Programs Branch, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837–3711.

SUPPLEMENTARY INFORMATION: EPA received comments from three organizations which requested an extension of the proposed March 1, 1980 deadline for the State of Colorado to submit required inspection and maintenance (I/M) legislation and related schedules for implementation. However, these comments were not submitted by an organization representing the Colorado Legislature (e.g., Office of Legislative Council. The bulk of the responsibility for I/M rests with the Legislature, the March 1, 1980 date was established by the Legislature and the Legislature chose not to comment. Thus, EPA believes the March 1, 1980 date is reasonable and will not extend it.

EPA received two comments requesting an extension of the January 1, 1980, date for the State of Colorado to submit to EPA an air quality modeling demonstration showing attainment of the 24-hour total suspended particulate standard in Pueblo. EPA believes that it underestimated the time needed to perform such a complex analyses and that an extension to February 1, 1980, is necessary due to unforeseen delays in the modeling analysis.

EPA received one comment regarding an extension of the March 1, 1980, date for the Colorado Air Quality Control Commission ("Commission") to revise Regulation 7, "Control of Volatile Organic Compounds" so that it requires reasonably available control technology for existing Group I sources. (See 44 FR 20372–20380 for further explanation of this requirement.) EPA recognizes that the State administrative requirements make the March 1, 1980, and interim schedule dates difficult to meet. Therefore, EPA will revise the schedules as follows:

January 10, 1980—Notice of public hearing and draft regulations submitted to EPA
March 13, 1980—Public hearing
April 10, 1980—Adopt new regulation and submit to EPA

EPA received one comment that noted the lack of funding information previously submitted in the DRCOG measures and schedules. The commentor specifically requested that schedules not be approved as is. The EPA notes that this comment is addressed by the condition in the approval of the schedules 52 CFR 327(a)(3) and 52 CFR 328(a)(3).

The commentor also noted that relevant information on control measures is found in various DRCOG planning documents but that it is difficult to relate these documents and to actually follow the development of measures. For that reason, the commentor provided a standard format for schedules which relates to various documents and suggested that it be required by EPA. In the conditional approval, EPA required that measures be more clearly related to transportation

planning documents. However, EPA believes that requiring a specific format is beyond the Agency's authority.

One commentor stated that the Denver region plan did not meet the requirements of Section 110(a)(3)(D) and 110(c)(5)(B) with respect to basic transportation needs. This comment was also made as a result of an earlier **Federal Register** notice proposing action on the Colorado SIP and was addressed in a final rulemaking action on October 5 (44 FR 57401). The commentor also found that the attainment demonstration for Denver submitted on July 27, 1979, and the schedule for submitting additional analyses were inadequate. These comments address elements of the plan for which final action has already been taken (44 FR 57401). Consequently these comments are not addressed here.

In the October 5 rulemaking (44 FR 57401) EPA gave notice of its intention to reimpose the constriction ban and to impose funding restrictions under Sections 176(a) and 316 no later than March 1, 1980 if Colorado had not by that time certified that it had adequate legal authority for a vehicle emission control program. Comments were also received on the appropriateness of EPA's intention to impose Federal assistance and economic growth limitations if the responsible agencies failed to comply with the deadlines, particularly the deadlines related to adoption and submittal of adequate legal authority to implement and enforce a program to control emissions from in-use vehicles. The commenter suggested that EPA should not make a decision regarding funding restrictions until a deadline is actually missed, and then, only after considering public comment. EPA believes that: (1) The issue of whether adequate legal authority exists is relatively clear-cut, and thus as anticipatory determination regarding the appropriateness of the funding restrictions can be made; and (2) the public has had adequate notice of EPA's intention regarding sanctions and an opportunity to comment.

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.

This notice of final rulemaking is issued under authority of section 110 of the Clean Air Act as amended.

Dated: January 30, 1980.

Douglas M. Costle,

Administrator.

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

Subpart G—Colorado

1. Section 52.327 is revised as follows:

§ 52.327 Control strategy: Ozone.

(a) *Part D Conditional Approval*—The Denver Plan is approved provided that the following conditions are satisfied:

(1) The plan includes an adequate vehicle emissions control inspection/maintenance program. The conditional approval is based on the State meeting the following schedule:

January 1, 1980—Senate Bill 1 study completed, submitted to legislature
January 12, 1980—I/M included on list of Governor's Call Items for the 1980 legislative session
February 1, 1980—Study results in the form of a draft final report reported to legislature
February 1, 1980—Bill introduced in legislature—copy submitted to EPA
March 1, 1980—Submission to EPA of legislation signed into law by the Governor, as well as schedules (milestones, dates, responsible agency) to implement the I/M program and corrections to other noted deficiencies discussed in 44 FR 57401 (October 5, 1979).

(2) The plan provides for implementation of reasonably available control technology on existing sources of volatile organic compounds. EPA's conditional approval of Regulation 7 is based upon the State meeting the following schedule:

January 10, 1980—Notice of public hearing and draft regulations submitted to EPA
March 13, 1980—Public Hearing
April 10, 1980—Adopt new regulation and submit to EPA

(3) Regulation 3 is revised by March 1, 1980, so that it is consistent with Section 173 of the Act.

(4) Section 172(b)(11)(A) programs adopted by March 1, 1980.

(5) The Denver transportation control measures schedules include by January 1, 1980, the following:

(i) Milestones for obtaining funds, possible funding sources, and target amounts associated with each measure.

(ii) Additional description of the HOV lane study, the parking management plan, and the vanpool demonstration program to demonstrate that such activities reflect progress over that already achieved.

2. Section 52.328 is revised as follows:

§ 52.328 Control strategy: Carbon Monoxide.

(a) *Part D Conditional Approval*—The Denver, Colorado Springs and Larimer-Weld plans are approved provided that the following conditions are satisfied:

(1) The plan includes an adequate vehicle emissions control inspection/maintenance program. The conditional approval is based on the State meeting the following schedule:

January 1, 1980—Senate Bill 1 study completed, submitted to legislature
January 12, 1980—I/M included on list of Governor's Call Items for the 1980 legislative session
February 1, 1980—Study results in the form of a draft final report reported to legislature
February 1, 1980—Bill introduced in legislature—copy submitted to EPA
March 1, 1980—Submission to EPA of legislation signed into law by the Governor, as well as schedules (milestones, dates, responsible agency) to implement the I/M program and corrections to other noted deficiencies

(2) Section 172(b)(11)(A) programs adopted by March 1, 1980.

(3) The Denver transportation control measures include by January 1, 1980, the following:

(i) Milestones for obtaining funds, possible funding sources, and target amounts associated with each measure.

(ii) Additional description of the HOV lane study, the parking management plan, and the vanpool demonstration program to demonstrate that such activities reflect progress over that already achieved.

(4) The Larimer-Weld transportation control measure schedules are revised by January 1, 1980, to include detailed schedules for implementation and study of measures identified in Section 108(f) of the Clean Air Act.

3. Section 52.329 is revised as follows:

§ 52.329 Rules and Regulations.

(a) *Part D—Conditional Approval*—Regulation 3 is approved as satisfying Part D requirements provided that the following conditions are satisfied by March 1, 1980:

(1) The exemption for sources increasing emissions by less than 10% will be deleted.

(2) The exemption for sources with actual emissions less than the applicable cutoffs will be changed to allowable emissions.

(3) The State offset requirements are modified as follows:

(i) As required by Section 173(1)(A), offsets, in addition to being greater than one-for-one, must represent reasonable further progress, when considered with the revised plan.

(ii) The definition of "source" and "facility" are the same as defined by EPA's Emission Offset Interpretative Ruling (FR Vol. 44, January 16, 1979).

(iii) "Significant" as defined in Section (D)(3)(d) is the same as defined by

EPA's Emission Offset Interpretative Ruling, Section (II)(D).

4. Section 52.330 is revised as follows:

§ 52.330 Control strategy: Total suspended particulates.

(a) *Part D—Conditional Approval*—The Pueblo plan is approved conditioned upon the State demonstrating, by February 1, 1980, attainment of the 24-hour standards, by air quality modeling, while considering emissions from major air pollution sources.

[FR Doc. 80-3709 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1405-8]

Approval and Promulgation of State Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve conditionally revisions to the New York State Implementation Plan (SIP) for four upstate areas generally identified as the Capital District and Town of Catskill, Rochester, Syracuse, and Southern Tier. These plan revisions were prepared by the State to meet the requirements of Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act, as amended in 1977.

On July 30, 1979, the Environmental Protection Agency (EPA) published in the **Federal Register** a notice of proposed rulemaking which described the nature of the SIP revisions, discussed certain of their provisions which in EPA's judgment did not comply with the requirements of the Clean Air Act, and requested public comment. Comments were received from the Natural Resources Defense Council, Inc. and the New York State Department of Environmental Conservation.

This notice provides the final determination arrived at by EPA based on its review of all information submitted and defines further actions required of the State to obtain full unconditional approval of its SIP.

EFFECTIVE DATE: This action is effective February 5, 1980.

ADDRESSES: Copies of the SIP revision submitted by New York State, supplementary information, and public comments are available for inspection at the following addresses:

Environmental Protection Agency, Region II, 26 Federal Plaza, Room 908, New York, New York 10007.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTAL INFORMATION:

A. Background

Pursuant to the requirements of Section 107(d) of the Clean Air Act, on January 25, 1979 the Environmental Protection Agency (EPA) published in the **Federal Register** at 44 FR 5119 a designation of the attainment status with respect to each national ambient air quality standard for every area within New York State. These designations represented revisions, corrections and elaborations to designations originally published in the March 3, 1978 issue of the **Federal Register** at 43 FR 8962. On December 7, 1979, EPA published in the **Federal Register** at 44 FR 70466 a further revision to the ozone attainment status designations for portions of the State of New York. This action revised the designation of certain areas from "nonattainment" to "attainment/unclassifiable," thus eliminating the need for a plan submission addressing attainment of the ozone standard. The reader is referred to the January 25, 1979 and December 7, 1979 notices for a detailed description of the geographic areas covered by this final rulemaking action. A general description is contained in the revisions to § 52.1682 promulgated at the end of this notice.

Part D of the Clean Air Act requires that for each area designated as not meeting a national ambient air quality standard, a State Implementation Plan (SIP) revision must be developed by the state and submitted to EPA by January 1, 1979. The SIP revision must provide for attainment of the contravened standard by December 31, 1982 or, for certain pollutants, no later than December 31, 1987. The required contents of such SIP revisions are described in Part D and, more generally, in Section 110(a) of the Clean Air Act. These requirements are further discussed and elaborated upon in **Federal Register** notices published on April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50371), September 17 (44 FR 53761) and November 23 (44 FR 67182), 1979.

On March 26, 1979 the Governor of the State of New York formally adopted SIP revisions intended to meet these Clean Air Act requirements. The title of the SIP revision documents covered by this action, the dates on which these documents were submitted to EPA and the areas, pollutants and, where applicable, standards which each document covers are:

New York State Air Quality Implementation Plan—Syracuse Area—submitted March 19, 1979—covering total suspended particulates (primary and secondary standard nonattainment), carbon monoxide and ozone.

New York State Air Quality Implementation Plan—Southern Tier (Binghamton, Elmira-Corning, Jamestown)—submitted April 5, 1979—covering total suspended particulates (secondary standard nonattainment) and ozone.

New York State Air Quality Implementation Plan—Rochester Area—submitted April 5, 1979—covering carbon monoxide and ozone.

New York State Air Quality Implementation Plan—Capital District and Town of Catskill-submitted March 19, 1979—covering total suspended particulates (secondary standard nonattainment), carbon monoxide and ozone.

New York State Air Quality Implementation Plan—Utica-Rome Area—submitted March 19, 1979—covering ozone.

In addition, on May 23, 1979, May 31, 1979, June 12, 1979, June 18, 1979, September 26, 1979, August 10, 1979, October 1, 1979 and November 14, 1979, the State submitted to EPA additional information for inclusion in these SIP revision documents.

It should be noted that because of the attainment status redesignations promulgated in December 7, 1979 **Federal Register** notice at 44 FR 70466, the need for plan revisions addressing attainment of the ozone standard in the Southern Tier East and Southern Tier West Air Quality Control Regions (addressed by the Southern Tier plan revision), Herkimer and Oneida Counties (addressed by the Utica-Rome plan revision), Schoharie, Montgomery and Fulton Counties and approximately the northern two-thirds of Saratoga County (addressed by the Capital District and Town of Catskill plan revision) has been eliminated. On this basis, EPA is not taking any rulemaking action on this aspect of these plans. However, to the extent that regulatory revisions have been submitted with broad geographical applicability (generally, Statewide), such regulations are being approved or conditionally approved as submitted except as they apply to the nonattainment areas in the

Niagara Frontier (Erie and Niagara Counties) and the New York City metropolitan area (Bronx, Kings, Queens, New York, Richmond, Nassau, Suffolk, Rockland and Westchester Counties), where rulemaking action is still pending. Therefore, although today's notice addresses only five areas specifically, the regulations will be enforceable, as part of the SIP, in all areas of New York State identified by the regulations, except for the Niagara Frontier and New York City metropolitan areas.

B. General Discussion

On July 30, 1979, EPA proposed action on the subject SIP revisions requested comment on its determinations with regard to the State's fulfillment of the requirements for approval. This notice, published at 44 FR 44556, raised several issues (identified as "unfulfilled requirements") which, based on EPA's review, required additional action by the State. These issues, the corrective actions necessary and their time frame, as well as the general contents of the submissions and determinations arrived at by EPA, were identified in this **Federal Register** notice and public comment was requested. In response, comments were received from the New York State Department of Environmental Conservation (letter dated September 26, 1979) and the Natural Resources Defense Council, Inc. (letter dated September 28, 1979). In addition, general comments, addressed at national EPA policy, were submitted by Covington & Burling, on behalf of the Manfacturing Chemists Association (letter dated July 5, 1979), and the Natural Resources Defense Council, Inc. (letter dated August 6, 1979).

The reader is referred to the July 30, 1979 **Federal Register** notice for a detailed discussion of EPA's proposed conditions on approval. The following discussion describes EPA's final determination based on its review of the supplemental information and comments received. EPA finds that good cause exists for making this action immediately effective for the following reasons:

(1) Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

(2) EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

C. Disposition of Proposed Conditions for Approval

(1) *The State must, on an annual basis beginning January 1, 1980, submit regulations requiring reasonably available volatile organic compound control technology on air pollution sources in categories addressed by the Control Technology Guideline documents published by January of the proceeding year. If, for a given source category, there are no such sources in the State, the State may instead certify this fact to EPA.*

Comment: The State indicated in its September 26, 1979 comments that EPA policy on the date that the second group of reasonably available control technology (RACT) regulations were due was changed and the categories included had changed. It also questioned the conditional approval of the SIP on the basis of a future requirement. The State also indicated that these future regulations may not be needed for attainment of the ozone standard in the areas addressed by this notice.

Response: As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20376, April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs such as New York's is RACT—requirements for VOC sources covered by CTGs the EPA issued by January 1978 and schedules to adopt and submit by each future January additional requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979 (44 FR 50371). This was done in recognition of the fact that state regulatory adoption procedures are more lengthy than was first anticipated. Today's approval of the ozone portion of the New York plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval status" section of the final rule. If the RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action. While EPA proposed to conditionally approve the ozone portion of the SIP based on the above requirements, today's action in adding the requirements to the "Approval Status" section of the rule provides similar assurance that the regulations will be submitted in the specified time frame.

EPA inadvertently included the "vegetable oil processing" category in the list of CTG categories to be addressed by July 1, 1980. In a June 22, 1979 memorandum (W. Barber, OAQPS to Directors, Air & Hazardous Materials Division), the requirement for development of regulations addressing this source category was postponed pending additional field tests and study.

Finally, it should be noted that the proposed condition addressed CTG documents published between February 1979 and January 1980; this was, in fact, another inadvertent error. The requirement is for submission of applicable regulations addressing those CTGs published before January of the preceding year—in this case January 1, 1979 through December 31, 1979. In view of the final EPA action on this issue, this information is offered as clarification as to future requirements.

(2) *The State must submit to EPA, by September 1, 1979, an enforceable procedure for minimizing the solvent content in all emulsified asphalt usage.*

Comment: The State, in its September 26, 1979 submission, indicated general agreement with the substance of this condition, but not the time frame for completing the corrective action. The state indicated that, in order to develop specific limitations for different emulsified asphalt categories, a data collection program would be necessary. This process, as well as the regulatory revision process, would require approximately 18 months, resulting in adoption of any necessary regulatory revisions by April 1981.

Response: EPA believes that the plan of action proposed by the State is consistent with current EPA policy with regard to the correction of general solvent content exemptions. A detailed discussion of this policy is contained in an October 4, 1979 memo (R. Rhoads, OAQPS to Directors, Air & Hazardous Materials Division). Elsewhere in today's **Federal Register**, EPA is proposing to approve the State's schedule for taking action on this deficiency. While the State's schedule involves an 18 month delay the State has demonstrated that it will require this amount of time to gather the necessary data and revise the regulation. On this basis, EPA is promulgating this condition as applicable to the ozone plans for Rochester, Syracuse, and the Capital District and Town of Catskill:

The State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

No comments, other than the State's, were received.

This condition is listed in § 52.1674, "Part D—Conditions on Approval."

(3) *The State must, by January 1, 1980, either hold public hearings to revise 6 NYCRR Part 229, "Gasoline Storage and Transfer," to regulate all petroleum liquid storage in fixed roof tanks or must provide EPA with an acceptable justification for not regulating petroleum liquids other than gasoline. If the State elects to revise Part 229, the revised regulation must be adopted and submitted to EPA by April 1, 1980.*

Comment: In its September 26, 1979 submission, the State requested that the condition be made more flexible in regard to allowing revision to regulations other than Part 229 to address this requirement. The State, on November 14, 1979, also requested additional time in carrying out the necessary action based on the fact that a longer period than anticipated by EPA would be necessary to complete the administrative process. The State requested that January 1, 1980 be changed to February 1, 1980 and April 1, 1980 be changed to August 1, 1980.

Response: EPA finds the State's requests acceptable and is promulgating a revised condition, as applicable to the ozone plans for Syracuse, Rochester, and the Capital District and Town of Catskill:

On or before February 1, 1980 the State must either hold public hearings to revise its regulations to regulate the storage of all petroleum liquids in fixed roof tanks or must provide EPA with an acceptable justification for not regulating the storage of petroleum liquids other than gasoline. If the State elects to revise its regulations such revisions must be adopted and submitted to EPA on or before August 1, 1980.

EPA finds that for good cause additional notice and comment on this action are unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to undertaking the corrective action necessary. In addition, the public has had an opportunity to comment generally on the concept of conditional approval, on the substance of this specific condition, and on the deadlines applicable to this condition; no comments, other than the State's, were received.

This condition is listed in § 52.1674.

(4) *Criteria and procedures for making consistency and conformity assessments between the output of the transportation planning process and the applicable SIP must be developed and submitted by the State to EPA by July 1, 1980.*

Comment: No comment was received.

Response: EPA is promulgating this condition in Section 52.1674. This condition is applicable to the ozone and carbon monoxide plans for Syracuse, Rochester, and the Capital District and Town of Catskill.

(5) *The State must submit to EPA, by July 1, 1981, additional emissions inventory data for the baseline year and projected attainment year in a format equivalent to that presented in the EPA document, "Workshop on Requirements for Nonattainment Area Plans," April 1978.*

Comment: No comment was received.

Response: EPA is promulgating this condition in Section 52.1674. This condition is applicable to all plans for Syracuse, Rochester, the Capital District and Town of Catskill, and Southern Tier.

(6) *With regard to requiring lowest achievable emission rate control technology on sources locating in areas where standards are violated, the State must issue policy guidance by August 1, 1979, hold public hearings on a clarifying revision to 6 NYCRR Part 231 by January 1, 1980, and adopt this revision by April 1, 1980.*

Comment: In its October 1, 1979 submittal, the State has provided a "policy memorandum" which serves to clarify that the requirement for lowest achievable emission rate (LAER) control technology is applicable to major sources and modifications to be located in areas where standards are violated. The State, on November 14, 1979, also requested additional time to carry out the required revision based on the fact that the period its administrative adoption of revised regulations is longer than anticipated. The State requested that the condition require submission of the adopted revised regulation by August 1, 1980.

In its comments on the July 30, 1979 notice, the National Resources Defense Council, Inc. was in general agreement with the substance of this condition, but raised a number of other issues (see the "Other Specific Comments/Issues" section of this notice, comments and responses (2) through (8)) regarding the State's new source review program. These other issues are addressed elsewhere in this notice.

Response: EPA finds the State's submittal adequately meets the first part of the condition, requiring the issuance by August 1, 1979 of policy guidance with regard to the LAER requirement. Therefore, EPA is not promulgating this provision as a condition on its approval. EPA also finds acceptable the State's request to delay the milestone requiring adoption of regulatory changes. Finally, since the date for holding public hearings is only an interim requirement not fully relevant to correcting the deficiency, EPA is not promulgating this requirement.

On this basis, EPA is promulgating a revised condition, as applicable to all plans for Syracuse, Rochester, and the Capital District and Town of Catskill:

On or before August 1, 1980, the State must adopt and submit to EPA revisions to § 231.3(b) of 6 NYCRR indicating that, regardless of whether or not a source will have a "significant" impact on the area's air quality, LAER control technology is required on new major sources or existing sources undergoing major modification if such sources are located in an area where standards are actually violated.

EPA finds that for good cause additional notice and comment on this action are unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The State is the party responsible for meeting the deadlines and the State has agreed to undertaking the corrective action necessary. In addition, the public has had an opportunity to comment generally on the concept of conditional approval, on the substance of this specific condition, and on the deadlines applicable to this condition.

This condition is listed in § 52.1674.

(7) *The State must establish procedures, by August 1, 1979, to initiate and document actual public involvement and feedback to the interested publics during its ongoing public participation program.*

Comment: In its September 26, 1979 supplementary submittal, the State has provided documentation of its procedures. No other comment was received.

Response: EPA finds that the State's submittal adequately meets the requirement set forth as the proposed condition. The documentation submitted by the State adequately identifies procedures to initiate a public participation program. These include:

- Procedures for identifying pertinent issues,
- Procedures for identifying and involving potential interest groups, and
- Procedures for documenting contact with the public and its feedback.

On this basis, EPA is not promulgating this requirement as a condition for approval of the subject SIP revisions. EPA further finds that, for good cause, notice and comment on this action is unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act) insofar as the corrective action was clearly identified in the proposal and the State's submission fully meets the proposed requirement. No other comment was received in response to the proposal.

(8) *The State must provide documentation of the consultation process with local government in Jamestown by August 1, 1979.*

Comment: In its September 26, 1979 supplementary submittal, the State has provided documentation of the intergovernmental consultation process in Jamestown. No other comment was received.

Response: EPA finds that the State's submittal adequately meets the requirement set forth as the proposed condition. The submission documents involvement by local elected officials of Jamestown, New York. This consists of correspondence between the New York State Department of Environmental Conservation and locally elected officials. On this basis, EPA is not promulgating this requirement as a condition for approval of the subject SIP revisions. EPA further finds that, for good cause, notice and comment on this action is unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act) insofar as the corrective action was clearly identified in the proposal and the State's submission fully meets the proposed requirement. No other comment was received in response to the proposal.

(9) *The State must certify, by September 1, 1979, that the following parts of 6 NYCRR have been adopted as originally submitted and are legally enforceable: Parts 200, 211, 212, 223, 226, 228, 229 and 231.*

Comment: In its August 10, 1979 submittal, the State provided a comprehensive package of its regulatory revisions, as adopted. No other comment was received.

Response: Based on its review of this submittal, EPA finds that the proposed condition has been met with two exceptions. The package submitted by the State contains revised Parts 200, 211, 223, 226, 228, and 229 as adopted in substantively unrevised form; the State has not adopted its proposed revisions to Part 212, and prior to adoption has included a substantive revision to the provisions of proposed Part 231.

With regard to Parts 200, 211, 223, 226, 228, and 229, EPA is not promulgating the proposed condition on approval. EPA finds that further notice and comment on this issue is unnecessary (see 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act).

With regard to Part 212, based on the fact that the unadopted revisions to this regulation do not affect the approvability of the SIP under Part D of the Clean Air Act (i.e., they deal with exemptions for source categories specifically regulated under other Parts of the State's air code), EPA is not promulgating the proposed condition on approval.

However, in its review of the State's submittal, EPA noted that Part 212 had been revised to a greater extent than originally indicated by the State. This apparent discrepancy results from the fact that Part 212 had been previously revised by the State without incorporation of these revisions into the SIP. Therefore, EPA and the State currently are enforcing different versions of Part 212. While, in order to correct this situation, the State has submitted its entire regulation as a non-Part D SIP revision, only those revisions to Part 212 submitted as a Part D revision (which exempt those processes covered by revised or new Part D regulations) are being addressed by EPA in this notice. EPA action on the remaining earlier revisions to Part 212 will be taken at a future date.

With regard to Part 231, EPA is requiring additional conditions. Part 231 requires new major sources and major modifications locating in a nonattainment area to offset new emissions by providing reductions at existing sources beyond those required by control strategies in the SIP. The regulation also apparently was intended to apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting air quality in nonattainment areas. However, § 231.9(d) could be read as exempting such sources from the provisions of Part 231 until EPA delegates to the State responsibility for new source review related to the Prevention of Significant Deterioration provisions of the Clean Air Act. Therefore, EPA requested an interpretation from the State of § 231.9(d) and also of § 231.6(a) which could be subject to a similar misinterpretation. In response the State has submitted to EPA a Declaratory Ruling issued pursuant to Section 204 of the New York State Administrative Procedures Act and 6 NYCRR 619 indicating that the provisions of Part 231 do, in fact, apply to new major sources and major modifications locating in attainment areas, but significantly impacting nonattainment areas. In addition, in order to further clarify these two sections, the State had indicated that it will formally revise the wording of these sections by April 1, 1980. EPA conditionally approves the proposed SIP revisions on the condition that §§ 231.6(a) and 231.9(d) are revised to reflect the Declaratory Ruling. Elsewhere in today's **Federal Register**, EPA is proposing to require that the State adopt this revision by April 1, 1980.

Also, in accordance with the requirements of Section 173(3) of the Clean Air Act, the regulation must require that any other major sources owned or operated by the same person and located in the State be in compliance or meeting the requirements of an approved compliance schedule. However, although Part 231 requires a permit applicant to demonstrate that all of its major sources in the State are in compliance or are meeting a schedule for compliance with applicable emission standards, the regulation does not require the same showing of sources owned or operated by any entity controlling, controlled by, or under common control with the applicant. EPA, in agreement with comment from NRDC, has determined that the State's definition of "owner" appearing in Section 200.1(pp) of 6 NYCRR Part 200, "General Provisions," is not equivalent to the definition in Section 173(3) of the Clean Air Act. Therefore, EPA conditionally approves the proposed SIP revisions on the condition that the State change the definition of "owner" in Part 200 to conform to the definition in the Clean Air Act. Elsewhere in today's **Federal Register**, EPA is proposing to require that the State adopt this revision by August 1, 1980.

The following SIP improvement actions have therefore been found to be necessary and are being promulgated by EPA:

The State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

The State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

EPA finds that for good cause notice and comment on these additional conditions is unnecessary (See 5 U.S.C. Section 553(b)(B)—the Administrative Procedure Act). The deficiencies

involved are relatively minor; and, with regard to the requirement that "owner" be properly defined, the change was made in response to a comment. In addition, the public has had a chance to comment generally on Part 231.

D. Extensions

EPA proposed to extend for 18 months the deadline for submitting plan revisions implementing attainment of the particulate matter secondary national ambient air quality standard in the Syracuse central business district and the Village of Solvey. Since no comment was received on this issue, EPA is promulgating this extension in § 52.1672, "Extensions"; this is further reflected in § 52.1682, "Attainment dates for national standards."

E. Other Specific Comments/Issues

The following comments submitted by the Natural Resources Defense Council, Inc. (NRDC) deal specifically with the July 30, 1979 notice of proposed rulemaking.

Comment No. 1: NRDC indicates that the State has proposed a 1995 deadline for attainment of the secondary ambient air quality standard for particulate matter in the Syracuse Area. It is indicated that this time frame is in violation of Sections 110(a)(2)A and 172(a)(1) of the Clean Air Act which require attainment of a secondary standard "as expeditiously as practicable."

Response No. 1: EPA agrees with the position stated. However, it finds no substantive discrepancy between this position and the discussion provided in the July 30, 1979 notice of proposed rulemaking or the information contained in the State's plan revision. The State, in fact, identifies 1995 as the latest time for which attainment is projected, absent any additional control beyond that identified in its present revision. The modeling demonstration, which is acceptable to EPA, indicates that attainment of the secondary standard for particulate matter is projected by 1980 for the majority of the areas addressed by the Syracuse plan.

Therefore, the attainment date for particulate matter secondary standards within the Syracuse area, with the exception of the areas identified as "the Syracuse Central Business District" and "the Village of Solvay" by EPA and identified as areas "A", "B", and "C", by the State in its plan revision document, is December 31, 1982; this is reflected in § 52.1682, Attainment dates for national standards. As noted above with regard to the remaining areas, the Syracuse Central Business District and the Village of Solvay, EPA is granting the State an 18–month extension to the deadline for submission of a SIP revision demonstrating attainment of the secondary standard for particulate matter. For these areas, as reflected in § 52.1682, the attainment date will be defined by the July 1, 1980 plan revision submission.

Comment No. 2: NRDC indicates that enforceable measures are not available to insure that sources will not commence construction before final adoption of acceptable regulations.

Response No. 2: As indicated in Section C, "Disposition of Proposed Conditions for Approval," condition (6), the State has adopted Part 231 to address the requirements of Section 173 of the Clean Air Act. As discussed in this notice, Part 231 contains some minor inadequacies which have been corrected on an interim basis by State policy directives and a Declaratory Ruling. Fulfillment of the requirements of conditional approval will lead to ultimate correction by regulatory revision. Therefore, the State is and will be implementing a new source review program fully consistent with the requirements of Section 173 of the Clean Air Act.

Furthermore, EPA has promulgated a regulation (40 CFR 52.24) prohibiting the constuction or modification of any major source which would impact the air quality of any nonattainment area for which an approved Part D plan revision does not exist (See 44 FR 38473, July 2, 1979). For the geographic areas covered by today's action this limitation became applicable on July 1, 1979 and has remained in effect until today. Today's notice, in promulgating conditional approval of the New York State "upstate" plan revisions, revokes this sanction. In this regard, should the State fail to meet any of the conditions on approval promulgated today in Section 52.1674, conditional approval will be withdrawn, the plan will be disapproved, and the major source construction restriction will be reimposed.

Comment No. 3: NRDC indicates that New York State's proposed regulations do not meet all of the requirements for a new source permit program outlined in Section 173 of the Clean Air Act in that major stationary sources would be exempt if certain ambient air quality impacts could not be predicted. NRDC agrees with EPA's finding that these exemptions do not meet the requirements of the Act and should be removed from the final regulations.

Response No. 3: This issue is addressed under "Disposition of Proposed Conditions for Approval" in this notice under condition (6).

Comment No. 4: NRDC states that the State's proposed regulations fail to insure that construction of new facilities will not impair the State's ability to meet the attainment deadlines set forth in the Clean Air Act because:

- They do not require emission reductions sufficient to insure reasonable further progress towards attainment, and
- They do not require growth of minor sources to be taken into account in calculating the necessary emission reductions.

Response No. 4: As discussed in the July 30, 1979 **Federal Register** proposal, in order to assure that emission increases from new stationary sources or modificatons of existing stationary sources will not exceed the projected "growth allowance" incorporated in the reasonable further progress demonstration, the State, on June 18, 1979, submitted procedures providing for "offsetting" of emissions from major sources or modifications and for tracking of all minor and area source emission changes. If minor and area source growth exceeds these annual emission allowances, the State is committed to requiring new major sources and major modifications to obtain emission reductions not already relied upon in the plan so as to provide for reasonable further progress toward attainment of standards. The emission "offsets" are required in accordance with the State regulation, 6 NYCRR Part 231, "Major Facilities." EPA finds that these procedures, based on tracking minor as well as major source growth, meet the requirement for assuring "reasonable further progress." Since the basis for the program is regulatory in nature, EPA does not find the fact that these procedures to administer the program are not in regulatory form to be a deficiency.

Comment No. 5: NRDC states that the requirements of the new source review program could easily be circumvented in that "offsets" are not required to be "legally binding" prior to operation of the new source.

Response No. 5: As discussed in a May 25, 1979 memo (R. Rhoads, OAQPS and E. Reich, DSSE to Directors, Air and Hazardous Materials Division), State permits which have been either issued in accordance with SIP procedures approved by EPA or incorporated into the SIP as revisions are enforceable under the plan's provisions. EPA has reviewed the State's provisions relating to its new source review program and finds that "offsets" are, in fact, "legally binding." This finding is based on the provisions of the State plan dealing with permit issuance, 6 NYCRR Part 201,

"Permits and Certificates." In its May 23, 1979 submission, the State has defined its procedures as follows:

- Any emission offset would be reflected in an amendment to the permit to operate for the source providing the offset,
- If the emission offset is provided by shuting down an existing source, this source's permit to operate would be withdrawn, and
- An emission offset would be required prior to issuance of a permit to construct to the new source or the source to undergo modification.
- Issuance of a permit for a source subject to provisions of Part 231 would be handled as a SIP revision.

Comment No. 6: NRDC indicates that the proposed regulations exempt temporary sources and fugitive dust emissions from the "offset" program and that the Clean Air Act does not authorize such an exemption. NDRC believes that the inclusion of these exemptions would contavene the intent of the permit program.

Response No. 6: EPA has reviewed § 231.5 of 6 NYCRR Part 231 and has determined that emissions from temporary sources and fugitive dust emissions are only exempted insofar as they do not have to be used in calculating cumulative emissions to determine the need for an air quality impact evaluation. This exemption is consistent with EPA's interpretation of new source review requirements, presented in a January 16, 1979 **Federal Register** notice (44 FR 3274), "Emission Offset Interpretative Ruling."

Comment No. 7: NRDC states that the State's proposed regulations would not define "lowest achievable emission rate" in a manner consistent with Section 173(3) of the Clean Air Act, because the permit applicant does not bear the burden of demonstrating the inapplicability of the most stringent limitation.

Response No. 7: EPA has reviewed the State's definition of LAER as defined in 6 NYCRR Part 200, "General Provisions," and finds the definition is consistent with the definition in Section 173(3) of Clean Air Act. Further, § 231.3(d) requires the permit applicant to make a demonstration that "lowest achievable emission rate . . . will be applied," which implies that if the applicant's definition of LAER differs from the State's, the applicant must justify its definition.

Comment No. 8: NRDC states that the State's proposed regulations would not require a permit applicant to demonstrate that all of its major sources in the State are in compliance or on a schedule for compliance with applicable emission standards with regard "to sources owned or operated by any entity controlling, controlled by, or under common control with the applicant." This provision is included in Section 173(3) of the Clean Air Act.

Response No. 8: EPA agrees with this comment and is addressing this issue by adding a condition requiring the appropriate changes in the State's regulation. This is addressed under "Disposition of Proposed Conditions for Approval" in this notice under condition (9).

Comment No. 9: NRDC states that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Clean Air Act) and proper composition of state boards (Sections 110(a)(2)(F)(vi) and 128 of the Clean Air Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, it is argued that EPA must secure a state commitment to satisfy the permit fee and state board requirements before conditionally approving a plan under Part D. In those states that fail to correct the omission within the required time, the commentators urged that restrictions on contruction under Section 110(a)(2)(I) of the Clean Air Act must apply.

Response No. 9: To be fully approved under Section 110(a)(2) of the Act, a state plan must satisfy the requirements for state boards and permit fees for all areas, including nonattainment areas. Several states have adopted provisions satisfying these requirements, and EPA is working with other states to assist them in developing the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D of the Clean Air Act. Congress placed neither the permit fee nor the state board provision in Part D. While legislative history of the Act states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under under Part D, or for application of the construction restriction under Section 110(a)(2)(I) of the Act.

Comments No. 10 and No. 11 are general comments, addressed at national EPA policy, submitted by Covington and Burling and NRDC.

Comment and Response No. 10: Covington and Burling submitted extensive comments which it requested to be made a part of the public comment record for each state plan. Each of the points raised by the commentator and EPA's response to each follow. Although some of the issues raised are not relevant to provisions in New York State's submissions, EPA is notifying the public of its reponse to these comments at this time.

1. The commentator asked that comments it has previously submitted on the Emission Offset Interpretative Ruling, as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of its comments on each state plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commentator objected to general policy guidance issued by EPA on the grounds that EPA's guidance is more stringent than that required by the Act. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2) and Part D of the Clean Air Act. However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commentator noted that the recent court decision on EPA's regulations for the prevention of significant deterioration (PSD) of air quality affects EPA's new source review requirements for Part D plans as well. (The decision is *Alabama Power Co.* v. *Costle*, 13 ERC 1225). In the commentator's view, the court's rulings on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD new source review programs. In addition, the commentator believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modifications," and "potential to emit," and the areas in which new source review applies govern State plans under Part D (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979). In proposed rules published in the **Federal Register** on September 5, 1979 (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects new source review requirements for Part D state plans. The September 5, 1979 proposal addressed some of the issues raised by the commentator. To the extent necessary, EPA will respond in greater detail to the commentator's concerns in its response to comments on the September 5, 1979, proposal and its

response to comments on the Offset Ruling.

As part of the September 5, 1979 proposal, EPA proposed regulations for Part D plans in 40 CFR 51.18(j), "Review of new stationary sources and modifications." EPA also proposed, for now, to approve a SIP revision if its satisfies either existing EPA requirements, or the proposed regulations. Prior to promulgation of final regulations, EPA proposed to approve state-submitted relaxations of previously submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, states will have nine months, as provided for in Section 406(d) of the Clean Air Act, to submit revisions after EPA promulgates its final regulations.

In some instances, EPA's action on a state's new source review provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the state to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the revised new source review provisions are approved by EPA.

4. The commentator questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commentator noted, EPA has set forth, on January 18, 1979, its proposed bubble policy in a separate **Federal Register** publication at 44 FR 3720. EPA will respond to the comments on the "bubble" approach in the final "bubble" policy statement.

5. The commentator questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACMs) would not result in attainment any faster than application of less than all RACMs. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACMs results in attainment more expeditiously than application of less than all RACMs, the statutory deadline is the earlier date. While there is no requirement to apply more RACMs than is necessary for attainment, there is a requirement, in Section 172 of the Clean Air Act, to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commentator also suggested that all RACMs may not be "practicable." By definition, RACMs are only those measures which are "reasonable." If a measure is impracticable, it would not constitute a reasonably available control measure.

6. The commentator found the discussion in the April 4, 1979 **Federal Register** (44 FR 20372—"General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas") of reasonably available control technology for volatile organic compound sources covered by Control Technique Guidelines to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs. The CTGs provide recommendations to the states for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. (See 44 FR 53761, September 17, 1979).

7. The commentator suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble.

8. The commentator questioned EPA's authority to require states to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commentator suggested that if a state fails to submit a Part D plan revision, or if the submitted plan is disapproved, EPA must under Section 110(c) of the Clean Air Act promulgate a plan which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commentator's view, the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation. EPA has promulgated regulations (40 CFR 52.24) which prohibit major source construction or modification in any nonattainment area not having an approvable Part D plan revision. (See 44 FR 38473, July 2, 1979). Section 110(a)(2)(I) does not require a complete federally promulgated SIP before these restrictions may go into effect.

Comment No. 11: NRDC, in its August 6, 1979 letter addressing national EPA policy, stated that the requirements for an adequate permit fee system (Section 110(a)(2)(K) of the Act) and proper composition of state boards (Sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully.

Response No.11: This comment was addressed earlier in the "General Comments" section of this notice as Comment No. 9.

F. Other General Issues of Interest

(1) *Conditional Approval.* EPA is taking final action to conditionally approve certain elements of the New York State "upstate" plan revisions. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble which was published at 44 FR 38583 on July 2, 1979. The conditional approval of the SIP revisions discussed in today's notice requires the State to submit additional material by the deadlines specified or those proposed elsewhere in today's **Federal Register.** There will be no extensions to the deadlines for meeting the conditions which are being promulgated today. EPA will apply the following procedures to determine whether or not the State has satisfied a condition.

1. When the State submits required documentation showing that a condition was met on schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition was fully met. After review is complete, a **Federal Register** notice will be published either proposing or taking final action to find that either the condition has been met and the plan can be approved, or to find that the condition has not been met and that conditional approval is withdrawn and the plan is disapproved. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on new major source construction will be in effect.

3. If the State fails to submit the required materials needed to meet a condition in a timely fashion, EPA will publish a **Federal Register** notice shortly after the expiration of the deadline for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and that Section 110(a)(2)(I) restrictions on growth are in effect.

Elsewhere in today's **Federal Register** deadlines by which conditions must be met are being proposed. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of comment, the State remains bound by its commitment to meet the proposed deadlines, unless they are

changed. Certain deadlines for satisfying conditions have been changed and are being promulgated today without prior notice and comment. EPA finds that, for good cause, notice and comment are unnecessary (See U.S.C. Section 553(b)(B)—the Administrative Procedure Act), because the changes are consistent with State administrative procedures. The State is the party responsible for meeting the deadlines and the State has agreed to the deadlines. In addition, the public has had an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (See 44 FR 38583, July 2, 1979 and 44 FR 44556, July 30, 1979).

(2) *Attainment Dates and Compliance Deadlines.* 40 CFR 52.1682, "Attainment dates for national standards," lists the deadlines for attaining each national ambient air quality standard in the various areas of the State of New York. The version of this list appearing in the 1978 edition of the *Code of Federal Regulations* does not reflect the new deadlines provided for by Section 172(a) of the Clean Air Act, as amended in 1977. Today's notice updates this list where later dates were provided by the State in its SIP revisions and where these later dates were approved by EPA.

However, sources subject to plan requirements and deadlines established prior to the 1977 Amendments to the Clean Air Act remain obligated to comply with those requirements as well as with the new Section 172 plan requirements. Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

"Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D." (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to preexisting plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. Even when a new requirement is being added to a SIP, the existing requirement may not ordinarily be relaxed or revoked. The new requirement does not supersede or replace the old requirement. Instead the existing requirement must remain an enforceable provision of the SIP, and must co-exist with the new requirement in the applicable implementation plan. The present emission control requirement must be retained because the source must be prevented from operating without controls (or with less stringent controls) while it is moving toward compliance with (or challenging) the new requirement.

There are some exceptions, however. A state may submit a relaxation or revocation of an existing requirement (or, for an existing requirement promulgated by EPA, have EPA relax or revoke it) if the requirement is in one or more of the following categories:

- Any existing requirement that conflicts with a new, more stringent requirement, making it highly impractical for a source to comply with the old requirement. Any exemption granted must be drawn as narrowly as possible, on a case-by-case basis, and will be acted upon by EPA as a SIP revision.
- Any federally promulgated indirect source review program and any bridge toll requirement revocable under Section 110(c)(5)(A) of the Act.
- Any existing inspection/maintenance or transportation control measure to the extent the measure is demonstrated not to be reasonably available, if the revised SIP satisfies all Part D requirements.
- Any new requirement in a 1979 SIP submittal designed for the 0.08 ozone level as long as the control measures in the revised SIP satisfy all requirements for the 0.12 level.

A relaxation or revocation is also permissible if it will not contribute to concentrations of pollution where there is a violation of an ambient air quality standard or of a Prevention of Significant Deterioration increment. Where relaxation of a requirement is allowed, but where the deadline for compliance is not relaxed, the new requirement must call for compliance no later than the existing deadline for compliance so that there is no gap in enforceability.

Summary of EPA Action:

The following summary identifies plan improvement actions which EPA has found to be necessary for full unconditional approval of the Rochester, Syracuse, Capital District and Town of Catskill, and Southern Tier SIP revisions. As discussed, the Southern Tier plan is being addressed only with regard to its ability to control particulate matter; no action is being taken on the ozone plan for this area in view of its reclassification from "nonattainment" to "attainment/unclassifiable." Also, no action is being taken on the Utica-Rome plan, which addressed only attainment of the ozone standard, in view of the reclassification of this area from "nonattainment" to "attainment."

A. *Conditions.* (1) The State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

(2) On or before February 1, 1980, the State must either hold public hearings to revise its regulations to regulate the storage of all petroleum liquids in fixed roof tanks or must provide EPA with an acceptable justification for not regulating the storage of petroleum liquids other than gasoline. If the State elects to revise its regulations, such revisions must be adopted and submitted to EPA on or before August 1, 1980.

(3) On or before July 1, 1980, the State must submit to EPA criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

(4) On or before July 1, 1981, the State must submit to SIP additional emissions inventory data for the baseline year and projected attainment year indicated in each SIP revision document. Such data shall be in a format equivalent to that presented in the EPA document, *Workshop on Requirements for Nonattainment Area Plans,* April 1978 and shall be generated, in part, as a result of the emissions inventory improvement programs identified in the plans.

(5) On or before August 1, 1980, the State must adopt and submit to EPA revisions to § 231.3(b) of 6 NYCRR

indicating that, regardless of whether or not a source will have a "significant" impact on the area's air quality, "lowest achievable emission rate" control technology is required on new major sources or existing sources undergoing major modification if such sources are located in an area where standards are actually violated.

(6) The State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

(7) The State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

B. *Applicability of Conditions.* The conditions discussed in the previous section are applicable to EPA's approval of the subject SIP revisions with respect to the following areas and pollutants:

Condition Number Applicable to Each Area and Pollutant

Area	Pollutant addressed by the plan revision		
	Particulate matter	Ozone	Carbon monoxide
Syracuse	4,5,6,7	1,2,3,4, 5,6,7	3,5,6,7
Capital District & Town of Catskill	4,5,6,7	1,2,3,4, 5,6,7	3,5,6,7
Rochester	NA	1,2,3,4, 5,6,7	3,5,6,7
Southern Tier	4,5,6,7	NA	NA
Utica-Rome	NA	NA	NA

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.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Dated: January 29, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670 paragraph (c) is amended by adding new paragraphs (c)(40 through 44) as follows:

§ 52.1670 Identification of plans.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(40) A document entitled, "New York State Air Quality Implementation Plan—Syracuse Area," submitted on March 19, 1979 by the New York State Department of Environmental Conservation.

(41) A document entitled, "New York State Air Quality Implementation Plan—Southern Tier (Binghamton, Elmira-Corning, Jamestown)," submitted on April 5, 1979 by the New York State Department of Environmental Conservation, only insofar as it deals with attainment of the national ambient air quality standards for particulate matter.

(42) A document entitled, "New York State Air Quality Implementation Plan—Rochester Area," submitted on April 5, 1979 by the New York State Department of Environmental Conservation.

(43) A document entitled, "New York State Air Quality Implementation Plan—Capital District and Town of Catskill," submitted on March 19, 1979 by the New York State Department of Environmental Conservation.

(44) Supplementary submittals of SIP revision information from the New York State Department of Environmental Conservation, insofar as they deal with all areas of the State except the New Jersey-New York-Connecticut and Niagara Frontier Air Quality Control Regions, dated:

- May 23, 1979, dealing with new source review and growth tracking provisions, adoption of proposed regulations, schedule for hydrocarbon emissions inventory improvements, identification of resources necessary to carry out the SIP, schedule for development of a public participation program, schedule for development of transportation planning process improvements, the need for an 18-month extension for the City of Syracuse and Village of Solvay, demonstration of control strategy adequacy for the area addressed by the Capital District and Town of Catskill plan revision document, compliance schedules for two facilities in the Hudson Valley Air Quality Control Region, and development of a local government consultation program in Jamestown, New York.
- May 31, 1979, dealing with adoption of proposed regulations, hydrocarbon emissions inventory improvements, schedule for development of transportation planning process improvements, and compliance schedules for two facilities in the Hudson Valley Air Quality Control Region.
- June 12, 1979, providing a final draft of the proposed regulations, information on the compliance schedule for a facility in the Hudson Valley Air Quality Control Region, and general information on development of compliance schedules. The proposed regulations to be incorporated in Title 6 of the New York Code of Rules and Regulations are as follows:
  - Part 200, General Provisions (revision);
  - Part 211, General Prohibitions (revision);
  - Part 212, Process and Exhaust and/or Ventilation Systems (revision);
  - Part 223, Petroleum Refineries (revision);
  - Part 226, Solvent Metal Cleaning Processes (new);
  - Part 228, Surface Coating Processes (new);
  - Part 229, Gasoline Storage and Transfer (new); and
  - Part 231, Major Facilities.
- June 18, 1979, dealing with new source review provisions, general information on development of compliance schedules, and adoption of proposed regulations.
- August 10, 1979, providing a comprehensive set of adopted regulations. Action is only taken on adopted regulatory revisions previously submitted on June 12, 1979—Parts 200, 211, 223, 226, 228, 229, and 231.
- September 26, 1979, providing additional information regarding the EPA notice of proposed rulemaking (44 FR 44556, July 30, 1979) which deals with the adoption of regulations for control of volatile organic compound sources for source categories addressed by Control Technology Guideline documents issued subsequent to December 1977, regulatory revisions to 6 NYCRR Parts 211 and 229, the transportation planning process, emissions inventory improvements, new source review procedures, public participation and local government consultation programs, and adoption of regulations.
- October 1, 1979, dealing with new source review procedures.
- November 14, 1979, providing supplemental documentation on the administrative process of revising regulations.

2. Section 52.1672 is amended by revoking paragraphs (a) through (e) and by adding a new paragraph (a) as follows:

§ 52.1672 Extensions.

(a) The Administrator hereby extends for 18 months (until July 1, 1980) the statutory timetable for submission of New York's plan for attainment and maintenance of the secondary standards for particulate matter in the City of Syracuse and Village of Solvay areas of the Central New York Intrastate Air Quality Control Region.

3. Section 52.1673 is revised to read as follows:

§ 52.1673 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New York's plans for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act, as amended in 1977, except as noted below in § 52.1674 and for the New Jersey-New York-Connecticut and the Niagara Frontier Air Quality Control Regions. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

4. Section 52.1674 is added as follows:

§ 52.1674 Part D—Conditions on approval.

The following actions must be carried out by the State for the correction of unfulfilled requirements of Part D of the Clean Air Act:

(a) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone standard in those areas of the Central, Genesee Finger Lakes, and Hudson Valley Air Quality Control Regions designated as nonattainment for this pollutant in § 81.333 of this chapter, when last revised.

(1) The State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

(2) On or before February 1, 1980, the State must either hold public hearings to revise its regulations to regulate the storage of all petroleum liquids in fixed roof tanks or must provide EPA with an acceptable justification for not regulating the storage of petroleum liquids other than gasoline. If the State elects to revise its regulations, such revisions must be adopted and submitted to EPA on or before August 1, 1980.

(b) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone and carbon monoxide standards in those areas of the Central, Genesee Finger Lakes, and Hudson Valley Air Quality Control Regions designated as nonattainment for each of these pollutants in § 81.333 of this chapter, when last revised.

(1) On or before July 1, 1980, the State must submit to EPA criteria and procedures for making assessments of the consistency and conformity of the outputs of the transportation planning process with the SIP.

(c) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone and particulate matter standards in those areas of the Central and Hudson Valley Air Quality Control Regions, the particulate matter standard in those areas of the Southern Tier West Air Quality Control Region, and the ozone standard in those areas of the Genesee Finger Lakes Air Quality Control Region designated as nonattainment for each of these pollutants in § 81.333 of this chapter, when last revised.

(1) On or before July 1, 1981, the State must submit to EPA additional emissions inventory data for the baseline year and projected attainment year indicated in each SIP revision document. Such data shall be in a format equivalent to that presented in the EPA document, *Workshop on Requirements for Nonattainment Area Plans*, April 1978 and shall be generated, in part, as a result of the emissions inventory improvement programs identified in the plans.

(d) The following condition shall be applicable to the New York State plan with regard to its provisions for attainment of the ozone, carbon monoxide, and particulate matter standards in those areas of the Central and Hudson Valley Air Quality Control Regions, the ozone and carbon monoxide standards in those areas of the Genesee Finger Lakes Air Quality Control Region, and the particulate matter standard in those areas of the Southern Tier West Air Quality Control Region designated as nonattainment for each of the pollutants in § 81.333 of this chapter, when last revised.

(1) On or before August 1, 1980, the State must adopt and submit to EPA revisions to § 231.3(b) of 6 NYCRR indicating that, regardless of whether or not a source will have a "significant" impact on the area's air quality, "lowest achievable emission rate" control technology is required on new major sources or existing sources undergoing major modification if such sources are located in an area where standards are actually violated.

(2) The State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

(3) The State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

5. Section 52.1682 is revised to read as follows:

§ 52.1682 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information contained in the New York State plan. Further information on the specific boundaries of the "nonattainment" "unclassifiable," and "attainment" areas is found in § 81.333 of this chapter.

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_2		NO	CO	O_3
	Primary	Secondary	Primary	Secondary			
Niagara Frontier Interstate	e	e	e	e	a	e	e
New Jersey-New York-Connecticut Interstate	a	e	a	a	a	e	e
Southern Tier East Interstate	a	a	a	a	a	a	a
Champlain Valley Interstate	a	a	a	a	a	a	a
Southern Tier West Interstate:							
City of Jamestown	a	b	a	a	a	a	a
Remainder of AQCR	a	a	a	a	a	a	a
Genesee Finger Lakes Interstate:							
Monroe County (portion)	a	a	a	a	a	b	b
Remainder of AQCR	a	a	a	a	a	a	b
Central New York Interstate:							
County of Onondaga:							
City of Syracuse (portion)	b	c	a	a	a	b	b

Air quality control region and nonattainment area	Pollutants						
	TSP		SO_x		NO	CO	O_x
	Primary	Secondary	Primary	Secondary			
Remainder of City of Syracuse	a	b	a	a	a	a	b
Village of Solvay	a	c	a	a	a	a	b
Village of East Syracuse	a	b	a	a	a	a	b
Remainder of County	a	a	a	a	a	a	b
County of Cayuga	a	a	a	a	a	a	b
Remainder of AQCR	a	a	a	a	a	a	a
Hudson Valley Interstate:							
County of Albany:							
City of Albany (portion)	a	b	a	a	a	b	b
City of Watervliet	a	a	a	a	a	b	b
Town of Colonie (portion)	a	a	a	a	a	b	b
Remainder of County	a	a	a	a	a	a	b
County of Columbia	a	a	a	a	a	a	b
County of Dutchess	a	a	a	a	a	a	b
County of Greene:							
Town of Catskill (portion)	a	b	a	a	a	a	b
Remainder of County	a	a	a	a	a	a	b
County of Orange	a	a	a	a	a	a	b
County of Putnam	a	a	a	a	a	a	b
County of Rensselaer:							
City of Troy	a	a	a	a	a	b	b
Remainder of County	a	a	a	a	a	a	b
County of Schenectady:							
City of Schenectady	a	a	a	a	a	b	b
Remainder of County	a	a	a	a	a	a	b
County of Ulster	a	a	a	a	a	a	b
County of Saratoga:							
Town of Waterford	a	a	a	a	a	b	b
Town of Clifton Park	a	a	a	a	a	a	b
Town of Halfmoon	a	a	a	a	a	a	b
City of Mechanicville	a	a	a	a	a	a	b
Remainder of AQCR	a	a	a	a	a	a	a

a. Air Quality levels presently attain standards or area is unclassifiable.

b. December 31, 1982.

c. 18-month extension, until July 1, 1980, for plan revision submission granted. The earlier attainment date remains applicable until the plan revision is approved; this date is set out in the 1978 edition of the *Code of Federal Regulations* at 40 CFR Part 52, § 52.1682.

d. December 31, 1987 or such earlier date as defined in plan revision to be submitted by July 1, 1982; extension for plan revision submission granted.

e. Revision of earlier date to be defined at such time as formal action is taken on the plan revision submitted pursuant to Part D requirements of the Clean Air Act, as amended. The earlier attainment date is set out in the 1978 edition of the *Code of Federal Regulations* at 40 CFR Part 52, § 52.1682.

NOTES

1. Footnotes which are underlined are prescribed by the Administrator because plan did not provide a specific date the date provided was not acceptable.

2. Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out in the 1978 edition of the *Code of Federal Regulations* at 40 CFR Part 52, § 52.1682.

[FR Doc. 80-3714 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

VETERANS ADMINISTRATION

41 CFR Parts 8-3, 8-5, 8-8

Procurement; Miscellaneous Amendments

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is revising its procurement regulations to make miscellaneous technical corrections and to reflect implementation of OMB directives. Involved are updates of organizational titles and revised provisions relating to interagency agreements.

EFFECTIVE DATE: This rule is effective February 12, 1980.

FOR FURTHER INFORMATION CONTACT: A. G. Vetter, Supply Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-2334).

SUPPLEMENTARY INFORMATION: It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rulemaking process (38 CFR 1.12). The amendments herein, however, involve implementation of Federal directives and other matters of agency practice and procedures. Therefore, the public rulemaking process is deemed unnecessary in this instance.

Approved: January 29, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

PART 8-3—PROCUREMENT BY NEGOTIATION

1. In Part 8-3, Procurement by Negotiation, § 8-3.705 is revised to read as follows:

§ 8-3.705 Procedure.

Contracting officers will request the Director, Contract and Special Audit Service (52C), to audit proposed overhead rates for use in cost-reimbursement contracts whenever the estimated amount of the contract is in excess of $100,000. Such requests by field station contracting officers will be submitted through the Director, Supply Service, Central Office. In the case of smaller contracts, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of propsed rates. He/she may, if in Central Office, request the Director, Contract and Special Audit Service (52C), to perform an audit or render such accounting assitance or technical advice as is deemed desirable. A field station contracting officer may direct request for such service on smaller contracts to the local fiscal activity serving the contracting officer.

2. In § 8-3.801-2, paragraph (b) is revised to read as follows:

§ 8-3.801-2 Responsibility of contracting officers.

* * * * *

(b) When in the opinion of the contracting officer, the complexity of the proposed contract warrants, he/she will submit the proposed contract to the Director, Supply Service for review and comment. When deemed advisable, the Director, Supply Service, will request the General Counsel to accomplish a legal review.

3. Section 8-3.801-3 is revised to read as follows:

§ 8-3.801-3 Responsibility of other personnel.

The Director, Contract and Special Audit Service, will provide advice, assistance or cost audits as provided in §§ 8-3.705, 8-3.809, and 8-3.813.

§ 8-3.805-1 [Revoked]

4. Section 8-3.805-1 is revoked.

5. In § 8-3.807-3, the title, paragraphs (b) and (c) and the introductory portion of paragraph (d) are revised to read as follows:

§ 8-3.807-3 Cost or pricing data.

* * * * *

(b) When cost or pricing data is required and the amount of any negotiated fixed-price or cost-reimbursement contract or contract modification is expected to exceed $100,000, the cost or pricing data, after evaluation by the contracting officer, will be forwarded to the Director, Contract and Special Audit Service (52C), for prior audit as to the adequacy, accuracy and applicability of the costs

included. Such requests for prior audit will be submitted by field station contracting officers, through the Director, Supply Service.

(c) In the case of smaller contracts the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed costs. He/she may, if in Central Office request the Director, Contract and Special Audit Service (52C), to perform an audit or render such accounting assistance or technical advice as deemed desirable. A field station contracting officer may request such assistance and advice from the local fiscal activity serving the contracting officer.

(d) Cost of pricing data may, but need not, be submitted to the Director, Contract and Special Audit Service (52C), for prior audit, for the following transactions:

* * * * *

6. Section 8–3.809 is revised to read as follows:

§ 8–3.809 Contract audit as a pricing aid.

The Director, Contract and Special Audit Service, or a recognized audit agency, e.g., the Defense Contract Audit Agency, at the request of the Director, Contract and Special Audit Service, will provide advisory audits, special surveys or audit analysis of price or cost, when required by this Subpart 8–3.8 or when assistance is requested by the contracting officer.

7. Section 8–3.813 is revised to read as follows:

§ 8–3.813 Preproduction and startup and other nonrecurring costs.

In evaluating startup and other nonrecurring costs, the extent to which these costs are included in the proposed price and the intent to absorb or recover any such costs in any future noncompetitive procurement or other pricing action will be determined. The contracting officer will ascertain, with the assistance of the Director, Contract and Special Audit Service, as required or considered necessary, that payment of such costs is not duplicated. For example, cost of equipment paid for by the Government through a setup or connection agreement will not be included in depreciation costs of a subsequently negotiated agreement.

PART 8–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

8. In Part 8–5, Special and Directed Sources of Supply, § 8–5.5001 is revised to read as follows:

§ 8–5.5001 Authorization and policy relating to placing and filling orders.

The obtaining of products and services from another Government agency under the authority of the Economy Act requires a finding that such products or services cannot be as conveniently or more cheaply performed by private agencies. In obtaining from another Government agency those products and services that are commercial in nature, OMB Circular NO. A–76 (as amended) provides additonal guidelines which must be followed. The circular, however, is not applicable to hospital, domiciliary and medical care covered by Chapter 17 of Title 38, U.S.C., or to formal program for managing excess capacity. (Transmittal Memorandum No. 4 of March 29, 1979, to OMB Circular No. A–76 and Supplement No. 1 to that circular, Cost Comparison Handbook, have been distributed to all field stations.)

9. In § 8–5.5002, paragraph (c) is revised to read as follows:

§ 8–5.5002 Interagency support agreement.

* * * * *

(c) Proposed interagency support agreements with any other Government department or agency involving the expenditures of Veterans Adminstration funds of $5,000 or more will be forwarded by the approving offical to the Director, Supply, Service, for legal review and approval, as required by § 8–1.403–52(a)(3).

(1) Proposed agreements, both new and renewal, will be submitted in an original and four copies so as to reach Central Office 60 days prior to the effective date of the agreement.

(2) Complete justification for all proposed agreements will be submitted, as approval depends on the adequacy of the justification.

10. Section 8–5.5003 is added to read as follows:

§ 8–5.5003 Field contract support cross-servicing program.

(a) Pursuant to the Government program to foster interagency cross-servicing in field contract support services, contracting officers of the Veterans Administration will utilize the support services of other agencies to the extent feasible. Examples of such services are: Preaward surveys; quality assurance and technical inspection of contract items; and review of contractors' procurement systems.

(1) A Federal Contract Administration Cross-Servicing Directory is published by the Department of Defense, and will be distributed to contracting offices through the Veterans Administration Forms and Publications Depot.

(2) Requests for contract audit services will be transmitted to the Director, Contract and Special Audit Service (52C), in accordance with § 8–3.807–3(b) and (c). At the Director's discretion, the contract audit will either be performed by his/her staff or arranged with a support audit agency. All related contracts with the support audit agency will be made through the Director, Contract and Special Audit Service.

(b) Reimbursement for any charges for services obtained under cross-servicing arrangements will be made from funds available for the related contract. The hourly rate established under the cross-servicing agreement of the Department of Defense and the National Aeronautics and Space Administration may be employed to facilitate reimbursement arrangements (ref. Policy Letter No. 78–4, August 8, 1978, Office of Federal Procurement Policy).

(c) Both the requesting and supporting activities are responsible for prudent use of support services provided under cross-servicing arrangements. Accordingly, servicing activities will, when deemed appropriate, counsel the requesting agency concerning the desirability and practicality of relaxing or waiving any controls or surveillance not necessary to ensure satisfactory performance of contracts.

PART 8–8—TERMINATION OF CONTRACTS

11. In Part 8–8, Termination of Contracts, § 8–8.206 is revised to read as follows:

§ 8–8.206 Fraud or other criminal conduct.

When the circumstances set forth in FPR 1–8.206 are encountered, the contracting officer will immediately discontinue all negotiations. He/she will submit to the Director, Supply Service, all of the pertinent facts necessary to support his/her reasoning. The Director, Supply Service, will review the submission and fully develop the facts. If he/she concurs that the evidence indicates fraud or other criminal conduct, he/she will forward the submission with his/her recommendations, through channels, to the General Counsel for a determination as to whether submission to the Department of Justice for criminal or

civil action is indicated. The contracting officer will be advised by the Director, Supply Service, as to any further action to be taken by him/her. Pending receipt of this advice, the matter will not be discussed with the contractor. If inquiry is made by the contractor, he/she will be advised only that his/her proposal has been forwarded to higher authority.

12. Section 8–8.207 is revised to read as follows:

§ 8–8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

In compliance with the provisions of FPR 1–8.207, contracting officers will submit all settlement proposals to the Director, Contract and Special Audit Service (52C), for review and audit prior to taking any further action.

13. Section 8–8.211–1 if revised to read as follows:

§ 8–8.211–1 Settlement review boards.

The Chief Medical Director and the Assistant Administrator for Construction will each establish within his/her own organization a settlement review board. These boards will be established in accordance with the provisions for FPR 1–8.211–1 for the purpose of reviewing proposed settlements of contracts that have been terminated for the convenience of the Veterans Administration.

14. In § 8–8.211–2, paragraphs (a) and (b) are revised to read as follows:

§ 8–8.211–2 Required review and approval.

(a) When a review of a proposed settlement is required by FPR 1–8.211–2 and the contract covers supplies, equipment or services, other than construction chargeable to Construction Appropriations, the contracting officer will submit the proposed settlement or determination to the settlement review board through the Chief Medical Director (134).

(b) When the contract covers construction chargeable to Construction Appropriations and review is required, the proposed settlement or determination will be submitted by the contracting officer to the settlement review board through the Assistant Administrator for Construction.

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 80–3706 Filed 2–4–80; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5692

[27114]

New Mexico; Partial Revocation of Public Land Order No. 995

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will restore 2,400 acres of lands to national forest status and open them to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: March 5, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202–343–6486.

By virtue of the authority contained in section 204 of the Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 995 of August 19, 1954, withdrawing certain lands for use of the Department of the Army in connection with Sandia Base, is hereby revoked so far as it affects the following described lands:

New Mexico Principal Meridian

T. 9 N., R. 5 E.,
Sec. 13, NW¼, S½;
Secs. 24, 25 and 36.

The area described contains 2,400 acres in Bernalillo County.

2. At 10 a.m., on March 5, 1980, the lands shall be open to such forms of disposition as may by law be made of national forest lands. The lands revert to national forest status and management as established by the Proclamations of November 6, 1906, and April 16, 1908, withdrawing lands for national forest purposes.

Guy R. Martin,

Assistant Secretary of the Interior.

January 28, 1980.

[FR Doc. 80–3669 Filed 2–4–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5693

[I–9903]

Idaho; Withdrawal for National Forest Pine Seed Orchard

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 70 acres of national forest land in the Payette National Forest from the operation of the mining laws only. The land will be use as a pine seed orchard.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber 202–343–6486.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from entry or location under the mining laws (30 U.S.C., Ch. 2), in order to protect them for use as a pine seed orchard in aid of a cooperative Federal and State program of the Department of Agriculture.

Payette National Forest

Boise Meridian

Calf Pen Ponderosa Pine Seed Orchard

T. 19 N., R. 3 W.
Sec. 9: S½N½NE¼NE¼, S½NE¼NE¼, E½SE¼NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The area described contains approximately 70 acres in Adams County.

2. The withdrawal made by this order does not alter the applicability of those public lands laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws of the United States.

Guy R. Martin,

Assistant Secretary of the Interior.

January 28, 1980.

[FR Doc. 80–3668 Filed 2–4–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5694

[CA–2642]

California; Withdrawal of Lands for Desert Tortoise Habitat

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws lands in aid of a Bureau of Land Management program to preserve and protect the desert tortoise habitat area.

EFFECTIVE DATE: February 5, 1980.

FOR FURTHER INFORMATION CONTACT: Sue Bosma, 202–343–6486.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the

Secretary of the Interior, are hereby withdrawn from location and entry under the general mining laws, 30 U.S.C. Ch. 2, in aid of a program of the Department of the Interior for the preservation and protection of the desert tortoise.

Public Lands

Mount Diablo Meridian

T. 30 S., R. 38 E.
Sec. 13, Lots 9, 10, and 11;
Sec. 23, Lots 6, 7, 8, 11, and 12;
Sec. 24, Lots 1, 2, 3, and 5 through 16;
Sec. 26, Lots 1, 2, 4, and 5, E½, SW¼;
Sec. 34, S½.
T. 31 S., R. 38 E.
Secs. 1 through 4;
Sec. 5, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 8, All;
Sec. 9, N½, E½SW¼, SE¼;
Sec. 10, All;
Sec. 11, N½, SW¼;
Secs. 12 and 14;
Sec. 18, N½, SE¼;
Secs. 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 38 E.
Secs. 4 and 6

Private Lands Programmed for Acquisition

Mount Diablo Meridian

T. 30 S., R. 38 E.
Sec. 13, Lots 1 and 2, E½SE¼, and those 67.76 acres of the NE¼ lying easterly of the meander line of Koehn Dry Lake as defined by Dependent Resurvey approved July 30, 1971;
Sec. 23, Those 90.11 acres of the S½ lying easterly of the meander line of Koehn Dry Lake as defined by Dependent Resurvey approved July 30, 1971;
Secs. 25, 35, and 36.
T. 31 S., R. 38 E.
Sec. 5, SW¼SE¼, SE¼SW¼, W½SW¼;
Sec. 9, W½SW¼;
Sec. 11, SE¼;
Secs. 13, 15, 16, and 17;
Sec. 18, Lots 1 and 2 of SW¼;
Secs. 19, 21, 23, 27, 29, 31, and 33.
T. 32 S., R. 38 E.
Sec. 5, All.

The areas described aggregate 25,465.04 acres in Kern County.

2. The fee (private) lands described in paragraph one above will be subject to this order upon acceptance of title on behalf of the United States.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

January 28, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-3666 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5695

[I-3812]

Idaho; Revocation of Public Land Order No. 726

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will restore 1,440 acres to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: March 5, 1980.

FOR FURTHER INFORMATION CONTACT: Evelyn Tauber, 202-343-6486.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 726 of June 6, 1951, withdrawing land for use of the Department of the Army as a National Guard target range is hereby revoked:

Boise Meridian

T. 2 N., R. 3 W.,
Sec. 20, S½S½;
Sec. 21, W½, W½E½;
Sec. 27, SW¼;
Sec. 28, N½, SE¼, NE¼SW¼;
Sec. 29, N½NE¼, NE¼NW¼.

The area described aggregates 1,440 acres in Canyon County, Idaho.

The lands are situated in the southwest portion of Canyon County approximately 15 miles from the Idaho-Oregon border. The terrain varies from slightly rolling to very steep, with elevations ranging from 2,560 to 3,083 feet above sea level. Soils vary from deep silt loams on the lower lying portions of the tract to shallow rocky profiles at the higher elevations. The tract is characterized by a sagebrush-grassland type vegetative cover.

2. At 10 a.m., on March 5, 1980, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on March 5, 1980, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on March 5, 1980, the lands will be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Mangement, P.O. Box 042, Boise, Idaho 83724.

Guy R. Martin,

Assistant Secretary of the Interior.

January 28, 1980.

[FR Doc. 80-3667 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

50 CFR Part 32

Hunting; Piedmont National Wildlife Refuge, Georgia

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of Piedmont National Wildlife Refuge in Georgia is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming turkey season on Piedmont National Wildlife Refuge, Georgia.

DATES: April 7 to April 12, 1980.

FOR FURTHER INFORMATION CONTACT: The Area Manager or Refuge Manager at the address or telephone number listed below. Area Manager, Donald J. Hankla, U.S. Fish and Wildlife Service, 900 San Marco Boulevard, Jacksonville, Florida 32207. Telephone: (904) 791-2267. Refuge Manager, Ronnie L. Shell, Piedmont National Wildlife Refuge, Round Oak, Georgia 31080. Telephone: (912) 986-5441.

SUPPLEMENTARY INFORMATION: Hunting is permitted on Piedmont National Wildlife Refuge in accordance with 50 CFR Part 32, State regulations, and the following special regulations. 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 no area of the National Wildlife Refuge System is used for forms of recreation not directly related to the primary purposes 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 Piedmont National Wildlife Refuge was 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.

§ 32.32 Special Regulations: big game; for individual wildlife refuge areas.

Piedmont National Wildlife Refuge, Georgia

Hunting of eastern wild turkey will be permitted on Piedmont National Wildlife Refuge in accordance with the following: (a) *season*—April 7–9, 1980 (first hunt) and April 10–12, 1980 (second hunt); (b) *bag limit*—one bearded turkey per hunter; (c) *hunting hours*—one-half hour before sunrise to 1:00 p.m. Eastern Standard Time; (d) *hunting area*—approximately 30,000 acres; (e) *closed areas*—areas posted with silver boundary paint and "area closed" signs plus compartments 21, 22, and 25; (f) *camping*—camping and fires will be allowed only in the Pippins Lake Campground, compartment 19 (campground will be open 8:00 a.m. April 6, 1980 thru 12:00 a.m. April 13, 1980); (g) *permits*—50 permits per hunt will be issued and permittees will be selected by public drawing from applications received at refuge headquarters by drawing deadline which is 9:00 a.m., March 10, 1980 (all hunters must possess a permit to hunt, permits are nontransferrable and must be carried on person while hunting, hunters under age 18 must be under the supervision of an authorized adult and children under 12 years of age are not permitted on the turkey hunt); (h) *maps*—a copy of special regulations applying to this hunt and a map delineating the hunt area are available at refuge headquarters; (i) *access*—ingress and egress points for motor vehicles are limited to designated check stations, specified gravel roads, or other specified areas; (j) *check station*—all hunters must check in and check out before and after each hunt and turkeys harvested must be checked by refuge personnel on the day killed and prior to leaving the refuge; (k) *weapons*—same as current Georgia Hunting Regulations; (l) *stands*—stands must be of a portable nature and removed by the last day of the hunt (it is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from a tree in which a nail, spike, or other metal object has been driven); (m) *dogs*—dogs are not permitted on the refuge; and (n) *alcoholic beverages*—possession and use of alcoholic beverages are prohibited in the hunting area.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: January 28, 1980.

Sam O. Drake, Jr.,

Acting Area Manager.

[FR Doc. 80-3670 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 45, No. 25
Tuesday, February 5, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 351

Reduction in Force

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations with comments invited for consideration in final rulemaking.

SUMMARY: These proposed regulations would provide for agency use of performance appraisal systems prescribed by the Civil Service Reform Act to determine the weight of performance as a reduction in force retention factor.

COMMENT DATE: Written comments will be considered if received no later than April 7, 1980.

ADDRESS: Send or deliver written comments to Associate Director, Staffing Services, Office of Personnel Management, 1900 E Street, N.W., Room 6526, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Theodore R. Dow or Thomas A. Glennon, (202) 632–4422.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management proposes to make the following specific changes in Part 351:

(1) Section 351.404(c) is revised to provide that an employee with a notice of proposed removal based on "Unacceptable Performance" is not a competing employee under the reduction in force regulations.

(2) Section 351.504(b) is revised to include material formerly contained in paragraphs (b) and (c). This paragraph now specifically covers the weight of performance as a reduction in force retention factor in agencies which continue to use summary adjective performance ratings pending implementation of new performance appraisal systems, established by the Civil Service Reform Act, under Part 430 Subpart B of this title (5 CFR Part 430 Subpart B).

(3) Section 351.504(c) is amended to include new material which specifically covers the weight of performance as a reduction in force retention factor in agencies that have implemented performance appraisal systems under Part 430 Subpart B.

Note.—OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance Systems Manager.

Accordingly, OPM proposes to amend 5 CFR Part 351 as follows:

(1) Section 351.404 is revised as set out below:

§ 351.404 Retention register.

(a) Each agency shall establish a separate retention register from the current retention records of employees in, and employees temporarily promoted from, each competitive level affected when a competing employee is to be released from a competitive level under this part.

(b) The agency shall enter on the retention register in the order of his or her retention standing the name of each competing employee in, and each competing employee temporarily promoted from, a competitive level (whether in duty, leave, or furlough status), except an employee on military duty with a restoration right.

(c) The agency shall enter on a list apart from the retention register the name and expiration date of the appointment or promotion of each employee serving in a position under specifically limited temporary appointment or temporary promotion, followed by the name of each employee serving in the competitive level with, as applicable:

(1) A performance rating of less than "Satisfactory" in an agency that has not implemented a performance appraisal system meeting all the requirements of 5 U.S.C. 4302 and Subpart 430–B of this title; or

(2) A notice of proposed removal under § 432.204(a) of this title, based on "Unacceptable Performance" as defined in § 432.202 of this title.

(2) Section 351.504 is revised as set out below:

§ 351.504. Credit for performance.

(a) Each employee's performance rating of record on the date of issuance of specific reduction in force notices shall determine the employee's entitlement to additional service credit for performance under this section.

(b) An agency that has not implemented a performance appraisal system meeting all the requirements of 5 U.S.C. 4302 and Part 430 Subpart B of this title, and assigns summary adjective performance ratings, shall credit the following employees with additional service, which is added to each employee's creditable service under this part:

(1) Each employee who has an "Outstanding" performance rating shall receive 4 years of additional service; and

(2) Each employee who has a performance rating between "Satisfactory" and "Outstanding" shall receive 2 additional years of service.

(c) An agency that has implemented a performance appraisal system meeting all the requirements of 5 U.S.C. 4302, and Part 430 Subpart B of this title, is responsible for using employee performance appraisals to credit employees with additional service toward retention standing. This additional service is added to each employee's creditable service under this part. Each employee who has an "Outstanding," or highest appraisal under the agency's system, shall receive 4 additional years of service. Each employee whose performance is less than fully "Acceptable," but above the minimum level required for retention in the position, shall receive 0 additional years of service. Agencies may use employee performance appraisals to assign other employees, whose performance is at least fully "Acceptable," and amount of service credit for retention ranging from 0 to less than 4 years. Each agency is responsible for ensuring that these provisions are:

(1) Consistent with Part 430 Subpart B of this title; and

(2) Uniformly and consistently applied in any one reduction in force.

(5 U.S.C. 1302, 3502)

[FR Doc. 80-3737 Filed 2-4-80; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Contract Policies and Procedures; Proposed Revision of REA Bulletin 40–6

AGENCY: Rural Electrification Administration.

ACTION: Advance Notice of proposed rulemaking.

SUMMARY: REA proposes to review its rules and regulations covering policies and procedures to be followed by electric borrowers for contracting to procure materials, equipment and construction of facilities. The procedures with which REA is especially concerned relate to the expenditure of funds loaned or guaranteed by REA, the protection of the security of such loans and the details of REA's necessary control over these funds. REA is hopeful that this review will indicate ways to simplify procedures for its borrowers and its staff and to reduce the cost of its borrowers doing business, while maintaining REA's loan security and protecting the financial interest of REA borrowers. REA hereby solicits comments and recommendations from interested parties regarding changes that should be made and the reasons those changes are needed.

DATE: Public comments must be received by REA no later than March 6, 1980.

ADDRESS: Submit written comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Archie W. Cain, telephone number (202) 447–4413.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 CFR 901 et. seq.) REA proposes to revise REA Bulletin 40–6, "Construction Methods and Purchase of Materials and Equipment." All written submissions made pursuant to this notice will be made available for public inspection during regular business hours at the above address.

Dated: January 28, 1980

Joe S. Zoller,

Assistant Administrator—Electric.

[FR Doc. 80–3512 Filed 2–4–80; 8:45 am]

BILLING CODE 3410–15–M

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Reg. J; Doc. No. R–0262]

Automated Clearing House Items

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: The Board of Governors of the Federal Reserve System has extended until March 14, 1980, the period for receipt of public comment on its proposal that a Subpart C be added to the present Regulation J. The proposed new Subpart would establish the respective duties and responsibilities of the Federal Reserve Banks and those financial depository institutions using the Federal Reserve operated electronic clearing and settlement facilities to transfer funds. These facilities are known as automated clearing house facilities.

DATE: Comments must be received on or before March 14, 1980.

ADDRESS: Comments, which should refer to Docket No. R–0262, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Attorney (202/452–3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On November 28, 1979 (44 FR 67995), the Board requested comment on a proposal to add a Subpart C to the present Regulation J. The proposed Subpart would govern the clearing and settlement of credit and debit items by automated clearing houses operated by Federal Reserve Banks. Automated clearing house operations and the Federal Reserve's role in such operations essentially parallel check clearing operations except that the payment information is contained on electronic media as opposed to paper checks. Comment was requested on the proposal by January 31, 1980. The Board has been requested to extend the comment period in order to provide interested parties with additional time in which to present their views. In light of the issues involved in the proposal and in order to encourage public participation in this matter, the comment period has been extended to March 14, 1980.

By order of the Board of Governors, acting through its Secretary under delegated authority, January 30, 1980.

Theodore E. Allison

Secretary of the Board.

[FR Doc. 80–3684 Filed 2–4–80; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM79–55]

Small Power Production and Cogeneration—Rates and Exemptions; Meeting With State Regulatory Commissioners on Staff Draft

January 30, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Meeting with State Regulatory Commissioners on Staff Draft of the Final Rule in RM79–55.

SUMMARY: On October 18, 1979, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (published October 24, 1979, 44 FR 61190) under Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA). Section 210 requires the Commission, after consultation with Federal and State regulatory agencies having ratemaking authority for electric utilities, to prescribe rules which the Commission determines necessary to encourage small power production and cogeneration, including rules regarding rates and exemptions for qualifying small power production and cogeneration facilities.

Pursuant to this requirement, the Commission is holding a public meeting with State regulatory commissioners, who are primarily responsible for implementing the Commission's rules in this docket, so that these Commissioners may comment on the draft rule before it is placed on the Commission's agenda.

The draft rule was placed in the public file on January 29, 1980.

All interested persons are invited to attend to observe the proceedings but only the State commissioners and their staff will be permitted to participate.

DATE: Public meeting: February 5, 1980 at 2:00 p.m. to 5:00 p.m.

ADDRESS: Public meeting location: Federal Energy Regulatory Commission, Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

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FOR FURTHER INFORMATION CONTACT:
Ross Ain, Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8446, Adam Wenner, Executive Assistant to the Associate General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3722 Filed 2–4–80; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 348

[Docket No. 78N–0301]

External Analgesic Drug Products for Over-the-Counter Human Use; Establishment of a Monograph and Notice of Proposed Rulemaking

Corrections

In FR Doc. 79–36583 appearing on page 69768 in the issue of Tuesday, December 4, 1979, make the following changes:

1. On page 69770, first column, eighteenth line from the bottom, "C.G. Smith Products" should be made a separate entry.

2. On page 69772, first column, second entry under the paragraph designated 4, the last word should read "sassafrassy".

3. On page 69774, third column, eighth line of the fifth full paragraph, the word "of" should read "or".

4. On page 69777, first column, sixth line of the first full paragraph, "conductina" should read "conducting".

5. On page 69780, second column, seventeenth line from the bottom, that line and the two lines that follow should read: "warmth and produce analgesia. This has been mentioned in the discussion on analgesics. (See part II. paragraph F.1. above—Topical analgesics.)".

6. On page 69782, second column, third line from the bottom should read: "(10) Lim, R.K., F. Guzman, D.W. Rodgers,".

7. On page 69784, first column, nineteenth line from the top, "inactively" should read "in actively".

8. On page 69790, (a) first column, ninth line from the bottom, insert "analgesic" after "external"; (b) second column, the heading numbered **"II External Analgesics"** should read **"III External Analgesics"**, and in the second line from the bottom, delete the word "not"; (c) third column, in the table, a hyphen should be in front of footnotes 1 and 3 wherever they appear.

9. On page 69805, third column, twenty-fourth line from the bottom, insert a comma after "chincocaine".

10. On page 69808, (1) first column, ninth line of the second full paragraph from the top, "dimenthisoquin" should read "dimethisoquin"; (b) second column, fifteenth line from the bottom, "proritus" should read "pruritus".

11. On page 69810, (a) first column, second line of the reference designated 4, delete the first word and insert "Dimethylaminoethyl"; (b) second column, last line of the reference designated 11, "17" should read "179".

12. On page 69813, (a) second column, twenty-third line from the bottom, insert "(3)" in front of "Is"; (b) third column, sixteenth line of the second paragraph under (i) should read as follows: "than 1,800 mg/kg at day 7, 591 mg/kg at".

13. On page 69815, second column, fourteenth line from the top, "11" should read "21".

14. On page 69817, second column, (1) first line from the top, "flourinated" should read "fluorinated"; (2) fifth line of the second full paragraph, "flourinated" should read "fluorinated", and in the fourtheenth line of that same paragraph, "indiced" should read "induced".

15. On page 69823, second column, second line of the reference designated 9, "ACHT" should read "ACTH".

16. On page 69841, (a) first column, first line of the reference designated 7, the second "M." should read "N."; in the first line of the reference designated 12, the second "C." should read "D."; and in the first line of the reference designated 13, "Klingman" should read "Kligman"; (b) second column, eighth line of the paragraph designated a, "bits" should read "bites".

17. On page 69851, second column, ninth line of the first full paragraph, "reason" should read "reaction".

18. On page 69853, second column, seventh line of the paragraph designated (2), insert the following after "treated": "with 0.1 percent hexylresorcinol and 50 subjects were treated".

19. On page 69855, second column, fifth line of the first full paragraph, *"volgaris"* should read *"vulgaris"*.

20. On page 69857, first column, second line of the second paragraph under the heading designated *C*, "data" should read "date".

21. On page 69862, third column, eighth line from the top, "skin" should read "pain".

22. On page 69865, third column, sixth line of paragraph (a)(1), § 348.50, "§ 348.11 (b)(10)" should read "§ 348.10 (b)(10)".

23. On page 69866, first column, seventh line from the bottom, "March 6, 1980." should read "March 3, 1980.".

BILLING CODE 1505–01–M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 16

[AAG/A Order No. 45–80]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: In the Notice section of today's **Federal Register**, the Department of Justice proposes to exempt a new system, the Office of Professional Responsibility Record Index System (JUSTICE/OPR–001), from certain provisions of the Privacy Act, 5 U.S.C. 552a. This exemption is proposed in those cases where a request for access to a complaint file is made prior to administrative resolution of the complaint. It is needed to ensure unhampered investigatory and disciplinary efforts during the complaint and discipline process and to protect the identity of confidential sources.

DATES: All comments must be received on or before March 6, 1980.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

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

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

It is proposed to amend 28 CFR Part 16 by adding § 16.80 to read as follows:

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

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

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

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

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

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

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

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

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

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

Dated: January 23, 1980.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

[FR Doc. 80-3503 Filed 2-4-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1405-7]

Approval and Promulgation of State Implementation Plans; Proposed Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Elsewhere in today's **Federal Register**, EPA is conditionally approving portions of the New York plan where there are deficiencies and the State has provided assurances that it will submit corrections. This notice solicits comments on the deadlines specified for correction of the deficiencies.

DATE: Comments must be received on or before March 6, 1980.

ADDRESSES: Comments should be directed to: Richard T. Dewling, Acting Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Copies of the SIP revision, supplementary information, and public comments are available for inspection at the following locations:

Environmental Protection Agency, Region II, Room 908, 26 Federal Plaza, New York, New York 10007.

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

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTARY INFORMATION: The deficiencies discussed elsewhere in today's **Federal Register** and the time schedules in which the State must correct them are:

1. On or before April 1, 1980 the State must adopt and submit to EPA revisions to §§ 231.6(a) and 231.9(d) of 6 NYCRR Part 231, "Major Facilities," to reflect its interpretation that the provisions of Part 231 apply to new major sources and major modifications locating outside nonattainment areas, but significantly impacting the air quality of nonattainment areas.

2. On or before August 1, 1980 the State must adopt and submit to EPA a revision to § 200.1(pp) of Part 200, "General Provisions," which defines "owner" in a manner consistent with Section 173 of the Clean Air Act.

3. On or before May 1, 1981 the State shall submit to EPA either acceptable justification for retaining the provisions of 6 NYCRR Part 211, "General Prohibitions," which exempt from control cutback asphalt used in the manufacture of asphalt emulsions with low volatile organic compound content or an adopted revised regulation which corrects this apparent deficiency.

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.

This rulemaking action is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on the deadlines imposed by EPA with respect to carrying out the subject SIP improvement actions. Comments received by March 6, 1980, will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 908, New York, New York 10007.

(Secs. 110, 172, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: January 29, 1980.

Richard Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 80-3713 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 7E1922/P129; FRL 1407-4]

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical *N*-Methylpyrrolidone

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes an exemption from the requirement of a tolerance for residues of the pesticide chemical *N*-methylpyrrolidone on blueberries, cranberries, and peaches. The proposal was submitted by EM Industries, Inc. This amendment to the regulations would allow the presence of residues of *N*-methylpyrrolidone on blueberries, cranberries, and peaches in certain circumstances despite the absence of tolerances establishing maximum permissible levels of the substance on those commodities.

DATE: Comments must be received by March 6, 1980.

ADDRESS: Send comments to: Mr. Henry Jacoby, Product Manager (PM) 21, Office of Pesticide Programs, Registration Division (TS-767), EPA, East Tower, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby at the above address (202/755-2562).

SUPPLEMENTARY INFORMATION: EM Industries, Inc., 500 Executive Blvd.,

Elmsford, NY 10523, has submitted a pesticide petition (PP 7E1922) to the EPA. This petition requests that the Administrator propose that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the solvent *N*-methylpyrrolidone in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in formulations with the fungicide triforine [*N,N'*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis-[formamide]) applied between early bloom and petal fall.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included a subacute mouse feeding study and a subacute rat feeding study. The no-observed-effect level (NOEL) determined from the subacute rat feeding study is 2,000 parts per million (ppm) based on findings of increased thyroid weight in the 5,000 ppm-dosed males. While it is not exactly clear what the NOEL is in the mouse NMP study, it is apparent that the NOEL is not markedly lower than the lowest level used in the mouse study (400 ppm). If the NOEL were as little as 0.01 of the lowest level used in the mouse NMP study, we would conclude that there was an ample margin of safety, greater than 2,000, to support these exemptions. However, in order to clarify this deficiency, an additional 3-month dog feeding study is presently being conducted. An analytical method (gas chromatography with flame ionization detection) is available. The residues of *N*-methylpyrrolidone and its metabolites from the proposed use pattern are not expected to exceed 0.1 ppm in or on blueberries, cranberries, or peaches.

No actions are currently pending against the use of *N*-methylopyrrolidone as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues of triforine in or on the raw agricultural commodities blueberries, cranberries, and peaches when this proposal becomes a final rule.

N-Methylpyrrolidone is considered useful for the purpose for which the tolerance exemption is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The Agency has determined that the proposed exemption from the requirement of a tolerance will protect the public health. Therefore, it is proposed that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request by March 6, 1980 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 7E1922/P129". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 21, Room 305, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

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

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

Dated: February 1, 1980.

Douglas D. Campt,

Director, Registration Division.

It is proposed that Part 180, Subpart D, be amended by adding the new § 180.1047 to read as follows:

§ 180.1047 N-Methylpyrrolidone; exemption from the requirement of a tolerance.

N-Methylpyrrolidone is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in accordance with good agricultural practice in formulations with the fungicide triforine (*N,N'*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent *N*-methylpyrrolidone and are applied to the growing crops only after the start of early bloom and prior to petal fall.

[FR Doc. 80-3835 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 7E1943/P128; FRL 1407-5]

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Dimethylformamide

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes an exemption from the requirement of a tolerance for residues of the pesticide chemical dimethylformamide on blueberries, cranberries, and peaches. The proposal was submitted by EM Industries, Inc. This amendment to the regulations would allow the presence of residues of dimethylformamide on blueberries, cranberries, and peaches in certain circumstances despite the absence of tolerances establishing maximum permissible levels of the substance on those commodities.

DATE: Comments must be received by March 6, 1980.

ADDRESS: Send comments to: Mr. Henry Jacoby, Product Manager (PM) 21, Registration Division Office of Pesticide Programs, Registration Division (TS-767), EPA, East Tower, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby at the above address (202/755-2562).

SUPPLEMENTARY INFORMATION: EM Industries, Inc., 500 Executive Blvd., Elsmford, NY 10523, has submitted a pesticide petition (PP 7E1943) to the EPA. This petition requests that the Administrator propose that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the solvent dimethylformamide in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in formulations with the fungicide triforine (*N,N'*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) applied between early bloom and petal fall.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included a subacute mouse feeding study and a subacute rat feeding study. The no-observed-effect level (NOEL) determined from the subacute mouse feeding study is 540 parts per million (ppm) based on finding congested livers at higher levels. The NOEL determined from the subacute rat

feeding study is 750 ppm based on finding slightly altered liver volumes at higher levels. An adequate analytical method (gas chromatography with flame ionization detection) is available.

The residues of dimethylformamide (DMF) and its metabolites from the proposed use pattern are not expected to exceed 0.1 ppm in or on blueberries, cranberries, and peaches.

No actions are currently pending against the continued exemption of dimethylformamide used as an inert ingredient in pesticide formulations. Other considerations in establishing this tolerance exemption include the establishment of tolerances for residues of triforine and its metabolites in or on the raw agricultural commodities blueberries, cranberries, and peaches when applied preharvest as a fungicide.

Dimethylformamide is considered useful for the purpose for which the tolerance exemption is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The Agency has determined that the proposed exemption from the requirement of a tolerance will protect the public health. Therefore, it is concluded that the proposed amendment to 40 CFR Part 180 be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request by March 6, 1980 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 7E1943/P128". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 21, Room 305, East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

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

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

Dated: February 1, 1980.

Douglas D. Campt,

Director, Registration Division.

It is proposed that Part 180, Subpart D, be amended by revising the item "Dimethylformamide * * *" in § 180.1001(d) and by adding the new § 180.1046, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Insert ingredients	Limits	Uses
* * *	* * *	* * *
Dimethylformamide (See also § 180.1047).	* * *	* * *
* * *	* * *	* * *

§ 180.1046 Dimethylformamide; exemption from the requirement of a tolerance.

Dimethylformamide is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in formulations with the fungicide triforine [*N,N'*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) applied between early bloom and petal fall.

[FR Doc. 80-3836 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 25
Tuesday, February 5, 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.

DEPARTMENT OF AGRICULTURE

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at Moscow, Idaho, February 23, 1980 (exact time and location to be announced by the University of Idaho). The purpose of this meeting will be to review in depth the work done to date by University of Idaho and Intermountain Research & Experiment Station research personnel.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho; telephone 208/983–1950. Written statements may be filed with the Committee before or after the meeting.

Don Biddison,
Forest Supervisor.
January 28, 1980.
[FR Doc. 80–3671 Filed 2–4–80; 8:45 am]
BILLING CODE 3410–11–M

Rural Electrification Administration

Northern Michigan Electric Cooperative, Inc.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $101,400,000 to Northern Michigan Electric Cooperative, Inc., of Boyne City, Michigan. These loan funds will be used to finance nuclear fuel reload cost and increased costs of construction associated with the previous REA loan guarantee for the purchase of an 11.22 percent undivided ownership interest in the Detroit Edison Company's Enrico Fermi No. 2 nuclear-powered 1100 MW generation unit.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Clyde L. Johnson, Jr., General Manager, Northern Michigan Electric Cooperative, Inc., P.O. Box 138, Boyne City, Michigan 49712.

In order to be considered, proposals must be submitted on or before March 6, 1980 to Mr. Johnson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Northern Michigan Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 29th day of January 1980.

Robert W. Feragen,
Administrator, Rural Electrification Administration.
[FR Doc. 80–3514 Filed 2–4–80; 8:45 am]
BILLING CODE 3410–15–M

Wolverine Electric Cooperative, Inc.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $80,000,000 to Wolverine Electric Cooperative, Inc., of Big Rapids, Michigan. These loan funds will be used to finance nuclear fuel reload cost and increased costs of construction associated with the previous REA loan guarantee for the purchase of an 8.78 percent undivided ownership interest in the Detroit Edison Company's Enrico Fermi No. 2 nuclear-powered 1100 MW generation unit.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John N. Keen, General Manager, Wolverine Electric Cooperative, Inc., P.O. Box 1133, Big Rapids, Michigan 49307.

In order to be considered, proposals must be submitted on or before March 6, 1980 to Mr. Keen. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Wolverine Electric Cooperative, Inc., and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 29th day of January 1980.

Robert W. Feragen,
Administrator, Rural Electrification Administration.
[FR Doc. 80–3513 Filed 2–4–80; 8:45 am]
BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Order 80–1–184; Docket 32660; Agreement C.A.B. 28059, R–10

Traffic Conferences of the International Air Transport Association; North Atlantic Passenger, Fares; Order Withdrawing Approval

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to North Atlantic passenger fares.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1980.

By Order 80–1–27, January 4, 1980, the Board acted upon that portion of an IATA agreement which proposed a third round general fuel-ralated increase in North Altantic fares. As proposed, the increase was five percent across-the-board in all fares with allowance for individual IATA member carriers to vary its magnitude by two percent, providing for a range of increases of from three to seven percent. While disapproving its application to normal economy fares, the Board approved the increases for transatlantic firstclass and promotional fares.

Over several years, our policy objective has been to foster an international fares situation in which competitive forces operate, with minimal intervention by governments, to provide consumers with as many price/quality options as possible. This, we believe, benefits consumers by making travel more widely available at the lowest price and benefits carriers by expanding their total market for air travel. To achieve these goals, we must, among other things, support the right of all carriers to an equal opportunity to compete in offering those prices which in their judgment are best suited to the market and insure that the range and flexibility of their pricing initiatives not be unduly abridged by governmental interference.

Unfortunately, this state of affairs has not prevailed in U.S.-Scandinavian markets. There, Scandinavian authorities have consistently intervened in carrier pricing decisions in order to protect S.A.S., and have refused to accept innovative fare proposals of U.S. carriers, most recently Northwest's proposed liberalization of its U.S.-Scandinavia non-affinity group fare. In these circumstrances, we must now partially withdraw our approval of the IATA-agreed transatlantic face increase and disapprove it insofar as it applies in air transportation between the U.S., on the one hand, and Denmark, Norway and Sweden, on the other, in order to preserve U.S. carrier rights in pursuit of our competitive goals.

Acting under the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a) and 412; we find that the following resolution, incorporated in Agreement C.A.B. 28059 as indicated, is adverse to the public interest and in violation of the Act insofar as it pertains to fares between the United States, on one hand, and Denmark, Norway and Sweden, on the other:

Agreement CAB:	IATA No.	Title	Application
28059: R–10.....	003t	TC12/TC123 General Increase in Passenger Fares U.S.A.-Europe/Israel/TC3.	1/2; 1/2/3

Accordingly,

1. We withdraw our approval of Agreement C.A.B. 28059, R–10, in Order 80–1–27 to the extent it applies to fares between the United States, on the one hand, and Denmark, Norway, and Sweden on the other; and

2. We disapprove Agreement C.A.B. 28059, R–10, insofar as it applies to fares between the United States, on the one hand, and Denmark, Norway and Sweden, on the other.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80–3730 Filed 2–4–80; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 33363, 33688, and 33689]

Former Large Irregular Air Service Investigation, Phase III and Applications of Lone Star Airways, Inc.; Rescheduling of Hearing

Pursuant to request by Lone Star Airways, Inc., and there being no objection by the Bureau of Domestic Aviation, notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on February 5, 1980 (45 FR 6421, January 28, 1980), is rescheduled for February 20, 1980, at 1:00 p.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., January 31, 1980.

Richard M. Hartsock,

Administrative Law Judge.

[FR Doc. 80–3729 Filed 2–4–80; 8:45 am]

BILLING CODE 6320–01–M

[Order 80–1–185; Docket 35723]

Kodiak-Western Alaska Airlines, Inc.; Order Fixing Temporary Service Mail Rates

Issued under delegated authority January 30, 1980.

In the matter of the petition of Kodiak-Western Alaska Airlines, Inc. to Increase Service Mail Pay.

By Order 80–1–96, served January 17, 1980, we directed all interested persons, particularly Kodiak-Western Alaska Airlines, Inc. and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the temporary rate specified therein to be effective on and after May 31, 1979, until issuance of an order establishing a final mail rate in this proceeding.

The time designated for filing notice of objection has elapsed and no person has filed a notice of objection or answer to the order. All persons have therefore waived the right to a hearing and all other procedural steps short of fixing a temporary rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406 thereof, the Board's Procedural Regulations, 14 CFR Part 302, and the authority delegated by the board in its Organization Regulations, 14 CFR 385.16(g),

1. We make final the tentative findings and conclusions set forth in Order 80–1–96.

2. The fair and reasonable temporary rate of compensation to be paid in its entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to Kodiak-Western Alaska Airlines, Inc. on and after May 31, 1979, for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, is $7.25 per great-circle mail ton-mile. The compensation provided herein shall be in lieu of, not in addition to, the service mail compensation already received by the carrier for mail transported on and after May 31, 1979, and shall be effective until issuance of an order establishing a final mail rate in this proceeding.

3. We shall serve this order upon the Postmaster General and Kodiak-Western Alaska Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten (10) days after the service date of this order.

We shall make this order effective and an action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed or the board gives notice that it will review this order on its own motion.

We shall publish this order in the Federal Register.

By Julien R. Schrenk, Chief Domestic Fares and Rates Division Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-3731 Filed 2-4-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Mayo Foundation; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00378. Applicant: Mayo Foundation, 200 First Street, S.W., Rochester, Minnesota 55901. Article: Gas Chromatograph/Mass Spectrometer/Computer System, Model MS-5076 and Accessories. Manufacturer: Kratos (AEI Scientific Instruments), United Kingdom. Intended use of article: The article is intended to be used in conducting the following research projects:

1. Profiling of human body fluids in healthy and diseased states using gas chromatography and mass spectrometry.
2. Development of clinical drug assays.
3. Analysis of the metabolism of drugs.
4. Chemical carcinogens and their metabolites.
5. Protein sequencing.
6. Lipid/sugar analysis in cell membranes.
7. Rapid identification of bacterial infection.
8. Environmental monitory of possible carcinogens.
9. Identification and structure proof of organic compounds.
10. Structural identification of new biochemical compounds.
11. Development of new ultrasensitive and ultra-specific methods of quantitative analysis.

The article will also be used in the graduate Pharmacology course for graduate students titled Gas Chromatography-Mass Spectrometry in Biomedical Research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a guaranteed resolution of 150,000 (10 percent valley definition). The Department of Health, Education and Welfare advises in its memorandum dated December 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-3649 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to 46 CFR 221.28, that Bank of Oklahoma, with offices at P.O. Box 2300, Tulsa, Oklahoma, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Bank of Oklahoma certified that it is no longer acting or proposing to act as Trustee under a Vessel or Shipyard Financing Trust pursuant to Publ. L. 89-346 and 46 CFR 221.21-221.30.

Dated: Janaury 31, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-3734 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-15-M

Request for Removal, Without Disapproval, From Roster of Approved Trustees

Notice is hereby given, pursuant to 46 CFR 221.28, that Alaska National Bank of the North, with offices at College Office and Administrative Center, P.O. Box 60730, Fairbanks, Alaska, has requested removal, without disapproval, from the Roster of Approved Trustees. In its request for removal, Alaska National Bank of the North certified that it is no longer acting or proposing to act as Trusteee under a Vessel or Shipyard Financing Trust pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: January 31, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-3735 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will hold a Scoping Meeting to discuss the preparation of the Amendments for the Atlantic Squid, Atlantic Mackerel, and Atlantic Butterfish Fishery Management Plans for the 1981/1982 fishing year. The Scoping process is the initial step in preparing the Amendments for the above Fishery Management Plans and notice hereof is intended to satisfy the Notice of Intent to Prepare Environmental Impact Statements for these three plans. The scoping process is discussed in § 1501.7 of regulations (43 FR 55978) implementing the National Environmental Policy Act.

DATE: February 19, 1980, at 10 a.m.

ADDRESS: Room 2106, Federal Building, North and New Streets, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT:
John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Phone: (302) 674–2331.

Dated: January 31, 1980.

Winfred H Meibehm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-3733 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-22-M

American Samoa Coastal Zone Management Program; Intent To Prepare an Environmental Impact Statement

The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a draft environmental impact statement (DEIS) on the proposed approval of the American Samoa Coastal Zone Management Program under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended), and distribute it in May, 1980.

Federal approval of the American Samoa Coastal Zone Management Program would allow program administrative grants to be awarded to the Territory and require that Federal actions be consistent with the Program.

The Program consists of numerous policies on diverse management issues which will be prescribed by executive orders and enforced by the laws of the Territory, and is the culmination of two years of development. The American Samoa Program will condition, restrict or prohibit some uses in parts of the management area, while encouraging development and other uses in other parts. The Program should improve the decision-making process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The Program will possibly result in some short-term economic impacts on coastal users but should lead to increased long-term protection of the Territory's coastal resources. Federal alternatives will delaying or denying approval if certain requirements of the Coastal Zone Management act have not been met. Territory alternatives include the possiblilty to modify parts of the Program or withdraw its application for Federal approval.

In order to determine the scope and significance of issues to be addressed in the DEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

(1) The extent to which the Territory should promulgate regulations to provide further specificity to the agencies implementing the Program;

(2) The adequacy of the mechanisms for administrative review and enforcement of compliance of agency and village decisions;

(3) The extent to which the Program addresses the economic impact of fisheries, tourist/resort related and major facilities development and their relationship to socio-cultural attitudes and trends;

(4) The means by which the Program in the future will provide for the continued designation of additional areas of particular concern.

Persons or organizations wishing to submit comments on these or other issues should do so by February 29, 1980. Any comments received after that time will be considered in the response to comments on the DEIS. Please submit all comments to: Ms. Eileen Mulaney, Pacific Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235, 202/254–7100.

Dated: January 28, 1980.

Michael Glazer,

Assistant Administrator, Coastal Zone Management.

[FR Doc. 80-3688 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-08-M

Northern Mariana Islands Coastal Zone Management Program; Intent To Prepare an Environmental Impact Statement

The Office of Coastal Zone Management (OCZM) in the National Oceanic and Atmospheric Administration (NOAA) intends to prepare a draft environmental impact statement (DEIS) on the proposed approval of the Northern Mariana Islands Coastal Zone Management Program under the provisions of Section 306 of the Federal Coastal Zone Management Act of 1972 (Pub. L. 92–583, as amended), and distribute it in April, 1980.

Federal approval of the Northern Mariana Islands Coastal Zone Management Program would allow program administrative grants to be awarded to the Commonwealth and require that Federal actions be consistent with the Program.

The Program consists of numerous policies on diverse management issues which will be prescribed by executive orders and enforced by the laws of the Commonwealth, and is the culmination of two years of development. The Northern Mariana Islands Program will condition, restrict or prohibit some uses in parts of the management area, while encouraging development and other uses in other parts. The Program should improve the decision-making process for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. The Program will possibly result in some short-term economic impacts on coastal users but should lead to increased long-term protection of the Commonwealth's coastal resources. Federal alternatives will include delaying or denying approval if certain requirements of the Coastal Zone Management Act have not been met. Commonwealth alternatives include the possibility to modify parts of the Program or withdraw its application for Federal approval.

In order to determine the scope and significance of issues to be addressed in the GEIS, OCZM would like to solicit comments on the proposed action, particularly with respect to the following issues:

(1) The extent to which the Commonwealth should promulgate regulations to provide further specificity to the agencies implementing the Program;

(2) The adequacy of the mechanisms for administrative review and enforcement of compliance of agency decisions;

(3) The extent to which the Program addresses the economic impact of fisheries, tourist/resort related and major facilities development and their relationship to socio-cultural attitudes and trends;

(4) The means by which the Program in the future will provide for the continued designation of additional areas of particular concern.

Persons or organizations wishing to submit comments on these or other issues should do so by February 22, 1980. Any comments received after that time will be considered in the response to comments on the DEIS. Please submit all comments to: Ms. Eileen Mulaney, Pacific Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235, 202/254–7100.

Dated: January 28, 1980.

Michael Glazer,

Assistant Administrator, Coastal Zone Management.

[FR Doc. 80-3689 Filed 2-4-80; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF ENERGY

Peaceful Uses of Atomic Energy; Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/EU(SW)-50, from Sweden to West Germany, two irradiated fuel elements containing .34 grams U-233, .39 grams U-235, .49 grams U-234 and U-236, and .31 grams U-238 or a total of 1.53 grams total uranium, and two unirradiated fuel elements containing 2.23 grams uranium with 2.0 grams of U-235. These fuel elements will be utilized for post-irradiation examination and for physical measurements.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 31, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-3724 Filed 2-4-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-002; OFC Cases Nos. 61020-9140-01-11, 61020-9140-05-11, 61020-9140-06-11, 61020-9140-01-12, 61020-9140-05-12, and 61020-9140-06-12]

Convent Chemical Corp.; Acceptance of Petition for Exemptions Pursuant to Interim Rules Implementing Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Acceptance of Petition for Exemptions Pursuant to the Interim Rules Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 31, 1979, Convent Chemical Corporation (Convent) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting three new major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.),* which prohibits the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 44 FR 28530 (May 15, 1979) and at 44 FR 28950 (May 17, 1979) (Interim Rules).

The MFBI's for which the petition is filed are two package boilers (identified as Units 31-F-5 and 31-F-6) and one field erected bioler (identified as Unit 31-F-1) to be installed at Convent's new facility located at Convent, Louisiana. Unit 31-F-1 has a design heat input rate of 303 million Btu's per hour, and Units 31-F-5 and 31-F-6 have design heat input rates of 176 and 181 million Btu's per hour, respectively. Unit 31-F-1 will be capable of burning coal, oil and natural gas; Unit 31-F-5 will be capable of burning industrial waste gas, and natural gas; and Unit 31-F-6 will be capable of burning industrial waste gas, natural gas and oil. Under § 505.28 of the Interim Rules, Convent has requested a permanent exemption for certain fuel mixtures for each of the three units.

FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBI's which consist of a boiler. ERA's decision is this matter will determine whether the three boilers will be granted permanent exemptions to use certain fuel mixture.

Concurrent with this petition, Convent requested temporary public interest exemptions under § 505.15 of the Interim Rules to permit operation of the three boilers during an initial "testing and start-up" phase, expected to begin during the last quarter of 1980 and end with the commencement of normal plant operations during the third or fourth quarters of 1981. Convent stated that this initial period was required to test individual items of equipment and processes and to gradually increase the operating rates of such equipment and processes. ERA determined that the petition for the temporary public interest exemptions is complete and in accordance with § 501.3(d) of the Interim Rules, ERA notified Convent by letter dated January 30, 1980, that its petition for temporary public interest exemptions, as filed was not acceptable.

ERA has determined that the petition for permanent fuel mixtures exemptions is complete in accordance with the Interim Rules. Pursuant to § 501.3(c) of the Interim Rules, ERA notified Convent, by letter dated January 30, 1980, that its petition for permanent exemptions, as filed, was acceptable. ERA retains the right to request additional relevant information from Convent at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in Section 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before March 21, 1980. A request for public hearing must also be made within this same 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA-FC-80-002 should be printed clearly on the outside of the envolope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 254-7814.

Allan Stein, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6G-087, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

Edward J. Peters, Jr., New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3126, Washington, D.C. 20461, Phone (202) 634-7593.

SUPPLEMENTARY INFORMATION: ERA published in the **Federal Register** on May 15 and 17, 1979, its Interim Rules implementing the provisions of Title II of FUA. The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption to do so has been granted by ERA. The three MFBI's for which the permanent fuels mixtures exemptions are requested are: (1) A field-erected boiler (No. 31-F-1) with a design heat input rate of 303 million Btu's per hour, and a steam generating capacity of 250,000 pounds per hour, that is designed to burn coal, oil, and natural

gas; and (2) a package boiler (No. 31–F–5) with a design heat input rate of 176 million Btu's per hour, and a steam generating capacity of 150,000 pounds per hour, that is designed to burn industrial waste-gas, and natural gas; and (3) a package boiler (No. 31–F–6) with a design heat input rate of 181 million Btu's per hour, and a steam generating capacity of 150,000 pounds per hour, that is designed to burn industrial waste gas, natural gas and oil. Convent states that the steam generated will be used in the production of chlorine, caustic and ethylene dichloride (EDC) in its new industrial chemical plant located at Convent, Louisiana.

Section 505.28 of the Interim Rules provides for a permanent exemption from the prohibitions of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify, a petitioner must demonstrate to the satisfaction of ERA that:

(1) It proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If the exemptions are granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the primary energy sources to be used in the installation.

In addressing these eligibility requirements, and the evidentiary requirements in §§ 505.28(a)(1) and (c)(4), Convent states that it will be using a coal-natural gas or oil mixture as a primary energy source in Unit 31–F–1. Convent also states that it will be using an industrial waste gas-natural gas or oil mixture as a primary energy source in Unit 31–F–6, and a waste gas-natural gas mixture in Unit 31–F–5. Further, they certify that the total amount of natural gas or petroleum, that is proposed to be used in each of the boilers, will not exceed 25 percent of the total annual Btu heat input of each of the three boilers.

Convent contends that supplementation of coal and industrial waste gas in the three subject boilers with oil and natural gas is required to meet plant steam requirements when either the largest boiler (Unit 31–F–1) and its subsystems, or its flue gas desulfurization and baghouse collection systems must be shut down for repair or maintenance. Convent states that such supplementation with oil and natural gas will provide sufficient steam to insure continuous plant operation during such system malfunctions.

In accordance with Part 502 of the Interim Rules, in support of its petition, Convent has addressed the remaining Fuels Decision Report (FDR) requirements including design specifications for the units for which these exemptions are requested and an engineering assessment of the proportions of natural gas (or oil) needed to maintain operational reliability and a reasonable level of fuel efficiency.

ERA hereby accepts the filing of the petition for the permanent fuel mixtures exemptions as adequate for filing. ERA retains the right to request additional relevant information from Covent at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. As set forth in § 501.3(g) of the Interim Rules, the acceptance of the petition by ERA does not constitute a determination that Convent is entitled to the exemptions requested.

The public file, containing documents on these proceedings and supporting materials is available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on January 30, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–3723 Filed 2–4–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EL79–20]

Buckeye Power, Inc.; Granting Extension of Time

January 30, 1980.

On January 25, 1980, Schiff, Hardin & Waite and Drexel D. Journey filed a motion for an extension of time to file a response to the Order Disqualifying Counsel which was certified to the Commission on January 22, 1980. The motion states that additional time is necessary because of the seriousness of the issues and the brief period allowed for answers. The motion further states that none of the parties objects to the motion. Requests for extensions were also filed by Wilmer & Pickering and Cincinnati Gas & Electric Company.

Upon consideration, notice is hereby given that the time for filing responses to the Order of January 22, 1980, is extended to and including February 11, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–3725 Filed 2–4–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1405–6; OPP–50449]

Abbott Laboratories & Mobay Chemical Corp.; Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 275–EUP–13. Abbott Laboratories, North Chicago, Illinois 60064. This experimental use permit allows the use of a tank mixture of ten pounds each of the plant growth regulators gibberellic acid and 6-benzyladenine on apples to evaluate improvement of shape of fruit. The experimental use permit is effective from March 19, 1980, to March 19, 1981. (Mr. Robert Taylor, PM–25, Room E–359, Telephone: 202/755–2196)

No. 275–EUP–16. Abbott Laboratories, North Chicago, Illinois 60064. This experimental use permit allows the use of a tank mixture of four pounds each of the plant growth regulators gibberellic acid and 6-benzyladenine on apples to evaluate improvement of shape of fruit. A total of approximately 224 acres is involved for both this permit and the one above; the programs are authorized only in the States of Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. This permit is also effective from March 19, 1980, to March 19, 1981. The permits will use the same active ingredient, but different formulations. Permanent tolerances for residues of the active ingredients in or on apples have been established (40 CFR 180.224 and 180.376). (Mr. Robert Taylor, PM–25, Room E–359, Telephone: 202/755–2196)

No. 3125–EUP–166. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experiment use permit allows the use of 1,500 pounds of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one on corn to evaluate control of

weeds. The experimental use permit is effective from February 15, 1980, to February 15, 1982. (Mr. Robert Taylor, PM–25, Room E–359, Telephone: 202/755–2196)

No. 3125–EUP–167. Mobay Chemical Corporation, Kansas City, Missouri 64120. This experimental use permit allows the use of 1,500 pounds of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one on corn to evaluate control of weeds. A total of 12,000 acres is involved for both this permit and the one above; the programs are authorized only in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. This experimental use permit is also effective from February 15, 1980, to February 15, 1982. The permits will use the same active ingredient, but different formulations. Permanent tolerances for residues of the active ingredient in or on corn, corn forage and fodder have been established (40 CFR 180.332). (Mr. Robert Taylor, PM–25, Room E–359, Telephone: 202/755–2196)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Divison (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)))

Dated: January 30, 1980.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80-3702 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1406–3]

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 (EIS's) 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 weeks of January 21, 1980 to January 25, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from February 1, 1980 and will end on March 17, 1980. The 30-day review period for final EIS's as calculated from February 1, 1980 will end on March 3, 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, D.C. 20036.

For hard copy reproduction or microfiche: Information Resources Press, 2100 M Street NW., Suite 316, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A–104), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245–3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ Regulations became effective. Pursuant to § 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 January 21, 1980 to January 25, 1980 the 30-day review period will be calculated from February 1, 1980. The review period will end on March 3, 1980.

Appendix I below sets forth a list of EIS's filed with EPA during the week of January 21, 1980 to January 25, 1980. 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 of 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 below 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 below sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV below 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 below 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 below sets forth official corrections which have been called to EIS's attention.

Dated: January 31, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A–104).

Appendix I—EIS's Filed With EPA During the Week of January 21 Through 25, 1980

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.

Draft

National Soil and Water Conservation Program, RCA, Programmatic, January 24: Proposed is the National Soil and Water Conservation Program as required by the Soil and Water Resources Conservation Act of 1977. The program would guide future conservation activities on the nation's private and nonfederal lands. A wide array of alternative strategies are considered including: (1) fund sources, (2) program management techniques which encompass education, regulations, and tax and financial incentives. (EIS order No. 800063.)

The USDA has announced that a series of public meetings will be held between February 17, 1980 and February 29, 1980 to discuss and solicit comments on the National Soil and Water Conservation program, RCA and the above EIS. Details were published by the USDA in the Friday, Februrary 25, 1980 **Federal Register.**

Forest Service

Final

Encampment River Wild and Scenic Rivers Study, Jackson County, Colo., January 22: Proposed for inclusion in the National Wild

and Scenic Rivers System is the Colorado portion of the Encampment River along with 2,635 acres of adjacent lands in Routt National Forest, Jackson County, Colorado. The statement also discusses Rare II, the development of a Mt. Zirkel wilderness management plan and the development of a forest land and resource management plan for the Medicine Bow and Routt National Forests. Four alternatives are considered. (FES-02-11-79-01-LEG). Comments made by: DOI, FERC, EPA, AHP, State agencies, groups and businesses. (EIS Order No. 800054.)

Island Park Geothermal Area, Leasing/ Development, Fremont County, Idaho; Gallatin County, Mont.; and Teton County, Wyo.; January 23: Proposed is the leasing of 488,031 acres of the Island Park Geothermal Area (IPGA) located in Fremont County, Idaho; Gallatin County, Montana; and Teton County, Wyoming. The IPGA contains two areas classified as known geothermal resource areas (KGRA). These lands are administered by USDA (447,346 acres) and DOI (10,685 acres). The six alternative actions range from no leasing, to partial leasing with conditions, to entire area leasing. More than 200 lease applications have been submitted for lands outside the KGRA and would be approved noncompetitively. Comments made by: DOI, USDA, HEW, EPA, AHP, State and local agencies, groups, individuals and business. (EIS order No. 800061.)

Final

Priest River, Wild and Scenic Class., Kaniksu NF, Boundary and Bonner Counties, Idaho, Jan. 22: It is proposed that 18.5 miles of the Priest River and about 5,732 acres of adjacent land located in the Kaniksu National Forest, Boundary and Bonner Counties, Idaho, be included in the National Wild and Scenic Rivers System and be classified, designated and administered as a wild river area. Approximately 360 acres of private land which is owned by Burlington Northern Inc. will be acquired through exchange. Administration will be by the USDA except for 140 acres of State land to be administered by Idaho. Specific management directions are also discussed. (USDA-FS-R1-(04)-DES-LEG-78-10). Comments made by: USDA, USA, DOC, DOW, HUD, DOI, DOT, EPA, FERC, State agencies, groups and individuals. (EIS order No. 800053.)

RURAL ELECTRIFICATION ADMINISTRATION

Final Supplement

Wolcott-Malta Transmission Lines and Terminal Facilities, Eagle, Pitkin, and Lake Conuties, Colo., January 21: Proposed is the issuance of guaranteed loan funds for the construction of the Wolcott-Malta Transmission Lines and related facilities in the Counties of Eagle, Pitkin and Lake, Colorado. The 230 KV and 345 KV transmission lines would extend for 143.3 miles from the Wolcott Substation to the Malta Substation. Both substations will be modified to accommodate the terminal facilities for the lines. New substations will be built along the line near Eagle and Basalt. The alternatives consider: (1) no action, (2) alternate transmission line corridors, (3) alternate construction methods, (4) alternate construction materials, and (5) load management and conservation. (USDA-REA-ES-(ADM)-74-2-F). Comments made by: DOI, USDA, DOT, COE, EPA, FERC, groups, individauls and businesses. (EIS Order No. 800051).

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

Crown Bay Port Facility, Charlotte Amalie, Permit, Virgin Island, January 21: Proposed is the issuance of a dredging and fill permit for the construction of a New Port facility in Crown Bay, St. Thomas Island within the Virgin Islands. The project would involve dredging 1,827,000 cubic yards of material from 108 acres in Crown Bay to provide a navigation channel and berthing areas, and the filling of 32 acres of the bay to provide new land on which to construct a cruise ship terminal, cargo handling and storage facilities, and a tourist-oriented retail shopping area. (EIS Order No. 800049).

Kenmore Navigation Channel, Lake Washington, King County, Wash., Janaury 21: Proposed is the construction of channel improvements in Lake Washington for the Kenmore Industrial Park, King County, Washington. The Project would involve dredging about 123,000 cubic yards of material for the channel and 3,000 cubic yards for the berthing channel area. The alternatives consider: (1) no action, (2) three different channel depths, (3) four upland sites, and (4) two open-water disposal sites. (Seattle District). (EIS Order No. 800050).

Wilmington Harbor, NE Cape Fear River, Wilmington, New Hanover County, N.C., January 24: Proposed is the widening and deeping of an existing deep draft ship channel and turning basin located in Wilmington, New Hanover County, North Carolina. Other features of the project are: (1) acquiring fee simple or conservation rights on 2,800 acres of wetland and upland attendant to the river, (2) maintaining the new navigation improvements, (3) providing for controlled access to the navigation channel, and 4) management of the acquired 2,800 acre conservation area. (Wilmington District). Comments made by: DOC, DOI, USDA, EPA, State and local agencies, individuals and businesses. (EIS Orders No. 800064).

Miss. R., additional harbor facilities, Memphis, Tenn., Janaury 25: Proposed are improvements to the Mississippi River which will include harbor development in the vicinity of Memphis, Tennessee. The improvements would include dredging a channel extending from the Tennessee chute to the west and north of the existing harbor facilities. Hydraulic fill from channel dredging will be used to create a 1,000 arce industrial area to the west of the existing harbor fill. In addition to no action, four site alternatives are considered. This project is located in Shelby County. (Memphis District). Comments made by: DOC, HEW, HUD, USDA, DOI, DOT, State agencies. (EIS Order No. 800065).

DEPARTMENT OF COMMERCE

Contract: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377-4335.

National Oceanic and Atmospheric Administration

Draft

Coastal Migratory Pelagic (Mackerels), FMP, Gulf of Mexico and Atlantic Ocean, January 25: Proposed is a fishery management plan for the coastal migratory pelagic resources (Mackerels) of the Gulf of Mexico and South Atlantic fishery conservation zones. The species involved are King, Spanish, and Cero Mackeral, Little Tunny, Cobia, Dolphin and Bluefish. The basic objectives are to manage the fishery to obtain the optimum yield, establish a statistical reporting system for monitoring catch, and minimize gear and user group conflicits. (EIS Order No. 800068).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Clinton Spotts, Region VI, Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Tex. 75270, (214) 767-2716.

Draft

Fancy Hill Barite Mine, NPDES permit, Montgomery County, Ark., January 24: Proposed is the issuance of a NPDES permit by EPA and the approval of a mining and reclamation plan by the USGS for the Fancy Hill (Milchen) Barite Mine and processing plant in Montgomery County, Arkansas. The permit would allow the discharge of wastewater from the facility into the South Fork of the Caddo River. Spoil will be placed in one of three spoil disposal areas, used as fill during construction or returned to mined-out portions of the open pits. This statement was jointly done by the EPA and the geological survey. (EIS Order No. 800062).

FEDERAL ENERGY REGULATORY COMMISSION

Contact: Dr. Jack M. Heinemann, Advisory on Environmental Quality, Room 3000 S-22, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275-4150.

Draft

Cross Generating Station, license, January 25: Proposed is the issuance of a license for the construction and operation of the Cross Generating Station located near the Town of Cross, Berkeley County, South Carolina. The station would consist of four coal-fired steam electric generating units with a capacity of 510 MWE each, at a new plant site to be located adjacent to the diversion canal connecting Lakes Marion and Moultrie. Approximately 180 miles of new transmission line would connect the plant to existing substations at four primary load centers. (FERC Project No. 199). (EIS Order No. 800069).

For the above DEIS No. 800069, entitled Cross Generating Station, Berkeley County,

South Carolina, anyone desiring to protest or file a petition to intervene with the Federal Energy Regulatory Commission should do so in accordance with the requirements of FERC's rules of practice and procedure, 18 CFR 1.8, 1.10 (1979), by March 17, 1980.

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–6300.

Draft

Bluewater Bay Village Development, Niceville, Okaloosa County, Fla., January 23: Proposed is the issuance of HUD home mortgage insurance for the Bluewater Bay Village planned unit development located in Niceville, Okaloosa County, Florida. The Development would contain approximately 5,714 dwelling units on 1,600 acres. Types of housing planned include single-family units. Acreage has been set aside to accommodate the need for school sites, municipal types services, and commercial and industrial devleopment. (HUD–RO4–EIS–78–10). (EIS Order No. 800058).

North Hills Acres 2nd/Washington 4th Developments, Stark County, N. Dak., January 23: Proposed is the issuance of HUD home mortgage insurance for the North Hills acres 2nd and Washington 4th residential developments located in Dickinson, Stark County, North Dakota. North Hill Acres will contain 166 units on 67 acres, and Washington 4th contains 376 units on 105 acres, all units would be single family detached. (HUD–RO8–EIS–80–ID). (EIS Order No. 800057).

Final

Schubert-Sterchi Subdivision, Knox County, Tenn., January 23: Proposed is the issuance of HUD home mortgage insurance for the Schubert-Sterchi Subdivision located in the city of Knoxville, Knox County, Tennessee. The subdivision is part of a 900 acre tract. The portion to be developed will consist of 328 lots and single-family homes. (HUD–RO4–EIS–78–07–F). Comments made by: EPA, TVA, USDA, HUD, AHP, HEW, State and local agencies, businesss. (EIS Order No. 800059).

Final

Stonebridge Residential Community, Memphis, Shelby County, Tenn., January 23: Proposed is the issuance of HUD home mortgage insurance for the Stonebridge Residential Community located near Memphis, Shelby County, Tennessee. The subdivision will be located on 602.2 acres of land and will include single and multifamily units, along with commercial land uses. The project, when completed, will consist of approximately 3,753 dwelling units. (HUD–RO4–EIS–78–09F). Comments made by: FERC, USDA, AHP, HEW, DOI, EPA, TVA, State and local agencies. (EIS Order No. 800060).

Steeplechase Subdivision, Mortgage Insurance, Harris County, Tex., January 25: Proposed is the issuance of HUD home mortgage insurance for the Steeplechase Subdivision located in Harris County, Texas. The subdivision is located on 1005 acres and will contain approximately 15,700 residences. The project will also contain schools, and shopping and recreational facilities. (HUD–RO6–EIS–80–1F). Comments made by: EPA, AHP, USDA, COE, DOE, HEW, DOT, State agencies. (EIS Order No. 800066).

Section 104(h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Final

City of Oakland Convention Center/Hotel (UDAG), Alameda County, Calif., January 25: Proposed is the issuance of a UDA grant to the city of Oakland in Alameda County, California for the construction of a convention center, hotel and parking garage. The alternatives considered are: (1) no project, (2) construct convention center on project site but place hotel in city center project area, (3) place parking garage underground, (4) limit project to one block rather than two blocks, and (5) construct project on another site in downtown Oakland. Comments made by: DOT, EPA, GSA, USDA, State agencies. (EIS Order No. 800067).

Final

Cadillac Center, Construction (CDBG), Wayne County, Mich., January 11: Proposed is the issuance of CDBG funding for the construction of the Cadillac Center to be located in the downtown retail core of the city of Detroit, Wayne County, Michigan. The center will be a major regional shopping center housing three department stores and approximately 100 retail or service-oriented shops. In addition to no action, two alternatives are considered which vary in the location of the
J. L. Hudson Company Department Store. Comments made by: COE, DOT, AHP, EPA, DOT, State and local agencies, individuals. (EIS Order No. 800028).

The above EIS was published in the January 22, 1980 **Federal Register** with an incorrect project description. The description above is correct. (See Appendix VI).

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 Highway Administration

Draft

U.S. 20/Dodge Street Improvement, Dubuque, Dubuque County, Iowa, January 23: Proposed is the Improvement of U.S. 20, also known as Dodge Street, from just west of Grandview Avenue to near Bluff Street located in the city and county of Dubuque, Iowa. The length of the project is approximately 1.5 miles. The improvements would include two through traffic lanes in each direction, needed turning lanes, and relocation/consolidation of entrances to homes and businesses along Dodge Street. Three construction alternatives are considered. (FHWA–IA–EIS–80–01–D) (EIS Order No. 800056).

Final

MA–146, Improvement and relocation, Worchester County, Mass., January 23: Proposed are various improvements for MA–146 in the towns of Sutton, Northbridge, Douglas, Uxbridge and Millville in Worchester County, Massachusetts. The facility would be reconstructed to dual lanes from the vicinity of central turnpike in the town of Sutton to the vicinity of Mill Street in the town of Uxbridge. From this point MA–146 would be relocated to the RI state line in the towns of Uxbridge and Millville. The entire project is about 13½ miles in length and will consist of a four-lane divided highway. The alternatives consider: No action, mass transit, alternative alignment, and improvements on present alignment. (FHWA–MASS–EIS–75–03–F). Comments made by: AHP, DOI, DOC, HUD, USDA, TREA, GSA, EPA, State and local agencies, groups. (EIS Order No. 800055).

EIS's Filed During the Week of Jan. 21 Through Jan. 25, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
		Draft	Cross Generating Station, License	800069	01–25–80	FERC
Arkansas	Montgomery	Draft	Fancy Hill Barite Mine, NPDES Permit	800062	01–24–80	EPA
Atlantic Ocean		Draft	Coastal Migratory Pelagic (Mackerels), FMP	800068	01–25–80	DOC
California	Alameda	Final	City of Oakland Convention Center/Hotel (UDAG)	800067	01–25–80	HUD
Colorado	Jackson	Final	Encampment River Wild and Scenic River Study	800054	01–22–80	USDA
	Eagle	Final Supp	Wolcott-Malta Transmission/Terminal Facilities	800051	01–22–80	USDA
	Pitkin	Final Supp	Wolcott-Malta Transmission/Terminal Facilities	800051	01–22–80	USDA
	Lake	Final Supp	Wolcott-Malta Transmission/Terminal Facilities	800051	01–22–80	USDA
Florida	Okaloosa	Draft	Bluewater Bay Village Development, Niceville	800058	01–23–80	HUD
Gulf of Mexico		Draft	Coastal Migratory Pelagic (Mackerels), FMP	800068	01–25–80	DOC

EIS's Filed During the Week of Jan. 21 Through Jan. 25, 1980

[Statement title index—by State and county]

State	County	Status	Statement title	Accession No.	Date filed	Original agency No.
Idaho	Fremont	Final	Island Park Geothermal Area, Leasing/Development.	800061	01-23-80	USDA
	Bonner	Final	Priest Wild/Scenic River, Kuniksu National Forest	800053	01-22-80	USDA
	Boundary	Final	Priest Wild/Scenic River, Kuniksu National Forest	800053	01-22-80	USDA
Iowa	Dubuque	Draft	U.S. 20/Dodge Street Improvement, Dubuque	800056	01-23-80	DOT
Massachusetts	Worchester	Final	MA-146, Improvement and relocation	800055	01-23-80	DOT
Montana	Gallatin	Final	Island Park Geothermal Area, Leasing/Development.	800061	01-23-80	USDA
North Carolina	New Hanover	Final	Wilmington Harbor, New Cape Fear River, Wilmington.	800064	01-24-80	COE
North Dakota	Stark	Draft	North Hills Acres 2nd/Washington 4th Development.	800057	01-23-80	HUD
Programmatic		Draft	National Soil and Water Conservation Program, RCA.	800063	01-24-80	USDA
Tennessee		Final	Miss. R., Additional Harbor Facilities, Memphis	800065	01-25-80	COE
	Knox	Final	Schubert-Sterchi Subdivision	800059	01-23-80	HUD
	Shelby	Final	Stonebridge Residential Community, Memphis	800060	01-23-80	HUD
Texas	Harris	Final	Steeplechase Subdivision, Mortgage Insurance	800068	01-25-80	HUD
Virgin Islands		Draft	Crown Bay Port Facility, Charlotte Amalie, Permit	800049	01-21-80	COE
Washington	King	Draft	Kenmore Navigation Channel, Lake Washington	800050	01-21-80	COE
Wyoming	Teton	Final	Island Park Geothermal Area, Leasing/Development.	800061	01-23-80	USDA

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 TRANSPORTATION					
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.	I-78, Haafsville to Still Valley, New Jersey and Pennsylvania.	Final 791139	Nov. 19, 1979	Extension	Feb. 19, 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
None.				

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.
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.	Missouri River Levee System Unit R-616, Additional Information.	Jan. 22, 1980	800052

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 AGRICULTURE				
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.	Cooperative 1980 Maine Spruce Budworm Suppression Project; Cooperative 1980 Gypsy Moth Suppression and Regulatory Program.	Draft 791272; Draft 791270	Jan. 4, 1980	Extensions were published in Appendix II of the January 28, 1980, FEDERAL REGISTER with an incorrect date of termination. The correct date is Feb. 19, 1980.
DEPARTMENT OF INTERIOR				
Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	Atlantic/Gulf Coasts Protective Barrier Islands, Atlantic Ocean.	Draft 800036	Jan. 28, 1980	This EIS was published with an incorrect status. The correct status is draft. The comment period remains the same.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
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) 755–6300.	Cadillac Center, Construction (CDBG).	Final 800028	Jan. 22, 1980	This EIS was published in the Jan. 22, 1980, FEDERAL REGISTER with an incorrect project description. The correct description appears in Appendix I.

[FR Doc. 80–3696 Filed 2–4–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1405–5; OPP–180358A]

California Department of Food and Agriculture; Amendment to Specific Exemption To Use Ethephon as a Growth Regulator on Grapes

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of amendment to specific exemption.

SUMMARY: EPA has issued an amendment to a specific exemption granted to the California Department of Food and Agriculture (hereafter called the "Applicant") to use ethephon (Ethrel) as a growth regulator on 74,000 acres of grapes in California. The amendment changes the pre-harvest interval from 30 days to 14 days.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street SW., Room: E–124, Washington, D.C. 20460, Telephone: 202/426–0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On September 18, 1979 (44 FR 54109), EPA published a notice in the **Federal Register** which announced the granting of a specific exemption to the Applicant to use up to 37,000 pounds of ethephon as a plant regulator on 74,000 acres of grapes. Since then, the Applicant has requested that the pre-harvest interval be lowered from 30 days to 14 days. The Applicant had originally suggested the 30-day pre-harvest interval. Data, submitted to EPA in support of a tolerance for ethephon in or on grapes, indicate that residues of ethephon are not expected to exceed 2 parts per million.

After reviewing the application and other available information, EPA has determined that the requested amendment would not significantly change the specific amendment nor would it pose an additional hazard to the environment. Accordingly, EPA has granted the amendment so that the pre-harvest interval has been changed from 30 days to 14 days. All other provisions and restrictions of the specific exemption granted on August 3, 1979, still apply.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819 (7 U.S.C. 136))

Dated: January 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–3701 Filed 2–4–80; 8:45 am]
BILLING CODE 6560–01–M

[FRL 1405–3; OPP–180321]

Commonwealth of Puerto Rico; Issuance of Specific Exemption To Use of Lindane To Control "White Grubs" in Sugarcane Fields

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has granted a specific exemption to the Puerto Rico Department of Acriculture (hereinafter referred to as the "Applicant") to use lindane on a maximum of 14,100 acres of sugarcane fields in Puerto Rico to control larvae of the West Indian sugarcane root borer weevil and the May beetle (known locally as "white grubs"). The specific exemption expires on May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E–124, Washington, D.C. 20460, Telephone: (202) 426–2691. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Sugarcane is grown in two cycles in Puerto Rico, between July and November and between February and May, Ratoon crops, which grow from the cut stumps of the previously harvested cane, follow both cane crops. Due to low production costs, the ratoon crop can be the most profitable cycle of sugarcane cultivation.

The West Indian sugarcane root borer weevil (*Diaprepes abbreviatus*) and the May beetle (*Phyllophaga portoricensis*), or white grubs, are major pests of sugarcane in Puerto Rico. Damage caused by the larvae can kill the plant, but usually results in stunted growth and reduced plant sugar production. Root damage also makes the plant more easily uprooted by mechanical harvesters and thus reduces future yields by removing cane stools which produce the ratoon crop. The root borer weevil larvae live in the soil and injure the cane by feeding on the plant's roots and, when more mature, by tunneling up

into the cane stalk. Adult weevils emerge from the soil in large numbers in the early and late summer and feed on a wide variety of succulent weeds. May beetle larvae are root pruners that feed on sugarcane plant roots. May beetle larvae are also present year round with most adult beetles emerging in May or June.

According to the Applicant, aldrin was used extensively throughout the sugarcane producing regions as a pre-plant treatment, until it was banned. Registered pesticides (Furadan, Dasanit) are of adequate toxicity to control the larvae when applied as a soil-incorporated treatment. However, they do not prevent reinfestation because of insufficient residual activity under the conditions that exist in Puerto Rico. The only method currently being used for control of white grubs in sugarcane is soil cultivation, which is only practical during the time of planting. It lowers the larval populations but does not prevent their recovery.

Sugarcane and sugar production play an important role in Puerto Rico's economy. The Sugar Corporation is a publicly owned organization which produces and/or controls the production of most of the sugarcane grown on the island. It has reported millions of dollars of losses in the past few years. The Applicant estimates that white grub larvae cause an annual sugarcane yield reduction valued at $21.8 million.

The Applicant proposed to make a soil-incorporated application of lindane in sugarcane fields at the time of planting. A single application of a lindane 25 percent wettable powder formulation will be made at a maximum rate of 2.0 pounds active ingredient (a.i.) per acre. The Applicant plans to use an adulticide, probably carbofuran (a registered product), against the adult root borer weevil at times of peak emergence, as well as the one-time application of lindane. No adulticide program is planned for the May beetles since their feeding patterns do not allow effective large scale pest measures. Once the larval populations are under control, a continuing adulticide program is expected to keep root borer weevil populations below economic injury levels by preventing egg laying by adults. May beetle control will depend upon the effectiveness of the soil-incorporated application of lindane.

EPA has determined that residues of lindane in molasses or sugar are not likely to exceed 0.01 part per million (ppm) from the proposed use. Tolerances for residues of lindane in or on raw agricultural commodities have been established, ranging from 7 parts per million (ppm) in or on the fat of meat from cattle, goats, horses, and sheep, to 0.01 ppm (negligible residue) in or on pecans. Established tolerances will not be exceeded by feeding of treated sugarcane or byproducts to animals, since the feeding of sugarcane tops will be prohibited. Neither the bagasse nor the sugarcane molasses are animal feed items in Puerto Rico. Because of toxicological considerations and possible cancer risk to applicators and loaders/mixers, appropriate restrictions and clothing requirements have been imposed. No unreasonable adverse effects to the environment are expected as a result of this program.

It should be noted that a rebuttable presumption against registration of pesticide products containing lindane was published in the **Federal Register** on February 17, 1977 (42 FR 9816); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

After reviewing the application and other available information, EPA has determined that (a) pest outbreaks of the West Indian sugarcane root borer weevil and the May beetle have occurred; (b) there is no effective pesticide presently registered and available for use to control the white grub in Puerto Rico; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the white grub is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 19, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A lindane 25 percent wettable powder product will be applied at a maximum rate of 2.0 pounds a.i. per acre;

2. Applications will be limited to a single pre-plant treatment with ground equipment. No field will be treated more than once;

3. A maximum of 14,100 acres will be treated;

4. A maximum of 28,200 pounds a.i. is authorized for use;

5. Applicators and mixer/loaders will be trained employees of the Sugar Corporation;

6. Applicators will wear protective clothing which includes: Gloves, helmets, long sleeve shirts, and long pants. Applicators will not be involved with any phase of the mixing and loading operation. Paper masks will be worn during the mixing operations. Applicators and mixer/loaders will be required to shower and wash at the end of the work day;

7. Re-entry workers will be required to wear protective gloves and boots;

8. Children and women of child-bearing age will not participate in any phase of the mixing and loading or application of lindane. Use of this pesticide will be avoided near children or where children will be exposed;

9. All workers will be instructed as to the symptoms of lindane poisoning. Workers will be required to leave the exposure areas if symptoms become evident;

10. The Applicant must advise EPA of any changes in the proposed use of lindane;

11. The feeding of sugarcane tops, bagasse or molasses to animals is prohibited;

12. Treated fields will not be planted with crops which do not have established tolerances, within twelve months of application of lindane;

13. Data indicate that residues of lindane in run-off water after a heavy rain could reach a level of 37 parts per billion. Although this level of lindane exceeds the LC50's for species of fresh-water fishes and aquatic invertebrates, an acute hazard is not anticipated, provided run-off is adequately diluted by surface water in draining ditches, streams and rivers, and estuarine areas. A 370-fold dilution factor is necessary to protect (from acute effects) the most sensitive, aquatic invertebrate species tested, and a 10-fold dilution factor is necessary to protect fresh-water fishes. These factors should be taken into consideration when lindane is being applied in areas where fresh-water fishes and aquatic invertebrates are important natural resources;

14. Lindane may not be applied where excessive run-off will occur. Care must be taken to prevent contamination of water by cleaning of equipment or disposal of wastes;

15. All applicable directions, restrictions, and precautions on the product label must be followed;

16. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met;

17. Sugarcane and sugar with residues of lindane not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action; and

18. The EPA shall be immediately informed of any adverse efects resulting from the use of lindane in connection with this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819 (7 U.S.C. 136))

Dated: January 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Products.

[FR Doc. 80-3699 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1405-1; OPP-180409]

Deputy Assistant Secretary of Defense (Energy, Environment and Safety); Issuance of Specific Exemption To Use Methoprene To Control the Pharaoh Ant

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the Deputy Assistant Secretary of Defense (Energy, Environment and Safety), Mr. George Marienthal, (hereafter referred to as the "Applicant") to use methoprene to control the Pharoah ant at the Brooke Army Medical Center (BAMC), Fort Sam Houston, Texas. The specific exemption expires on June 30, 1980.

FOR FURTHER INFORMATON CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The Pharaoh ant (*Monomorium pharaonis*) is a cosmopolitan species that is widely distributed throughout the United States and Canada. The species has a predilection for invading areas such as hospitals, bakeries, and hotels. The vector potential of the Pharaoh ant has been reported on for the pathogens *Salmonella* spp., *Pseudomonas aeruginosa*, *Staphylococcus* spp., *Streptococcus* spp., and *Clostridium* spp. BAMC has an infestation of Pharaoh ants. According to the Applicant, lack of adequate control of the ant is resulting in: (1) An increased risk of infection to patients, especially burn victims and newborn infants; (2) the reapplication of medication and dressings when ants are observed on patients; (3) contamination of operating room equipment and/or supplies; (4) a traumatic effect on families and visitors who observe ants in the hospitals; and (5) an increased workload on an already overworked staff to prevent or react to contamination by ants.

The Applicant states that repeated attempts to control the ant with registered pesticides have failed. Currently registered pesticides for Pharaoh ant control include Kepone, toxaphene and chlorpyrifos. The Applicant goes on to state that, as a result of documented hazards associated with Kepone and toxaphene and the regulatory actions taken (cancellation and rebuttable presumption against registration) by EPA, their use in BAMC is unacceptable to the Department of the Army for control of the Pharaoh ant. Chlorpyrifos has been registered for this use by Texas, but is not federally registered.

The Applicant reports that products labeled for use in hospitals for control of the broad category "ants" have been used. Residual treatments have been made using diazinon, bendiocarb, boric acid dust, and propoxur bait. Nonresidual treatments have been made with ultra-low volumes of pyrethrin. These efforts to reduce the ant population were not successful, the Applicant claims, due to the inability of being able to treat the entire medical facility at one time, the limitation imposed on the use of residual pesticides in patient areas, and the inaccessibility of the broods.

The Applicant believes that adequate control of the Pharaoh ant infestation at BAMC will be realized only if a baiting program utilizing a toxicant which can be transported back to the colony by the foraging workers is implemented. Currently, there are no bait formulations registered with EPA which will meet this requirement.

The Applicant plans an overall program which will consist of efforts to reduce sources of food to the foraging worker ants, a pre-baiting survey of marked stations throughout the hospital complex, and a methoprene bait program. Preparation of the bait will be in accordance with guidance provided by the manufacturer, Zoecon Corporation. One 5-milliliter (ml) bottle of 10% methoprene will be added to 100 grams (g) of dry liver powder, honey and sponge cake mixture. This quantity will be sufficient to bait 100 stations (1 g of formulated bait per station). A caulking gun will be used to distribute the bait at a rate of 1 per 3 square meters. An estimated 6,700 bait stations, consisting of adhesive tape placed at selected locations, will be required. As with the survey bait stations, all methoprene bait stations will be numbered and marked as to placement on the map of the hospital interior. Two weeks following the initial baiting, fresh bait and adhesive bait stations will be distributed. It is expected that 1,440 milligrams of the 10% methoprene will be utilized. The Applicant proposed to use no residual or nonresidual insecticides, except for emergency situations, in the major bait areas to insure that foraging worker ants are not prohibited from carrying the toxicant back to the colony. (While approving the general plan, EPA has recommended continued use of residual and nonresidual insecticides to prevent proliferation of the Pharaoh ant population and thus an increased hazard of infection to patients due to the ants' vector potential for pathogens. Such treatments should not jeopardize the program since the ant population has been increasing despite their use).

As a follow-up to the baiting program, a liver bait survey will be conducted to determine the effectiveness of the program and to isolate those areas which may require future bait treatments. Once the ant population has been significantly reduced, residual treatments will be made. All applicators in the entire program will be trained and certified in accordance with the EPA-approved Department of Defense certification plan.

EPA found no data available to support the efficacy of methoprene with respect to ants; however, EPA agrees that registered pesticides are not controlling the Pharaoh ants. It has been determined that the mode of action of methoprene is such that it may control the ants by destroying the young and making the females infertile. The proposed use of methoprene should not pose an unreasonable hazard to patients in the hospital.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of Pharaoh ants has occurred; (b) there are no effective pesticides currently registered and available to control the Pharaoh ant in the BAMC; (c) there are no alternative means of control available, taking into account the efficacy and hazard; (d) significant health problems may result if the Pharaoh ant is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Zoecon product, Pharogone Pharaoh's Ant Bait Concentrate,

containing 10% methoprene may be used;

2. The product is to be used at a rate of ½% methoprene in a liver powder, honey and sponge cake bait formulation;

3. Individual baits, consisting of one g of formulated bait, may be distributed at a rate of one bait per three square meters;

4. A total of 1,440 ml of the 10 percent methoprene is authorized;

5. Labeling used to ship the Zoecon product should contain the following:

An ingredient statement
Appropriate warnings and cautions
A net content statement
An EPA establishment registration number
The name and address of the producer
The product name

Use of the product is to be in accordance with the program submitted;

6. Application of the pesticide will be by personnel trained and certified in accordance with the Department of Defense certification plan for pesticide applicators;

7. The EPA shall be immediately informed of any adverse effects from the use of methoprene in connection with this exemption; and

8. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a final report summarizing the results of this program by September 30, 1980.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136).)

Dated: January 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3697 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1405-2; OPP-180411]

Florida Department of Agriculture and Consumer Services; Issuance of Specific Exemption To Use Benomyl To Control Stalk Rot of Potatoes

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use up to 21,000 pounds of Benlate, containing the active ingredient (a.i.) benomyl, for the control of stalk rot on 7,000 acres of white potatoes in Dade County, Florida. The specific exemption ends on March 30, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-124, Washington, D.C. 20460, Telephone: 202/426-0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, stalk rot, which is caused by the phytopathogenic fungus *Sclerothinia sclerotiorum*, is a major pest of white potatoes in Dade County. The fungus was considered a minor pest of potatoes until the 1960's, when the South Florida Water Management District drained the potato production fields by digging drainage ditches. The fields no longer stay flooded over a long enough period of time to kill the sclerotia (hardened masses of hypae) which survive through the summer. On potatoes, *S. sclerotiorum*, has been observed on occasion to attack the young vines very soon after emerging; however, the disease is observed more often at layby when the leaves touch the soil. At this time, there is an optimum environment for this fungus to produce spores which land on the vines, geminate, infect, and eventually kill the infected tissue. This disease occurs annually on the potato crops from November through March.

The Applicant stated that there are no fungicides registered for control of this fungus on potatoes in Florida. While it would be possible to flood the fields artificially, the Applicant claims flooding would create a hazard to homes which have been built on the flood plains since the drainage canals were dug.

Over the past three years, the Applicant estimated that yield losses due to *S. sclerotiorum*, have averaged 34 percent. This represents a loss of $2 million to the producers.

The Applicant proposed to use Benlate, applied by ground equipment, at a dosage rate of 1 to 1.5 pounds product in sufficient water to obtain uniform coverage. The higher rate will be used under severe conditions. All of the treatments will be confined to 7,000 acres of potatoes in Dade County, once the presence of the fungus is verified.

EPA has determined that residues of benomyl in or on potatoes as a result of this program should not exceed 0.05 part per million (ppm). This level has been judged adequate to protect the public health.

It should be noted that a rebuttable presumption against registration of pesticide products (RPAR) containing benomyl was published in the **Federal Register** on December 6, 1977 (42 FR 61788). On Thursday, August 30, 1979 (44 FR 51166), EPA published in the **Federal Register** a preliminary notice of determinatin concluding the RPAR against benomyl. As developed in the position document, EPA has determined that benomyl poses risks of mutagenicity (as a spindle poison), teratogenicity, and spermatogenic depression to humans and acute toxicity to aquatic organisms. EPA determined that other areas of concern had been successfully rebutted. EPA will require modification of labeling of benomyl pesticide products packaged in five-pound or larger bags or with aerial application directions. EPA has reflected this preliminary determination in imposing appropriate precautions in the specific exemption to protect employees working with benomyl and the environment.

Overall, this short-term use of benomyl should not significantly affect any populations of either invertebrates or vertebrates that are well established. There are two endangered species known to frequent Dade County: The Cape Sable Sparrow (*Ammospiza maritima mirabilis*) and the American Crocodile (*Crocodylus acutus*). However, it is not firmly established that these species occur in the particular area of Dade County in which the potato fields are located; it is highly unlikely, for example, that the American Crocodile would be present near drained agricultural fields. Nonetheless, special precautions concerning treatment will be taken in connection with these two endangered species.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *S. sclerotiorum*, has occurred; (b) there is not pesticide presently registered and available for use to control this pest in Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fungus is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specified exemption to use the pesticide noted above until March 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The du Pont product Benlate 50W, EPA Reg. No. 352-354, containing the active ingredient benomyl, is authorized at a dosage of from 1.0 to 1.5 pounds product (0.50 to 0.75 pound a.i.) per 100-125 gallons of water/acre. Two

applications are authorized, the first approximately 7 to 8 weeks after planting and the second 2 to 3 weeks later. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the EPA-registered product label;

2. Up to 21,000 pounds of product are authorized;

3. The presence of *S. sclerotiorum*, in a given potato growing area must be verified by Florida State Extension personnel before applications of benomyl are made;

4. Treatment is authorized in the following area of Dade County: the marl soils east of Highway U.S. 1, and bound on the west by Country Club Road (S.W. 202nd Avenue);

5. Applications may be made by either private or commercial applicators. Applications must be made by ground equipment only;

6. All applicable directions, precautions, and restrictions on the EPA-registered label must be followed;

7. Potatoes with residues of benomyl and its metabolites not exceeding 0.05 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. All applicators involved in the preparation of spray suspension must wear protective gloves and masks;

9. All clothing worn during the preparation of spray suspension must be removed and cleaned after each day of use;

10. All individuals must wash immediately upon dermal contact with benomyl or the spray suspension;

11. EPA has determined that benomyl causes birth defects and reduced sperm production in laboratory animals. Exposure to benomyl during pregnancy should be avoided. Exposure to benomyl might cause a depressed sperm count. In case of accidental spills or other unusual exposure, work must cease immediately and the directions for contact with benomyl must be followed;

12. The Applicant is responsible for ensuring that all the provisions of the specific exemption are met and must submit a report summarizing the results of this program to EPA by the end of September, 1980;

13. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with this exemption; and

14. The Applicant must take precautions to insure that application of benomyl will not be made in areas where the Cape Sable Sparrow and the American Crocodile are known to occur.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)).)

Dated: January 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3698 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1404-7; PF-166]

Monsanto Co.; Filing of Pesticide Petition

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA, or the Agency).

ACTION: Notice of filing.

SUPPLEMENTARY INFORMATION: Monsanto Co., 1101 17th St. NW., Washington, D.C. 20460, has submitted a pesticide petition (PP OF2313) proposing that 40 CFR 180.249 be amended by increasing the established tolerance for the combined residues of the herbicide alachlor [2-chloro-2',6'-diethyl-*N*-(methoxymethyl)-acetanilide] and its metabolites (calculated as alachlor) in or on the raw agricultural commodity peanuts from 0.05 to 0.10 part per million (ppm). The proposed analytical method for determining residues is gas liquid chromatography using a flame ionization detector.

COMMENTS/INQUIRIES: Comments may be submitted, and inquiries directed, to Product Manager (PM-25), Mr. Robert Taylor, Room E-359, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460, telephone number 202/426-2196. Comments submitted should bear a notation indicating the petition number "PP OF2313". Comments may be made at any time while the petition is pending before the Agency. Written comments filed in connection with this notice will be available for public inspection in the Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 408(d)(1), Federal Food, Drug, and Cosmetic Act)

Dated: January 30, 1980.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 80-3703 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1405-4; OPP-180394]

Oklahoma Department of Agriculture; Crisis Exemption To Use Diazinon To Control White Grubs in Winter Wheat

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that the Oklahoma Department of Agriculture (hereafter referred to as "Oklahoma") availed itself of a crisis exemption to use Diazinon to control white grubs on a maximum of 200,000 acres of winter wheat in Oklahoma. The program has ended.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On August 24, 1979, Oklahoma requested a specific exemption for the use of 0,0-diethyl 0-(2—isopropyl-6-methyl-4-pyrimidinyl) Phosphorothioate (manufactured by Ciba-Geigy as Diazinon 14G, EPA Reg. No. 100-469, and Diazinon AG500, EPA Reg. No. 1000461) to control white grubs in winter wheat in fourteen counties in Oklahoma. According to Oklahoma, there was insufficient time to wait for the specific exemption, since the need was immediate, and Oklahoma availed itself of a crisis exemption for this use on September 11, 1979. On October 22, 1979, Oklahoma withdrew its request for a specific exemption and requested that a safe level for residues of the active ingredient be set for the wheat treated under the crisis exemption.

Oklahoma claimed that white grubs exceeded the economic threshold levels in many fields planted this fall in Alfalfa, Blaine, Cotton, Dewey, Ellis, Garfield, Grant, Kay, Kingfisher, Major, Tillman, Washita, Woods, and Woodward Counties. According to Oklahoma, losses of up to $2 million could have been incurred by the Oklahoma wheat industry if the white grubs were not effectively controlled. Oklahoma stated there was no effective pesticide registered for this purpose.

Oklahoma made a single pre-plant, ground application of Diazinon at a maximum rate of two pounds active ingredient in sufficient water to obtain

coverage per acre. The pesticide was disked or worked into the soil to depths of two to four inches. The program was under the direction of entomology personnel of the Oklahoma State University Extension Service. No unreasonable hazard to the environment was anticipated.

After reviewing the use pattern and other available information, EPA determined that residues of the active ingredient in or on wheat grain and forage should not exceed 0.03 part per million for this use. This level has been judged adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; (7 U.S.C. 136)))

Dated: 30, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-3700 Filed 2-4-80; 8:45 am]

BILLING CODE 6560-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports, Apprenticeship Information Report EEO-2; Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1979 Apprenticeship Information Report EEO-2 required by 29 CFR 1602.15 is extended from September 30, 1979 to March 31, 1980. The payroll period for the EEO-2 report remains unchanged.

Signed at Washington, D.C. this 29th day of January 1980.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 80-3676 Filed 2-4-80; 8:45 am]

BILLING CODE 6570-06-M

Records and Reports, Local Union Report EEO-3; Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1979 Local Union Report EEO-3 required by 29 CFR 1602.22 is extended from November 30, 1979 to March 31, 1980. The payroll period for the EEO-3 report remains unchanged.

Signed at Washington, D.C. this 29th day of January 1980.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

[FR Doc. 80-3677 Filed 2-4-80; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

Radio Technical Commission for Marine Services; Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 75

"Minimum Performance Standards—Automatic Coordinate Conversion Systems"
Notice of 1st Meeting
Thursday, February 28, 1980—9:30 a.m.
Conference Room 7200
Nassif (DOT) Building
400 Seventh Street, S.W. (at D Street)
Washington, D.C.

Agenda

1. Call to Order.
2. Committee organization.
3. Discussion on Terms of Reference.
4. Presentations of technical and operational issues.
5. Designation of Working Groups.
6. Establishment of future meeting schedule.

Mortimer Rogoff, Chairman, SC-75, Booz, Allen & Hamilton, 4330 East-West Hwy., Bethesda, MD 20014, Phone: (301) 951-2100.

Executive Committee Meeting

Notice of February Meeting
Thursday, February 21, 1980—9:30 a.m.
Conference Room 7204
Nassif (DOT) Building
400 Seventh Street, S.W., at D Street
Washington, D.C.

Agenda

1. Administrative Matters.
2. Acceptance of FY-1980 First Quarter Financial Statement.
3. Report of Nominating Committee.

Special Committee No. 74

"Digital Selective Calling"
Notice of 10th Meeting
Wednesday, February 20, 1980—9:30 a.m.
Thursday, February 21, 1980—8:00 a.m.
(Full-day meetings)
Conference Room 7200/7202
Nassif (DOT) Building
400 Seventh Street, S.W. (at D Street)
Washington, D.C.

Agenda

February 20, 1980

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Working Group and Coast Station Working Group.

February 21, 1980

1. Administrative Matters.
2. Working Group Reports.

CDR J. G. Williams, Chairman, SC-74, U.S. Coast Guard Headquarters, Washington, D.C., Phone: (202) 426-1345.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-3719 Filed 2-4-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-72]

Metropolitan Savings Association, Farmington Hills, Mich.; Final Action Approval of Conversion Application

Dated: January 30, 1980.

Notice is hereby given that on January 23, 1980, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 80-54, approved the application of Metropolitan Savings Association, Farmington Hills, Michigan, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W. Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, 2900 Indiana Tower, One Indiana Square, Indianapolis, Indiana 46204.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-3720 Filed 2-4-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 79-2, Agreement No. 10293; and Docket No. 79-3, Agreement No. 10295]

Flota Mercante Grancolombiana, S.A., et al.; Availability of Finding of No Significant Environmental Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced dockets do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

These investigations were instituted to determine whether to approve, disapprove or modify Agreements Nos. 10293 and 10295 under section 15 of the Shipping Act, 1916. Agreement No. 10293 is a space charter arrangement between Flota Mercante Grancolombiana, S.A. (Flota) and Andino Chemical Shipping, Inc. for the transport of bulk liquid cargoes between U.S. Gulf ports and Colombian Atlantic Coast ports. Agreement No. 10295 is a similar arrangement between Flota and Maritima Transligra, S.A. for the transport of bulk liquid cargoes between U.S. Gulf ports and Colombian Pacific Coast ports. The major environmental concern with these agreements was that some of the chemicals carried by these services are considered to be hazardous substances by the Environmental Protection Agency. The use of energy and certain environment impacts were also considered. The OEA evaluated whether the Commission's action regarding these agreements would increase the possibility of hazardous substances spills, use of energy and air pollution. The OEA has determined that any decision made by the Commission in these proceedings would have no significant impact on the environment and use of energy.

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before February 25, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make. Copies of all future correspondence and pleadings filed in these proceedings shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Francis C. Hurney,

Secretary.

[FR Doc. 80-3647 Filed 2-4-80; 8:45 am]

BILLING CODE 6730-01-M

Fast Shipping Co., et al.; Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Fast Shipping Co., P.O. Box 523363, Miami, FL 33152. Officers: Enrique V. del Riego, President/Treasurer, Ernesto O. del Riego, Vice President/Secretary.

Middle East Shipping Co., Inc., 36 S. Wabash, Suite 950, Chicago, IL 60603. Officers: Ali R. Rezaian, President, Mahmoud A. Monen, Vice President, Mohammad A. Badr, Traffic Manager.

Miking, Inc., 156 N.W. 73rd Street, Miami, FL 33150. Officers: George J. Morrison, President, Leslie K. Thelwell, Vice President.

Kenneth A. Anderson, Jr., 69 Long Wharf, Boston, MA 02110.

Hub Forwarding Company, Inc., 10 Woodland Drive, Cohasset, MA 02023. Officers: Hubert P. C. van der Lugt, President, Wilhelmina J. van der Lugt, Vice President, Joseph W. MacDonald, Clerk.

By the Federal Maritime Commission.

Dated: January 31, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-3646 Filed 2-4-80; 8:45 am]

BILLING CODE 6730-01-M

[Docket Nos. 79-84 and 79-92]

Matson Navigation Co.; Availability of Finding of No Significant Environmental Impact

In the matter of Docket No. 79-84, Matson Navigation Company proposed 5.90 percent bunker surcharge increase in Tariffs FMC-F Nos. 164, 165, 166 and 167; Docket No. 79-92, Matson Navigation Company (Matson)—proposed 6.66 percent bunker surcharge increase in Tariffs FMC-F Nos. 164, 165, 166 and 167; Notice of availability of finding of no significant impact.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced dockets do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NPA), 42 U.S.C. 4321 *et seq.* and that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

These investigations were instituted to determine whether Matson's proposed bunker surcharges are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933. The surcharges apply to Matson Freight Tariffs FMC-F Nos. 164, 165, 166 and 167 under which Matson provides service in the Pacific Coast/Hawaiian trade. The OEA considered whether these surcharges will adverely affect the movement of recyclables, the use of energy and air, water and noise pollution. The OEA has determined, however, that any decision made by the Commission in these proceedings would have no significant impact on these environmental factors and believes it is appropriate to satisfy the requirements of NEPA by issuing the instant Notice.

The associated environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725. Interested parties may comment on the environmental assessment on or before February 15, 1980. Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Copies of all future correspondence and pleadings filed in these proceedings shall be served on the chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

Francis C. Hurney,

Secretary.

[FR Doc. 80-3648 Filed 2-4-80; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committees; Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463 (5 U.S.C. Appendix I), Annual Reports for Alcohol, Drug Abuse, and Mental Health Administration Committees have been filed with the Library of Congress. These are:

Alcohol Abuse Prevention Review Committee
Alcohol Biomedical Research Review Committee
Alcohol Psychosocial Research Review Committee
Alcohol Training Review Committee
Basic Behavioral Processes Research Review Committee
Basic Psychopharmacology and Neuropsychology Research Review Committee
Basic Sociocultural Research Review Committee
Board of Scientific Counselors, NIMH
Cognition, Emotion, and Personality Research Review Committee
Community Alcoholism Services Review Committee
Community Processes and Social Policy Review Committee
Criminal and Violent Behavior Review Committee
Drug Abuse Biomedical Research Review Committee
Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee
Drug Abuse Resource Development Review Committee
Epidemiologic and Services Research Review Committee
Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism
Life Course Review Committee
Mental Health Research Education Review Committee
Mental Health Services Manpower Development Review Committee
Mental Health Small Grant Review Committee
Minority Advisory Committee, ADAMHA
Minority Group Mental Health Review Committee
National Advisory Council on Alcohol Abuse and Alcoholism
National Advisory Council on Drug Abuse
National Advisory Mental Health Council
Paraprofessional Education Review Committee
Psychiatric Nursing Education Review Committee
Psychiatry Education Review Committee
Psychology Education Review Committee
Psychopathology and Clinical Biology Research Review Committee
Research Scientist Development Review Committee
Social Work Education Review Committee
Treatment Development and Assessment Research Review Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, and on 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.

Dated: January 29, 1980.

Gerald L. Klerman,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80–3657 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–88–M

Advisory Committees; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory bodies scheduled to assemble during the month of February 1980.

Psychiatric Nursing Education Review Committee

February 13–14, 9:00 a.m.
Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—February 13, 9:00 a.m.–10:00 a.m.
Closed—Otherwise
Contact: Barbara A. Graves, Room 9–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1737

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities characteristically innovative in educational design methodology, to increase the number of Master prepared nurses for practice in public mental health facilities, i.e., State mental health hospitals, community mental health/health centers, State mental health departments, long-term care facilities, located in underserved or unserved geographic areas, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9–10 a.m. February 13, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Psychology Education Review Committee

February 23–25, 9:00 a.m.
Silver North Room, Holiday Inn-Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910
Open—February 23, 9:00 a.m.–10:00 a.m.
Closed—Otherwise
Contact: Mrs. Joanna L. Kieffer, Room 9C–08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1220

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for psychology education/training personnel to provide mental health services to unserved or underserved geographic areas, populations, and/or public mental health facilities; for increasing the supply of minority mental health manpower; for developing strategies of primary prevention; and for increasing mental health skills and knowledge of general health care personnel, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9–10 a.m. February 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Social Work Education Review Committee

February 26–29, 9:00 a.m.
Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—February 26, 9:00 a.m.–10:00 a.m.
Closed—Otherwise
Contact: Mrs. Judith Ann Lynch, Room 9–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4608

Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for education and manpower development support in the field of social work, including those which strongly reflect the recommendations of the President's Commission on Mental Health, and in accord to the degree to which these address one or more of the NIMH priority areas on behalf of social work education, i.e., categories of basic mental health education, continuing education, short-term mental healt training, and special projects, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9–10 a.m. February 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. The NIMH Committee Management Officer who will furnish upon request summaries of the

meeting and rosters of the committee members is Mrs. Zelia Diggs, Office of the Associate Director for Extramural Programs, NIMH, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone number: AC 301/443–4333.

There were plans to hold meetings of these committees during March. It became necessary to reschedule because of delayed action on the process of submitting documents to renew the committees, all of which are scheduled to terminate March 1.

Dated: January 30, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80–3658 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–88–M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by J. M. Taylor, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held at 10 a.m., Friday, February 15, 1980.

ADDRESS: The meeting will be held at the Food and Drug Administration, 585 Commercial St., Second Floor Conference Rm., Boston, MA.

FOR FURTHER INFORMATION CONTACT: Yolan L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, Department of Health, Education, and Welfare, 585 Commercial St., Boston, MA 02109, 617–223–5857.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Boston District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 29, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 3656 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

Ophthalmic Devices Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel; Change of Location of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The location of the Ophthalmic Devices Section meeting scheduled for February 11, 1980, and announced by notice in the **Federal Register** of January 15, 1980 (45 FR 2905) has been changed. The meeting will take place on both February 11 and 12 and will be held in Rm. 6104, 400 Maryland Ave. SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Max Talbott, Bureau of Medical Devices (HFK–460), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7538.

DATED: January 29, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3505 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 79F–0434]

R. T. Vanderbilt Co., Inc.; Filing of Food Additive Petition

Correction

In FR Doc. 80–352, published on page 1690, on Tuesday, January 8, 1980, in the second column, in the fourteenth line of the "Supplementary Information" paragraph "No. 77079–27–3" should be corrected to read "No. 7779–27–3".

BILLING CODE 1505–01–M

Office of the Secretary

Secretary's Advisory Committee on the Rights and Responsibilities of Women; Meeting

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 meet with women's organizations in the Denver region on February 21, 1980, from 6:00 to 8:00 p.m. at the Cosmopolitan Hotel, Broadway Arms Room, 1780 Broadway, Denver, Colorado.

The agenda will include a discussion of social security reform, domestic violence, discrimination in health and human services programs, and other family policy programs.

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: January 29, 1980.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 80–3721 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–12–M

INTERSTATE COMMERCE COMMISSION

[Notice No. 165]

Assignment of Hearings

January 30, 1980.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135874 (Sub-145F), LTL Perishables, Inc., now assigned for continued hearing on February 12, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 89684 (Sub-49, 54, 57, 58, 63, 74, 78, 81, 85, 91, 92, 100, 103, M1F), Wycoff Company Incorporated, now assigned for continued hearing on February 11, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 1083 (Sub-3F), Bower Transportation Services, Inc., now being assigned for hearing on April 10, 1980 (2 Days) at Portland, OR, in a hearing room to be designated later.

MC 108119 (Sub-115F), E. L. Murphy Trucking Co., now assigned for hearing on April 7, 1980 is cancelled and application dismissed.

MC 117993 (Sub-16F), Fruitbelt Trucking Inc., now being assigned for hearing on March 10, 1980 (1 day) at Buffalo, NY, location of hearing room will be by subsequent notice.

MC 30787 (Sub-7F), Niagara Scenic Bus Lines, Inc., now assigned for hearing on March 11, 1980 (3 days) at Buffalo, NY, location of hearing room will be by subsequent notice.

MC 61788 (Sub-37F), Georgia-Florida-Alabama Transportation Company, transferred to Modified Procedure.

MC 141124 (Sub-21F), Evangelist Commercial Corporation, now being assigned for hearing on March 24, 1980 (1 day) at Philadelphia, PA, location of hearing will be by subsequent notice.

MC 110420 (Sub-796F), Quality Carriers, Inc., now being assigned for hearing on March 25, 1980 (1 day) at Philadelphia, PA, location of hearing room will be by subsequent notice.

MC 4484 (Sub-8F), Crown Transport, Inc., now being assigned for hearing on March 26, 1980 (1 day) at Philadelphia, PA, location of hearing room will be by subsequent notice.
MC 146690 (Sub-1F), Northeast Towing, Inc., now being assigned for hearing on March 27, 1980 (2 days) at Philadelphia, PA, location of hearing room will be by subsequent notice.
No. 37325, Independent Bakers Association v. Consolidated Rail Corporation, Etal, now being assigned for hearing on March 10, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
AB 6 (Sub-73F), Burlington Northern, Inc. Abandonment Near Laclede and Unionville, MO, now assigned for hearing on March 31, 1980 at Unionville, MO is postponed to April 29, 1980 at Unionville, Mo, hearing room will be by subsequent notice.
MC 145733 (Sub-2F), American Auto Shippers, now being assigned for Prehearing Conference on March 11, 1980 at the Offices of the Interstate Commerce Commission, Washington, DC.
MC 26377 (Sub-25F), Leonardo Truck Lines, Inc., now being assigned for hearing on March 19, 1980 (3 days) at Portland, OR, location of hearing room will be by subsequent notice.
MC 112822 (Sub-469F), Bray Lines Incorporated, now being assigned for hearing on March 24, 1980 (1 week) at Portland, OR, location of hearing room will be by subsequent notice.
MC 113678 (Sub-797F), Curtis, Inc., now being assigned for hearing on March 24, 1980 (1 week) at Portland, OR, location of hearing room will be by subsequent notice.
MC 127267 (Sub-2F) American Pacific Express, Inc., now being assigned for hearing on April 16, 1980 (3 days) at San Francisco, CA, location of hearing room will be by subsequent notice.
MC 138174 (Sub-3F), JJ & JL Company, Inc., now being assigned for hearing on March 25, 1980 at Portland, OR, location of hearing room will be by subsequent notice.
MC 108119 (Sub-128F), E. L. Murphy Trucking Company, transferred to Modified Procedure.
MC 141804 (Sub-179F), Western Express, Division of Interstate Rental, Inc., now being assigned for hearing on March 6, 1980 (2 days) at San Francisco, CA, location of hearing room will be by subsequent notice.
AB-1 (Sub-76F), Chicago and North Western Transportation Company Abandonment in LaCrosse and the Mpeauleau Counties, WI, transferred to Modified Procedure.
No. 37251, Landmark, Inc. v. Consolidated Rail Corporation, now being assigned for hearing on March 3, 1980 (3 days) at Columbus, OH, location of hearing room will be by subsequent notice.
MC 76993 (Sub-28F), Express Freight Lines, Inc., now assigned for continued hearing on February 26, 1980 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 144897 (Sub-1F), Sun Freight, Inc., now assigned for hearing on February 8, 1980 at Roswell, NM at Chavez County Courthouse, 400 North Main.
MC-F-12730, Pacific Transportation Lines, Inc.—Purchase—Jackson Distribution Corp., now being assigned for hearing on March 6, 1980 (2 days) at Buffalo, NY, location of hearing room will be by subsequent notice.
MC-142048 (Sub-7F), now being assigned for hearing on March 6, 1980 (3 days) at Buffalo, NY, location of hearing room will be by subsequent notice.
I&SM 27312, Restructured Rates and Charges, Central States Territory, now being assigned for prehearing conference on March 11, 1980 at the Offices of the Interstate Commerce Commission in Washington, DC.
MC 114274 (Sub-58F), Vitalis Truck Lines, Inc., now being assigned for hearing on March 25, 1980 (1 Day), at Chicago, IL. in a hearing room to be designated later.
MC 145371 (Sub-1F), MFCH, Inc., now being assigned for hearing on March 26, 1980 (1 Day), at Chicago, IL. in a hearing room to be designated later.
MC 142743 (Sub-13F), Fast Freight Systems, Inc., now being assigned for hearing on March 27, 1980 (1 Day), at Chicago, IL. in a hearing room to be designated later.
MC 140820 (Sub-12F), A & R Transport, Inc., now being assigned for hearing on March 28, 1980 (1 Day), at Chicago, IL. in a hearing room to be designated later.
MC 30032 (Sub-6F), Grane Transportation Lines, Inc., now being assigned for hearing on March 31, 1980 (1 Week), at Chicago, IL. in a hearing room to be designated later.
MC 93236 (Sub-1F), Bondy Cartage Limited, now being assigned for hearing on March 4, 1980 (9 Days), at Columbus, OH. in a hearing room to be designated later.
MC 146609F, Delta Express, Inc., is transferred to Modified Procedure.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-3693 Filed 2-4-80; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

January 31, 1980.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before February 20, 1980.

FSA 43793, Western Trunk Line Committee, Agent No. A-2759, on rotary kilns, in carloads, from Salt Lake City, Utah to stations in Western Trunk Line, Official and Southeastern Territories. It is published in Supplement 209 to Trans-Continental Freight Bureau, Agent tariff ICC TCFB 1014-A, Supplement 38 to Western Trunk Line Committee, Agent tariff ICC WTL 3134-S, effective February 25, 1980. Also, in Supplement 1 to Western Trunk Line Committee, Agent tariff ICC WTL 3120-L, which became effective June 10, 1979. Grounds for relief—rate relationships.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-3695 Filed 2-4-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 241, Rule 19; Revised Exemption No. 143, Amdt. No. 4]

Exemption Under Mandatory Car Service Rules

To: All railroads.

Upon further consideration of Revised Exemption No. 143 issued January 24, 1979.

It is ordered, That, under authority vested in me by Car Service Rule 19, Revised Exemption No. 143 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire April 30, 1980.

This amendment shall become effective January 31, 1980.

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

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-3692 Filed 2-4-80; 8:45 am]

BILLING CODE 7035-01-M

[Service Order No. 1344; I.C.C. Order No. 55; Amdt. No. 1]

Rerouting Traffic

To: All railroads.

Upon further consideration of I.C.C. Order No. 55, and good cause appearing therefor:

It is ordered, I.C.C. Order No. 55 is amended by substituting the following paragraph (g) for paragragh (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 15, 1980, unless otherwise modified, amended or vacated.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1980.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 31, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-3694 Filed 2-4-80; 8:45 am]

BILLING CODE 7035-01-M

[Decision Notice Vol. 272]

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is name.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before March 6, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices on or before March 6, 1980, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

[Volume No. 265]

Decided: January 14, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Joyce not participating.

MC 200 (Sub-360F), filed June 20, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *brass, bronze, and copper sheet,* in coils, from Cleveland, OH, to Trenton, MO. (Hearing site: Kansas City, MO.)

MC 42261 (Sub-147F), filed June 19, 1979. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, NJ 07303. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017. Transporting *petroleum products,* in bulk, in tank vehicles, from Paulsboro, NJ, to points in NC, SC, and WV. (Hearing site: New York, NY, or Washington, DC.)

MC 48441 (Sub-50F), filed June 18, 1979. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Transporting

glass containers, from Lincoln, IL, to points in IA, IN, KY, MI, MO, and OH. (Hearing site: Chicago, IL.)

MC 52460 (Sub-247F), filed June 15, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615 East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *canned foodstuffs,* from points in Benton, Crawford and Washington Counties, AR, and Adair and Haskell Counties, OK, to points in AL, FL, GA, KS, MO, MS, NC, SC, TN, and TX, restricted to the transportation of traffic originating at the facilities of Allen Canning Company. (Hearing site: Tulsa, OK.)

MC 60430 (Sub-28F), filed June 6, 1979. Applicant: FRIEDMAN'S EXPRESS, INC., P.O. Box 480, Wilkes-Barre, PA 18703. Representative: Stanley J. Gutkowski (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Northumberland and Williamsport, PA, (a) from Northumberland over PA Hwy 147 to junction U.S. Hwy 220, then over U.S. Hwy 220 to Williamsport and return over the same route, serving all intermediate points and serving Hughesville, Montgomery, Turbotville, and Watsontown, PA, as off-route points, and (b) from Williamsport over U.S. Hwy 15 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Northumberland and return over the same route, serving all intermediate points, and (2) between Schuylkill Haven and Pine Grove, PA, over PA Hwy 443, serving all intermediate points. (Hearing site: Williamsport or Wilkes-Barre, PA.)

MC 67450 (Sub-90F), filed June 18, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *sugar,* from points in LA, to St. Louis, MO, and points in IL, IN, KY, and OH. (Hearing site: Chicago, IL.)

MC 95490 (Sub-50F), filed June 15, 1979. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M St. NW., Washington, DC 20036. Transporting *plastic articles,* from Leominster, MA, to Bridgeport, CT, Bethlehem and Scranton, PA, Baltimore and Halethorpe, MD, and Washington, DC. (Hearing site: Boston, MA, or Washington, DC.)

MC 103051 (Sub-480F), filed June 18, 1979. Applicant: FLEET TRANSPORT COMPANY, INC., 934-44th Ave., N., Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Transporting *commodities,* in bulk, in tank vehicles, (1) between points in AL, FL, GA, NC, SC, and TN, and (2) between points in AL, FL, GA, NC, SC, and TN, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Dual operations may be involved. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 110420 (Sub-822F), filed June 14, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004. Transporting *Liquid chemicals,* in bulk, in tank vehicles, from the facilities of Sherex Chemical Company, Inc., at or near Mapleton, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL., or Washington, DC.)

MC 110761 (Sub-16F), filed June 15, 1979. Applicant: CARROLL TRANSPORT, INC., 1702 Frick Bldg., Pittsburgh, Pa 15219. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *iron and steel articles,* from (1) the facilities of Jones & Laughlin Steel Corporation, at Cleveland and Youngstown, OH, to points in the lower peninsula of MI, and (2) Warren, MI, to the facilities of Jones & Laughlin Steel Corporation, at Cleveland, OH. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 111320 (Sub-74F), filed June 15, 1979. Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215. Transporting (1) *construction and earth-moving equipment,* and (2) *parts* of the commodities described in (1) above, between Cleveland, OH, on the one hand, and, on the other, points in AZ, CA, CO, I D, MN, NM, NV, OR, UT, WA, and WY. (Hearing site: Columbus, OH.)

MC 112750 (Sub-351F), filed June 14, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same as the applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commercial papers, documents* and *written instruments,* (except currency, and negotiable securities), as are used in the business of banks and banking institutions, between Cincinnati, OH, on the one hand, and, on the other, points in Bell, Breathitt, Clay, Elliot, Estill, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, McCreary, Magoffin, Martin, Menifee, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Whitley and Wolfe Counties, KY. Under continuing contract(s) with banks and banking institutions. (Hearing site: Washington, D.C.)

Note.—Dual operations may be involved.

MC 113300 (Sub-12F), filed June 14, 1979. Applicant: WILLIAM T. HERRON TRUCKING, INC., R.F.D. 3, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *lime,* in bulk, from points in VA, KY, and WV (except those in Hancock, Brook, Ohio, and Marshall Counties), to points in OH and PA. (Hearing site: Columbus, OH.)

MC 113651 (Sub-307F), filed June 14, 1979. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, IN 47305. Representative: Glen L. Gissing (same address as applicant). Transporting *meats, meat products, meat by products,* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, and 766, (except commodities in bulk) between points in AL, FL, GA, LA, and MS, on the one hand, and, on the other, points in IA, IL, IN, MA, MI, MO, NJ, NY, OH, PA, and WI. (Hearing site: Dallas, TX, or Washington, DC.)

MC 114890 (Sub-96F), filed June 14, 1979. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Dr., Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting *barium sulfide slurry,* in bulk, in tank vehicles, from Coffeyville, KS, to Memphis, TN. (Hearing site: St. Louis or Joplin, MO.)

MC 117940 (Sub-349F), filed June 18, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Transporting *foodstuffs* (except in bulk), from the facilities of General Mills, Inc., at Chicago, IL, to Buffalo, NY, Mechanicsburg, PA, and points in IN, IA, MI, MN, MO, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated

destinations. (Hearing site: Minneapolis or St. Louis, MN.)

MC 119560 (Sub-21F), filed June 19, 1979. Applicant: SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, SC 29448. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave., and 13th St., NW, Washington, DC 20004. Transporting *lumber and fiberboard*, from the facilities of Holly Hill Lumber Company, at Holly Hill and Waterboro, SC, to those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Columbia, SC, or Washington, DC.)

MC 119641 (Sub-170F), filed June 14, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting (1) *zinc, zinc dross, zinc residue, and zinc skimmings*, and (2) *materials, equipment and supplies* used in the manufacture of zinc and zinc products between the facilities of St. Joe Zinc Company, at Josephtown (Potter Township), PA, on the one hand, and on the other, points in IA, IL, IN, MI, MN, MO, OH, and WI. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 119641 (Sub-173F), filed June 20, 1979. Applicant: RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 1301 Merchants Plaza, 47944. Representative: Alki E. Scopelitis, Indianapolis, IN 46204. Transporting *lumber, lumber products, lumber mill products, forest products, and wood products*, from Greenville and Madison, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 120631 (Sub-5F), filed June 15, 1979. Applicant: STEPHENS TRUCK LINE, INC., P.O. Box 484, Dickson, TN 37055. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *pneumatic tire valves*, (2) *parts* for pneumatic tire valves, and (3) *materials and supplies* used in the manufacture of the commodities in (1) and (2) above, between the facilities of Scovill, Schrader Division at or near Dickson, TN, and Gadsden, AL, (4) *poly film and poly bags*, and (5) *materials and supplies* used in the manufacture of the commodities in (4) above, between LaGrange, GA, and points in Dickson County, TN. (Hearing site: Nashville, TN.)

MC 120761 (Sub-55F), filed June 20, 1979. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Rd., P.O. Box 18728, Ft. Worth, TX 76118. Representative: R. E. Newman (same address as applicant). Transporting (1) *automotive lifts*, from Ft. Worth, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of automotive lifts, in the reverse direction. (Hearing site: Dallas, TX, or Washington, DC.)

MC 120761 (Sub-57F), filed June 19, 1979. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting *iron and steel articles*, from the facilities of A. M. Castle & Co., at or near Franklin Park, IL, to Los Angeles, San Francisco and Fresno, CA, Wichita, KS, Baltimore, MD, Kansas City, MO, Galion and Cleveland, OH, Tulsa, OK, Salt Lake City, UT, and Milwaukee, WI. (Hearing site: Dallas, TX.)

MC 121101 (Sub-3F), filed June 19, 1979. Applicant: FORGE VILLAGE TRANSPORTATION CO., INC., 39 Central Ave., Ayer, MA 01432. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *general commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, wool, wool products, those of unusual value, and those requiring special equipment), between points in MA, (2) *wool and wool products*, between Newton, MA, on the one hand, and, on the other, Brighton, Newton, Waltham, and Watertown, MA, (3) *paper*, from Tewksbury, MA, to points in CT and RI, and (4) *printed matter*, and *materials, equipment and supplies* used in the manufacture and distribution of printed matter (except commodities in bulk), between Brattleboro, VT, and points in MA, on the one hand, and, on the other, points in CT, IL, IN, KY, MA, MD, MI, MO, NJ, NY, OH, PA, RI, TN, VT, and VA. NOTE: The purpose of this application is (A) to convert applicant's Certificate of Registration in MC 121101 Sub-1, to a Certificate of Public Convenience and Necessity in parts (1) and (2) above, and (B) to apply for an extension of authority in parts (3) and (4) above. (Hearing site: Boston, MA.)

MC 124821 (Sub-49F), filed June 14, 1979. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting (1) *television picture tubes*, (2) *parts for television picture tubes*, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between Dunmore, PA, and Bloomington, IN. (Hearing site: Harrisburg, PA.)

MC 127651 (Sub-48F), filed April 26, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent, Suite 100, Madison, WI 53705. Transporting *malt beverages*, from St. Louis, MO, to Marshfield, WI. (Hearing site: Minneapolis, MN, or Milwaukee, WI.)

MC 127651 (Sub-49F), filed April 30, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting (1) *lawn and garden lime and gypsum*, and (2) *sand*, from the facilities of F. Hurlbut Company, at or near Green Bay, WI, to points in IL, IN, and MI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 127651 (Sub-50F), filed April 30, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *particleboard*, from the facilities of Weyerhaeuser Company, at or near Marshfield, WI, to points in IN, MI, and OH. (Hearing site: Chicago, IL.)

MC 128030 (Sub-123F), filed June 18, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 98, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. Transporting (1) *plastic containers*, from Danville, IL and Springdale, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 128940 (Sub-41F), filed June 18, 1979. Applicant: RICHARD A. CRAWFORD, d.b.a. R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *laboratory reagents and culture media*, from Cockeysville, MD,

to points in AR, CO, IL, IA, KS, MN, NE, NM, NV, OK, OR, SC, UT, WA, WI, WV, and DC, under continuing contract(s) with BBL Micro Biological Systems, of Cockeysville, MD. (Hearing site: Washington, DC, or Baltimore, MD.)

MC 135410 (Sub-69F), filed June 14, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *welding materials and supplies,* (2) *electric motors, electric welders, and hand trucks,* and (3) *parts and accessories* for the commodities in (2) above, from the facilities of The Lincoln Electric Company, at Cleveland and Mentor, OH, to points in IA, IL, IN, MI, MO, PA, and WI. (Hearing site: Chicago, IL.)

MC 135410 (Sub-70F), filed June 14, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Muscatine and Iowa City, IA, to points in IL, IN, MI, MO, OH and PA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 135410 (Sub-72F), filed June 20, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of International Paper Company, at or near Indianapolis, IN, on the one hand, and, on the other, points in IL, IA, MI, MO, and OH, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY or Washington, DC.)

MC 138841 (Sub-16F), filed June 15, 1979. Applicant: BLACK HILLS TRUCKING CO., a corporation, P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. Transporting (1) *beer and malt beverages,* from St. Louis, MO, and points in IL, MN, NJ, and WI, to Rapid City, SD, and (2) *soda pop,* from points in IL, NJ, MN, and WI, to Rapid City, SD. (Hearing site: Rapid City, SD.)

MC 143540 (Sub-18F), filed June 15, 1979. Applicant: MARINE TRANSPORT COMPANY, a corporation, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *soybean flour,* in bags, from the facilities of Ralston Purina Company, at or near (a) Hager City, WI, (b) Louisville, KY, (c) Memphis, TN, and (d) Red Wing, MN, to Wilmington, NC. (Hearing site: Wilmington, NC.)

MC 143621 (Sub-40F), filed June 15, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, P.O. Box 5748, Nashville, TN 37208. Representative: Sidney T. Stanley (same address as applicant). Transporting (1)—*central heating and air conditioning units,* and (2) *accessories and parts* for the commodities in (1) above, from the facilities of Heil-Quaker Corp., at or near Nashville, TN, to points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 144330 (Sub-70F), filed June 18, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber, lumber mill products, and wood products* (except commodities in bulk), from points in ID, MT, OR, and WA to points in AR, AZ, CO, IL, IN, KS, MO, NM, OK, TX, UT, and WY, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 144330 (Sub-71F), filed June 18, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). Transporting *lumber,* from points in TN, to points in CO, MT, and WY, restricted to the transportation of traffic orginating at the named origins and destined to the indicated destinations. (Hearing site: Denver, CO.)

MC 144570 (Sub-3F), filed June 18, 1979. Applicant: DIVERSIFIED CARRIERS, INC., 903 Sixth St., Rochester, MN 55901. Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts, and articles distributed by meatpacking houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Luverne, MN, to points in FL, under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE. (Hearing site: Minneapolis/St. Paul, MN, or Omaha, NE.)

MC 145950 (Sub-27F), filed June 14, 1979. Applicant: BAYWOOD TRANSPORT, INC. P.O. Box 2611, Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 66 Eleventh St., N.W., Washington, DC 20001. Transporting *fruit juice concentrates,* in vechicles equipped with mechanical refrigeration, from Ontario, CA, to points in AL, CT, GA, IA, IL, IN, LA, MA, MD, MI, MO, MS, NC, NJ, NY, OH, PA, SD, TX, VA, and WI. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 146071 (Sub-13F), filed June 15, 1979. Applicant: DELTA TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 30203. Transporting *such commodities* as are dealt in or used by manufacturers, convertors, and printers of paper and paper products (except commodities in bulk), between the facilities of Brown Company, at Eau Clair and Ladysmith, WI, on the one hand, and, on the other, points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at or destined to the named origins. (Hearing site: Chicago, IL.)

MC 146461 (Sub-2F), filed June 15, 1979. Applicant: J H TRUCKING, INC., Route 4, Box 112, Amarillo, TX 79119. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *meats, meat products and meat by-products* and *articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities of Thies Packing Co., Inc., at Great Bend and Wichita, KS, to points in AR, AZ, CA, CO, CT, DE, IA, IO, IL, IN, KY, MA, MD, MI, MN, MO, MI, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, RI, TN, TX, UT, VA, VT, WA, WI, WV, WY, and DC, restricted to the transportation of traffic originating at named origins and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Wichita, KS).

MC 146890 (Sub-7F), filed June 19, 1979. Applicant: C & E TRANSPORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805

McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials* and *supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Ralston Purina Company, at or near (a) Minneapolis, MN, (b) Clinton and Davenport, IA, (c) Battle Creek, MI, (d) Lancaster and Sharonville, OH, (e) Mechanicsburg, PA, (f) Dunkirk, NY, (g) Louisville, KY, and (h) Jersey City, NJ, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, LA (except LA, MS, AL, GA, FL, and SC). (Hearing site: St. Louis, MO).

Note.—Dual operations may be involved.

MC 147581F, filed June 13, 1979. Applicant: RKM, INC., P.O. Box 201, 107 Eastman St., Easton, MA 02334. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *toilet preparations, cleaning compounds*, and *motor fuel water absorption and anti-icing compounds*, (except commodities in bulk), from Holbrook, MA, to points in CT, GA, IL, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above, (except commodities in bulk), from points in NJ, NY, and PA, to Holbrook, MA, under continuing contract(s) with The Barcolene Company, of Holbrook, MA. (Hearing site: Boston, MA).

MC 147571F, filed June 14, 1979. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, a corporation, 500 Waukegan Road, Deerfield, IL 60015. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foodstuffs, and materials, equipment and supplies* used in the manufacture and distribution of frozen foodstuffs (except commodities in bulk), (a) between the facilities of Kitchens of Sara Lee, Inc., at or near (i) Deerfield and Chicago, IL, and (ii) New Hampton, IA, on the one hand, and, on the other, points in the United States (except AK or HI), and (b) between the facilities of Idaho Frozen Foods Corp., at or near (iii) Nampa and Twin Falls, ID, and (iv) Clearfield, UT, on the one hand, and, on the other, points in the United States (except AK and HI), (2) *foodstuffs and materials, equipment and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), (a) between the facilities of Booth Fisheries Corporation, at (1) Portsmouth, NH, (ii) Lubec, ME, and (iii) Brownsville, TX, on the one hand, and, on the other, points in the United States (except AK and HI) and (b) between the facilities of Chef Pierre, Inc., at or near (iv) Traverse City and Grand Rapids, MI, and (v) Forest, MS, on the one hand, and, on the other, points in the United States (except AK and HI), (3) *flavorings, stabilizers, chocolate coatings, sticks, and paper products*, (except commodities in bulk), from Englewood, NJ, and City of Industry, CA, to Des Plaines, IL, Boston, MA, Green Bay, WI, Dallas, TX, Los Angeles, CA, and Tampa, FL, (4) *chocolate cocoa powder*, (except in bulk) from Pennsauken, NJ, to City of Industry, CA, and (5) *sticks, fruit, fruit juice, and applesauce* (except commodities in bulk), from points in FL, ME, and WA, to Englewood, NJ, and City of Industry, CA, under continuing contracts in (1)(a) above with Kitchens of Sara Lee, Inc., of Deerfield, IL, in (b) with Idaho Frozen Foods Corp., of Twin Falls, ID, in (2)(a) with Booth Fisheries Corporation of Chicago, IL, in (b) with Chef Pierre, Inc., of Traverse City, MI, and in (3), (4), and (5) with Popsicle Industries, Inc., of Englewood, NJ. (Hearing site: Chicago, IL.)

MC 147580F, filed June 14, 1979. Applicant: DAVID ESPY TRUCKING, INC., 7007 Hudson River Dr., Tampa, FL 33619. Representative: David A. Townsend, 100 Madison St., Suite 301, Tampa, FL 33602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *expandable polystyrene, in bulk* from Monaca, PA, to Mulberry and Sun City, FL, under continuing contract(s) with (1) Master Containers, Inc., of Mulberry, FL, and (2) Speedling, Inc., of Sun City, FL. (Hearing site: Tampa, FL.)

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Decided: January 9, 1980.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman. Member Boyle not participating.

MC 200 (Sub-358F), filed June 18, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), serving the facilities of Pepsi Cola Bottling Company (Summit Cannery), at Princeton, WV, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-364F), filed June 25, 1979. Applicant: RISS INTERNATIONAL CORPORATION, A Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *toys*, from Grafton, WV, to points in CO, IA, IL, IN, KS, MO, NE, OK, TX, and UT. (Hearing site: Kansas City, MO.)

MC 531 (Sub-412F), filed June 21, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *vegetable oils*, in bulk, in tank vehicles, between Opelousas, LA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New Orleans, LA.)

MC 1380 (Sub-24F), filed June 14, 1979. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 7027, High Point, NC 27264. Representative: Max H. Towery (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in AL, GA, MD, NC, SC, TN, and DC. (Hearing site: High Point, NC, or Washington, DC.)

MC 5470 (Sub-196F), filed June 20, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brain L. Troiano, 918—16th St., NW., Washington, DC 20006. Transporting *waste and scrap materials*, in dump vehicles, between Pittsburgh, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, NC, OH, RI, SC, VA, and WV. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 47171 (Sub-130F), filed June 21, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *lumber and fiberboard*, from the facilities of Holly Hill Lumber Company, at Holly Hill and Walterboro, SC, to those points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its

junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochinching Counties, MN, to the international boundary line between the United States and Canada. (Hearing site: Columbia, SC.)

MC 53841 (Sub-34F), filed June 26, 1979. Applicant: W. H. CHRISTIE & SONS, INC., Box 517, East State St., Knox, PA 16232. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *transformers* and parts for transformers, from Zanesville, OH, to points in NJ, NY, and PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 67450 (Sub-92F), filed June 25, 1979. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *sugar*, from New York, NY, Philadelphia, PA, and Baltimore, MD to points in IA, IL, IN, KY, MI, OH, and WI. (Hearing site: Chicago, IL.)

MC 73081 (Sub-1F), filed June 25, 1979. Applicant: ANYTIME DELIVERY SYSTEMS, INC., 375 Western Hwy., Tappan, NY 10983. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Transporting *general commodities* (except those of unusual value,classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC. (Hearing site: New York, NY or Newark, NJ.)

MC 83850 (Sub-13F), filed June 27, 1979. Applicant: JOHNSON'S TRANSFER, INC., 6951 Norwitch Dr., Philadelphia, PA 19153. Representative: Harold P. Boss, 1100 Seventeenth St., N.W., Washington, DC 20036. Transporting (1) *pipe, and pipe fittings* and *couplings*, (2) *materials and supplies* used in the installation of the commodities in (1) above, and (3) *plastic building materials*, from the facilities of CertainTeed Corporation, at Williamsport, MD, to points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 89021 (Sub-3F), filed June 27, 1979. Applicant: LEVINE'S EXPRESS & TRUCKING COMPANY, a corporation, P.O. Box 237, Carteret, NJ 07008. Representative: Robert B. Pepper, 163 Woodbridge Ave., Highland Park, NJ 08904. Transporting *advertising materials*, between points in the United States, (except AK and HI). (Hearing site: Newark, NJ).

MC 90870 (Sub-31F), filed June 21, 1979. Applicant: RIECHMANN ENTERPRISES, INC., Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines, Bldg., Des Moines, IA 50309. Transporting (1) *iron and steel railroad wheels*, and (2) *parts and accessories* for the commodities in (1) above, from Keokuk, IA, to points in IL and MO. (Hearing site: Chicago, IL, or Washington, DC).

MC 108651 (Sub-24F), filed June 21, 1979. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (same address as applicant). Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), from Alton, Leicester, Leroy, Oakfield, Phelps, Shortsville, and South Dayton, NY, to Charlotte, NC. (Hearing site: Kingsport, TN, or Washington, DC).

Note.—Applicant may tack this authority with regular-route authority at Oakfield to serve points between and including Buffalo and Rochester, NY.

MC 109490 (Sub-17F), filed June 20, 1979. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, 113 N. 3rd St., Watertown, WI 53094. Transporting (1) *Wood burning furnaces and wood burning boilers*, from Elroy, WI, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Milwaukee, WI; Madison, WI).

MC 110420 (Sub-826F), filed June 20, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th st., NW., Washington, DC 20004. Transporting *liquid chemicals*, in bulk, from Houston, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC).

MC 110420 (Sub-829F), filed June 27, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *tallow*, in bulk, (1) from the facilities of Iowa Beef Processors, Inc., at or near (a) Amarillo, TX, (b) Dakota City and West Point, NE, (c) Denison and Ft. Dodge, IA, (d) Luverne, MN, and (e) Emporia, KS, to points in IL, IN, MA, MN, NJ, OH, and WI, (2) from the facilities of Iowa Beef Processors, Inc., at or near (a) Amarillo, TX, and (b) Emporia, KS, to points in IA, and MO, and (3) from the facilities of Iowa Beef Processors, Inc., at or near Amarillo, TX, to points in LA and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations (except traffic moving in foreign commerce). (Hearing site: Chicago, IL, or Washington, DC.)

MC 115311 (Sub-361F), filed June 18, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting (1) *board, lumber, poles and posts*, (2) *materials and supplies* used in the installation, manufacture, and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities used by Weyerhaeuser Company. (Hearing site: Chicago, IL, or Memphis, TN.)

MC 115311 (Sub-362F), filed June 19, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *paper and paper products*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between those points in the United States in and east of States of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Cincinnati, OH, or Atlanta, GA.)

MC 116300 (Sub-53F), filed June 21, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Box Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *salt cake*, from Weeks Island, LA, to points in MS and TX. (Hearing site: New Orleans, LA.)

MC 116371 (Sub-16F), filed June 18, 1979. Applicant: LIQUID CARGO LINES LIMITED, P.O. Box 269, Clarkson, Ontario, Canada. Representative: John W. Ester, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. To operate as a *common carrier*, by motor vehicle in foreign commerce only, over irregular routes, transportation *liquid sugar*, in bulk, in tank vehicles, from ports of entry on the international

boundary line between the United States and Canada, to points in IL, IN, and NJ. (Hearing site: Buffalo, NY, or Detroit, MI.)

NOTE: Dual operations may be involved.

MC 118270 (Sub-13F), filed June 26, 1979. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Rampo St., Mahwah, NJ 07403. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting *dairy products,* from Arcade, NY, to points in ME, MA, NH, VT, RI, CT, NJ, NY, PA, MD, DE, NC, SC, VA, GA, FL, and WV. (Hearing site: New York, NY).

MC 11941 (Sub-214F), filed June 21, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *bakery goods,* (except frozen), from the facilities of Midwest Biscuit Company, at Burlington, IA, to points in AR, CA, CO, CT, IL, IN, KS, MA, MI, MN, MO, ND, NE, NJ, NM, OH, OK, PA, SD, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Des Moines, IA).

MC 127840 (Sub-118F), filed June 26, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Transporting *liquid corn products,* from Denver, CO, to points in MT, WY, UT, NM, AZ, and CO. (Hearing site: Des Moines, IA).

MC 129410 (Sub-14F), filed June 21, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Rd., Crystal Lake, IL 60014. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid corn products,* in tank vehicles, between the facilities of Clinton Corn Processing Co., at (a) Chicago, IL, and (b) Clinton, IA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Clinton Corn Processing Company, of Clinton, IA. (Hearing site: Chicago, IL.)

MC 129410 (Sub-18F), filed June 21, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Rd., Crystal Lake, Illinois 60014. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Illinois 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sweeteners,* in bulk, in tank vehicles, between the facilities of Amstar Corporation, at Chicago, IL, on the one hand, and, on the other, points in IN, KY, MI, and OH, under continuing contract(s) with Amstar Corporation, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 133591 (Sub-75F), filed June 26, 1979. Applicant: WAYNE DANIEL TRUCK, INC., Post Office Box 303, Mount Vernon, MO 65712. Representative: Charles A. Daniel (same address as applicant). Transporting *cheese,* from the facilities used by the Stockton Cheese Company, Stockton, MO, to Salt Lake City, UT. (Hearing site: Kansas City, or St. Louis, MO).

Note.—Dual operations may be involved.

MC 134501 (Sub-55F), filed June 21, 1979. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *furniture, fixtures, and hospital equipment,* from Batesville, IN, to points in the United States (except AK and HI). (Hearing site: Cincinnati, OH, or Indianapolis, IN).

MC 134821 (Sub-8F), filed June 20, 1979. Applicant: DONALD L. DROSTE, d/b/a DON DROSTE TRUCKING, INC., 1004 West Carroll St., Portage, WI 53901. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles,* from the facilities of Armco, Inc., at or near South Bend, IN, to points in IA, IL, MN, WI, and the Upper Peninsula of MI, under continuing contract(s) with Armco, Inc, of Middletown, OH. (Hearing site: Chicago, IL).

MC 135410 (Sub-73F), filed June 20, 1979. Applicant: COURTNEY J. MUNSON, d/b/a MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. Transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of International Paper Company at or near Ticonderoga, NY, on the one hand, and, on the other, points in IA, IN, IL, KS, KY, MA, MI, MN, MO, NE, OH, PA, and WI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY or Washington, DC).

MC 138841 (Sub-18F), filed June 18, 1979. Applicant: BLACK HILLS TRUCKINC CO., a Corporation, P.O. Box 2130, Rapid City, SD 57709. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. Transporting meat and *meat products* from Worthington, MN, and Gibbon, NE, to points in OR and CA, (2) *packinghouse supplies* from points in CO, IA, IL, and MN, to Rapid City, SD, and (3) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except meat, hides, and commodities in bulk), from the facilities of Black Hills Packing Co., at Rapid City, SD, to points in AR, AZ, CT, DE, ID, IN, KS, ME, MD, MO, MT, ND, NE, NJ, NM, NV, OH, OK, PA, TN, TX, UT, VA, and WY. (hearing site: Rapid City, SD).

MC 138861 (Sub-14F), filed June 26, 1979. Applicant: C-LINE, INC., Tourtellot Hill Rd., Chepachet, RI 02814. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. Transporting *lard, edible tallow, margarine, and vegetable oil,* from Bradley, IL, to points in CT, DE, MD, ME, MA, NH, NJ, NY, PA, RI, VT, VA, and DC. (Hearing site: Washington, DC or Boston, MA.)

Note.—Dual operations may be involved.

MC 139571 (Sub-3F), filed June 20, 1979. Applicant: A. S. MASON, INC., 3110 Gibson St., Bakersfield, CA 93308. Representative: Michael J. Stecher, 256 Montgomery St., San Francisco, CA 94104. Transporting *oilfield materials, equipment, and supplies,* between points in CA, on the one hand, and, on the other, points in NV. (Hearing site: Bakersfield or Los Angeles, CA.)

MC 141811 (Sub-7F), filed June 26, 1979. Applicant: SCHEDULED TRANSPORT, INC., 9000 Keystone Crossing, Indianapolis, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *flour,* in bulk, in tank vehicles, from Lake Station, IN, to Massillon, OH. (Hearing site: Omaha, NE.)

MC 142291 (Sub-4F), filed June 26, 1979. Applicant: MDI, INC., 6202 Concord Blvd. East, Inver Grove Hts., MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beverages* (except commodities in bulk), from points in CA, CT, FL, IL, IN, KY, MA, MI, MO, NJ, NY, OH, and PA, to Hibbing, MN, under continuing contract(s) with Sunny Hill Distributors, Inc., of Hibbing, MN. (Hearing site: St. Paul, MN.)

MC 143621 (Sub-19F), filed June 21, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Ave. North, P.O. Box 5748, Nashville, TN 37208. Representative: Sidney T. Stanley (same address as applicant). Transporting *iron and steel articles,* from the facilities of Republic Steel Corporation, at or near Gadsden, AL, to points in IN, KY, OH, and TN. (Hearing site: Nashville, TN, or Birmingham, AL.)

MC 145911 (Sub-1F), filed June 25, 1979. Applicant: TRECHO TRANSPORT, INC., 2756 Short St., York, NY 14592. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of dairy products, (1) from Friendship, NY, to New York, NY, Coatesville, PA, and points in FL, and (2) from New York, NY, and Ludlow, MA, to Friendship, NY. (Hearing site: Buffalo, NY.)

Note.—Dual operations may be involved.

MC 146021 (Sub-2F), filed June 21, 1979. Applicant: RALPH OWENS TRUCKING CO., INC., 311 Park Ave., P.O. Box 711, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *corrugated fiberboard cartons and corrugated pulpboard cartons,* knocked down, from the facilities of Southwest Forest Industries, at El Paso, TX, to Portales, NM. (Hearing site: El Paso, TX, or Lubbock, TX.).

MC 147291 (Sub-4F), filed June 26, 1979. Applicant: OCCO TRANSPORT, INC., Industrial Park Boulevard, Cokato, MN 55321, Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden reels,* from Pine River, MN, to St. Joseph, MO, under continiung contract(s) with Durkee Manufacturing Company, of Pine River, MN. (Hearing site: St. Paul, MN.)

MC 147591F, filed June 18, 1979. Applicant: UNITED LIMO, INC., "B" Terminal, Philadelphia International Airport, Philadelphia, PA 19153. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Transporting (1) *passengers and their baggage,* in charter operations, and (2) *baggage,* between Philadelphia, PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, PA, VA, and DC, restricted in (2) above to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Philadelphia, PA.)

MC 147601F, filed June 27, 1979. Applicant: MARVIN C. VAN KAMPEN, d.b.a. M. C. VAN KAMPEN TRUCKING, 4495 Herman, SW, Wyoming, MI 49509. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *newspaper and magazine inserts, and lottery tickets,* from the facilities of George F. Valassis & Co., at Livonia, MI, to points in the United States (except AK and HI) under continuing contract(s) with George F. Valassis & Company, of Livonia, MI. (Hearing site: Detroit, MI.)

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Decided: January 11, 1980.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman. Member Liberman not participating.

MC 8535 (Sub-90F), filed June 27, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW, Washington, DC 20036. Transporting *iron and steel articles,* from the facilities of Armco Inc., at (a) Ashland, KY, (b) Middletown and Zanesville, OH, and (c) Butler, PA, to points in IL, IN, MI, and TN. (Hearing site: Cincinnati, OH, or Washington, DC.)

MC 8535 (Sub-92F), filed June 29, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW, Washington, DC 20036. Transporting *iron and steel articles,* from the facilities of Roanoke Electric Steel Corporation, at Roanoke, VA, to points in IL, IN, and TN, restricted to transportation of traffic originating at the named origin. (Hearing site: Washington, DC.)

MC 29555 (Sub-100F), filed June 26, 1979. Applicant: BRIGGS TRANSPORTATION CO., a corporation, N. 400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Stephen F. Grinnell (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Des Moines, IA and Kansas City, MO, over Interstate Hwy 35, serving no intermediate points. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 106644 (Sub-284F), filed July 2, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). Transporting (1) *parts* for cooling towers and heat exchangers, and (2) *iron and steel articles,* between the facilities of Rogers Galvanizing Co., at or near Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Tulsa, OK, or Washington, DC.)

MC 106674 (Sub-404F), filed June 28, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *iron and steel articles,* from the facilities of Laclede Steel Company, at Alton, IL, to points in KY, TN, NC, SC, and MS, and points in IN on and south of U.S. Hwy 40. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 113855 (Sub-490F), filed June 6, 1979, previously published in the FR issue of December 6, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) agricultural equipment and (b) industrial equipment, (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Allis Chalmers Corporation, and its dealers.

Note.—This republication adds the term "and its dealers", to the facilities of Allis Chalmers Corporation.

MC 116254 (Sub-275F), filed June 27, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting *petroleum and petroleum products* (except commodities in bulk), from points in AL, AR, FL, GA, KY, LA, MS, NC, SC, and TN, to points in Marshall County, AL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116254 (Sub-282F), filed June 29, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting *caustic soda,* in bulk, in tank vehicles, from the facilities of Convent Chemical Corporation, at or near Memphis, TN, to points in AR, LA,

MS, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 116254 (Sub-283F), filed June 29, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (same address as applicant). Transporting *liquid caustic soda,* in bulk, in tank vehicles, from Muscle Shoals, AL, to points in TN on and east of U.S. Hwy 27. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 117765 (Sub-267F), filed June 28, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). Transporting *such commodities* as are dealt in or used by distributors of petroleum and petroleum products, (1) from Enid, OK, to points in KS and MO, and (2) from Ponca City, OK, to points in MO. (Hearing site: Oklahoma City, OK.)

MC 121654 (Sub-25F), filed June 29, 1979. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *lumber and lumber products,* between points in NC, SC, TN, AL and FL, restricted to the transportation of traffic originating at or destined to the facilities of ITT Rayonier, Inc. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 125894 (Sub-18F), filed June 27, 1979. Applicant: J&R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *inedible sugar,* in bulk, between points in IL, IN, IA, MN, NE, and ND. (Hearing site: St. Louis, MO, or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 133095 (Sub-248F), filed April 11, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Marshall Kragen, 1835 K St., NW, Suite 600, Washington, DC 20006. Transporting (1) *chemicals,* and *adhesives* (except commodities in bulk), from points in TX, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from the destination points named in (1) above, to Euless, TX. (Hearing site: Dallas, TX.)

MC 134224 (Sub-15F), filed June 21, 1979. Applicant: HAUSER TRUCKING CORP., P.O. Box 241, Cobleskill, NY 12043. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. Transporting *scrap metal* and *non-ferrous metal articles,* (1) from Hartford and Waterbury, CT, and Springfield, MA, to points in Albany County, NY, and (3) from Hartford, CT, to Springfield, MA. (Hearing site: Albany, NY.)

MC 136035 (Sub-18F), filed June 27, 1979. Applicant: TREADWAY CARRIERS, INC., P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned and preserved foodstuffs,* (a) from Austin and Brownstown, IN, to points in IL, MI, and MO, and (b) from Converse and Franklin, IN, to points in CT, FL, IL, MD, MI, MO, MA, NJ, NY, NC, OH, PA, SC, VA, and WV, and (2) *materials* used in the manufacture and distribution of canned and preserved foodstuffs (except commodities in bulk), in the reverse direction, under continuing contract(s) in (1) and (2) above, with Morgan Packing Co., Inc., of Austin, IN. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 139495 (Sub-465F), filed June 27, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *coffee and coffee products,* (except commodities in bulk), from the facilities of Procter & Gamble Company, at or near Sherman, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-466F), filed June 28, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting (1) *plastic articles,* (except in bulk), and *artificial Christmas trees* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), from the facilities of General Foam Plastics Corp., at or near (a) Norfolk VA, (b) Lebanon, IN, and (c) Scranton, PA, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-470F), filed July 2, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *paper and paper products,* from West Point, VA, to points in AR, CT, DE, IN, IL, IA, KS, KY, MA, MD, ME, MI, MN, MO, NH, NJ, NY, OH, OK, PA, RI, TN, TX, VT, and WI. (Hearing site: Washington, DC.)

MC 143775 (Sub-102F), filed June 28, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (1) from Atlanta, GA, Boston, MA, New York, NY, Charlotte and Greensboro, NC, Philadelphia, PA, and Greenville, SC, to points in AZ, CA, and NM, and (2) from Los Angeles, CA, to Phoenix, AZ, and Kansas City, MO, restricted in (a) and (2) above, to the transportation of traffic originating at or destined to the facilities of LAWI/CSA Consolidators, Inc. (Hearing site: Los Angeles, CA, or Washington, DC.)

Note.–Dual operations may be involved.

MC 145904 (Sub-12F), filed June 28, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *meats, meat products, meat byproducts, and articles distributed by meatpacking houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (1) Cedar Rapids, IA, to points in KS, MO, and NE, (2) Marshall, MO, to points in IL and those in IN within the Chicago, IL commercial zone, (3) Omaha, NE, to points in IA and IL, those points in IN within the Chicago, IL commercial zone, and those in MO within the East St. Louis, IL commercial zone, restricted in (1), (2) and (3) above, to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Des Moines, IA.)

MC 146434 (Sub-2F), filed July 2, 1979. Applicant: GENE HICKS, 240 Ridgecrest Drive, Madisonville, TN 37354. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill*

products, from Madisonville, TN, to points in KY, NC, GA, AL, IN, and OH, under continuing contract(s) with Melvin Sheets Lumber Co., of Madisonville, TN. (Hearing site: Knoxville, TN, or Nashville, TN.)

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Decided: January 18, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 200 (Sub-361F), filed June 20, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). Transporting *glass bottles,* serving Dunkirk, IN, as an off-route points in connection with applicant's otherwise authorized regular-route operations. ((Hearing site: Kansas City, MO).

MC 531 (Sub-413F), filed July 2, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same as above). Transporting *liquid chemicals,* in bulk, in tank vehicles, from Circleville, OH, to Torrance, CA. (Hearing site: Columbus, OH or Washington, DC).

MC 531 (Sub-414F), filed July 2, 1979. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, TX 77021. Representative: Wray E. Hughes (same as above). Transporting *tallow,* in bulk in tank vehicles, from facilities of Iowa Beef Processors, Inc. at or near (1)(a) Amarillo, TX; (b) Dakota City and West Point, NE; (c) Denison and Ft. Dodge, IA; (d) Luverne, MN; and (e) Emporia, KS to points in AR, AZ, CA, CO, LA, NV, OK, TN, and UT, and (2)(a) Dakota City and West Point, NE; (b) Denison and Ft. Dodge, IA; (c) Luverne, MN; and (d) Emporia, KS to points in OH and TX. (Hearing site: Omaha, NE or Sioux City, IA).

MC 730 (Sub-454F), filed July 9, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 25 No. Via Monte, Walnut Creek, CA 94595. Representative: E. E. Reddick (same address as applicant). Transporting *frozen foods,* between the facilities of Pet Incorporated, Frozen Foods Division, at or near Frankfort and Hart, MI, on the one hand, and on the other, points in CA, CO, and UT. (Hearing site: Detroit, MI, or San Francisco, CA).

MC 2770 (Sub-22F), filed July 6, 1979. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Ave. Portland, ME 04101. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Berlin, NH, and Derby Line, VT, from Berlin over NH Hwy 110 to junction U.S. Hwy 3, then over U.S. Hwy 3 to junction VT Hwy 105, then over VT Hwy 105 to junction VT Hwy 114, then over VT Hwy 114 to junction VT Hwy 111, then over VT Hwy 111 to Derby, and return over same route, serving no intermediate points. Purpose of the application is to eliminate Boston, MA, gateway on traffic moving between Canada and points in Maine and New Hampshire. (Hearing site: Boston, MA, or Portland, ME).

Note.—Dual operation may be at issue.

MC 2860 (Sub-191F), filed June 26, 1979. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Representative: Peter J. Nickles, 888 16th Street, N.W., Washington, D.C. 20006. Transporting *general commodities,* (except classes A and B explosives, articles of unusual value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) Between Columbus, Atlanta, Augusta, GA, and points in SC and NC, on the one hand, and, on the other, points in VA on and east of U.S. Hwy 15, points in MD, PA, DE, NY, NJ, CT, RI, and MA; and (2) Between Savannah, GA, on the one hand, and, on the other, points in SC, NC, VA, on and east of U.S. Hwy 15, points in MD, PA, DE, NJ, NY, CT, RI, and MA, and (3) between Atlanta, Augusta, Columbus and Savannah, GA, on the one hand, and, on the other, points in SC, (Hearing site: Washington, DC.)

Note.—The purpose of this application is to eliminate the gateways at Richmond, VA, Baltimore, MD, Darlington, McBee and Hartsville, SC. This proceeding is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8) noticed in the Federal Register of December 9, 1974, and is directly related to Docket No. MC–F–14060F and indirectly to Docket Nos. MC–F–12190 (Sub-No. 144).

MC 2900 (Sub-388F), filed July 6, 1979. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). Transporting *plastic material and plastic products,* from the facilities of Borg-Warner Chemicals, at Parkersburg and Washington, WV, to points in MI in and south of Mason, Lake, Osceola, Gladwin, and Arenac Counties, MI. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 4491 (Sub-20F), filed June 29, 1979. Applicant: GREAT COASTAL EXPRESS, INC., 5600 Midlothian Turnpike, Richmond, VA 23225. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Transporting *(1) paper and paper articles; and (2) materials, equipment, and supplies (except commodities in bulk in tank vehicles) used in the manufacture, distribution of the commodities in (1) above,* between, Franklin, VA, on the one hand, and, on the other, New York, NY, points in Orange, Rockland and Westchester Counties, NY, those points in PA on and east of U.S. Hwy. 220, and points in CT, DE, MD, MA, NJ, RI and DC. (Hearing site: Richmond, VA, or Washington, DC.)

MC 4941 (Sub-53F), filed June 28, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). Transporting (1) *gypsum and gypsum products, and (2) materials, equipment, and supplies used in the manufacture, installation, and distribution of the commodities in (1) above, (except commodities in bulk),* between the facilities of Georgia-Pacific Corporation at Akron and Buchanan, NY, and Wilmington, DE, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 5470 (Sub-197F), filed July 6, 1979. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street, N.W., Washington, DC 20006. Transporting *pig iron,* in dump vehicles, from Chicago, IL, to points in AL, CT, DE, DC, ME, MA, MS, NH, NJ, NC, ND, RI, SC, SD, VT, VA, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 9291 (Sub-12F), filed July 2, 1979. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, 312 E. Market, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *salvage railroad tracks; railroad ties and salvage bridge steel,* between points in MO, IA, IL, AR, SD, NE, KS, OK and CO, and (2) *equipment, materials, and supplies used in the construction and repair of railroads,* from Denver, CO, Columbus, MS, Houston and Texarkana, TX, Kansas City, MO, Madison and Carbondale, IL, Birmingham, AL, Atlanta, GA, E. St. Louis, MO to points in MT, WY, NV, UT, CO, NM, ND, SD, NE, KS, OK, TX, MN, IA, IL, IN, KY, TN,

MS, AL, and GA. (Hearing site: Kansas City, MO).

MC 18121 (Sub-28F), filed June 20, 1979. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, P.O. Box 719, Milwaukee, WI 53201. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Paducah, KY, and Mount Vernon, IL; from Paducah, over U.S. Hwy 60 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction IL Hwy 15, then over IL Hwy 15 to Mount Vernon, and return over the same route, serving all intermediate points; (2) Between Rochelle, IL, and Madison, WI, over U.S. Hwy 51, serving all intermediate points; (3) Between Madison, WI, and Milwaukee, WI, over Interstate Hwy 94, serving all intermediate points; (4) Between Madison, WI, and Two Rivers, WI, over U.S. Hwy 151, serving all intermediate points; (5) Between Milwaukee, WI, and Menominee, MI, over U.S. Hwy 41, serving all intermediate points; (6) Between Milwaukee, WI, and Green Bay, WI, over U.S. Hwy 57, serving all intermediate points; (7) Between Green Bay, WI, and Chicago, IL; from Chicago over Interstate Hwy 94 to junction Interstate Hwy 43, then over Interstate Hwy 43 to junction U.S. Hwy 141, the over U.S. Hwy 141 to Green Bay, and return over the same route, serving all intermediate points; (8) Between Chicago, IL, and Fond du Lac, WI, over U.S. Hwy 45, serving all intermediate points; (9) Between Fond du Lac, WI, and Sheboygan, WI, over U.S. Hwy 23, serving all intermediate points; (10) Between Appleton, WI, and Manitowoc, WI, over U.S. Hwy 10, serving all intermediate points; (11) Between U.S Hwy 41, at or near Little Chute, WI, and U.S. Hwy 151, at or near Brothertown, WI, over WI Hwy 55, serving all intermediate points; (12) Between Beloit, WI, and Milwaukee, WI, over WI Hwy 15, serving all intermediate points, and serving all points in Brown, Calumet, Dane, Dodge, Door, Fond du Lac, Jefferson, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago Counties,WI, as off-route points. (Hearing site: Madison or Milwaukee, WI).

MC 19311 (Sub-62F), filed June 18, 1979. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077 Representative: Elmer J. Maue, Suite 1200, 755 West Big Beaver, Troy, MI 48084. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, Transporting *General commodities* (except commodities in bulk), over irregular routes between Akron, Cleveland, Columbus, Mansfield, Springfield, and Toledo, OH, and Coal City, IL, on the one hand, and, on the other, Aurora, Chicago, Chicago Heights, Elgin, Joliet, and Waukegan, IL and Elkhart, Fort Wayne, Frankfort, Indianapolis, Hammond, Kentland, Lafayette, Michigan City, Muncie, Plymouth, Richmond, South Bend, and Warsaw, IN; Ann Arbor, Battle Creek, Benton Harbor, Detroit, Flint, Jackson, Kalamazoo, Lansing, Mt. Clemens, Pontiac, Rochester, and St. Joseph, MI; Cincinnati, Dayton, Findlay, Lima, Sidney, and Toledo, OH; Kenosha, Milwaukee, and Racine, WI. Serving only those intermediate points and off-route points on the routes specified in paragraph (B) and serving all intermediate points for purposes of joinder, over regular routes (A) (1) Between Akron, OH, and Milwaukee, WI: from Akron, OH, over Interstate Hwy 77 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, and return over the same route, (2) Between Akron, OH, and junction OH Hwy 18 and U.S. Hwy 25, over OH Hwy 18, (3) Between Akron, OH, and junction Interstate Hwy 76 and Interstate Hwy 71, over Interstate Hwy 76, (4) Between Akron, OH, and junction U.S. Hwy 224 and U.S. Hwy 24, over U.S. Hwy 224, (5) Between Akron, OH and Cincinnati, OH, from Akron over OH Hwy 585 to OH Hwy 3, then over OH Hwy 3 to Cincinnati, and return over the same route, (6) Between Cleveland, OH, and Cincinnati, OH, over Interstate Hwy 71, (7) Between Cleveland, OH, and Elgin, IL, over U.S. Hwy 20. (8) Between Cleveland, OH, and Joliet, IL, over U.S. Hwy 6, (9) Between Cleveland, OH and Cincinnati, OH, over U.S. Hwy 42, (10) Between Columbus, OH, and Flint, MI, over U.S. Hwy 23, (11) Between junction U.S. Hwy 23 and OH Hwy 53 and junction OH Hwy 53 and junction OH Hwy 100, from junction U.S. Hwy 23 and OH Hwy 53 over OH Hwy 53 to junction OH Hwy 100, and return over the same route. (12) Between Columbus, OH and Benton Harbor, MI, over U.S. Hwy 33, (13) Between Columbus, OH and Hammond, IN, from Columbus over Interstate Hwy 70 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Hammond, and return over the same route. (14) Between Mansfield, OH and Aurora, IL, over U.S. Hwy 30, (15) Between Mansfield, OH, and Pontiac, MI: From Mansfield over OH Hwy 39 to junction OH Hwy 103 then over OH Hwy 103 to junction OH Hwy 100 then over OH Hwy 100 to junction OH Hwy 53 then over OH Hwy 53 to junction U.S. Hwy 20 then over U.S. Hwy 20 to junction OH Hwy 51 then over OH Hwy 51 to junction U.S. Hwy 24 then over U.S. Hwy 24 to Pontiac, and return over the same routes. (16) Between Mansfield, OH, and Lafayette, IN: From Mansfield over OH Hwy 309 to junction OH Hwy 4 then over OH Hwy 4 to junction OH Hwy 47 then over OH Hwy 47 to junction IN Hwy 28 then over IN Hwy 28 to junction IN Hwy 38 then over IN Hwy 38 to Lafayette, and return over the same routes. (17) Between Springfield, OH and Findlay, OH over U.S. Hwy 68, (18) Between Springfield, OH and Xenia, OH, over U.S. Hwy 68, (19) Between Springfield, OH, and Battle Creek, MI, from Springfield over U.S. Hwy 40 to junction U.S. Hwy 27 then over U.S. Hwy 27 to junction Interstate 94 then over Interstate 94 to Battle Creek, and return over the same routes, (20) Between Toledo, OH, and Lansing, MI: From Toledo over U.S. Hwy 223 to junction U.S. Hwy 127 then over U.S. Hwy 127 to Lansing, and return over the same routes. (21) Between Toledo, OH, and Rochester, MI, from Toledo over Interstate Hwy 75 to junction MI Hwy 150 then over MI Hwy 150 to Rochester, and return over the same route. (22) Between Toledo, OH, and Kentland, IN, over U.S. Hwy 24, (23) Between Toledo, OH, and Indianapolis, IN, from Toledo via OH Hwy 2 to junction IN Hwy 37 then over IN Hwy 37 to junction Interstate Hwy 69 then over Interstate Hwy 69 to Indianapolis, and return over the same routes. (24) Between Toledo, OH, and Cincinnati, OH, over Interstate Hwy 75, (25) Between Coal City, IL, and Mt. Clemens, MI, from Coal City over IL Hwy 113 to junction U.S. Hwy 66 then over U.S. Hwy 66 to junction Interstate Hwy 80 then over Interstate Hwy 80 to junction Interstate Hwy 94 then over Interstate Hwy 94 to Mt. Clemens, and return over the same routes, (26) Between junction Interstate hwy 94 and Interstate Hwy 69 and Flint, MI, from junction Interstate Hwy 94 and Interstate Hwy 69 over Interstate Hwy 69 to Flint, and return over the same route, (27) Between Coal City, IL, and Detroit, MI, from Coal City over IL Hwy

113 to junction IL Hwy 53 then over IL Hwy 53 to junction U.S. Hwy 30 then over U.S. Hwy 30 to junction IN Hwy 49 then over IN Hwy 49 to junction U.S. 12 then over U.S. 12 to Detroit, and return over the same routes, (28) Between Coal City, IL, and Cincinnati, OH from Coal City over IL Hwy 113 to junction IL Hwy 17 then over IL Hwy 17 to junction U.S. Hwy 52 then over U.S. Hwy 52 to Cincinnati, OH, also over specified routes, to junction U.S. Hwy 52 and Interstate Hwy 57 then over Interstate Hwy 57 to junction Interstate Hwy 74 then over Interstate Hwy 74 to Cincinnati, OH, and return over the same routes, (29) Between Coal City, IL and Milwaukee, WI: From Coal City, IL over IL Hwy 113 to junction Interstate Hwy 55 then over Interstate Hwy 55 to junction U.S. Hwy 45 then over U.S. Hwy 45 to Milwaukee, WI, and return over the same routes, (30) Between Coal City, IL, and Van Buren, OH, from Coal City over IL Hwy 113 to junction IL Hwy 17 then over IL Hwy 17 to junction In Hwy 2 then over IN Hwy 2 to junction U.S. Hwy 41 then over U.S. Hwy 41 to junction IN Hwy 14 then over IN Hwy 14 to junction OH Hwy 613 then over OH Hwy 613 to Van buren, and return over the same routes, (31) Between junction U.S. Hwy 40 and U.S. Hwy 35 and Michigan City, IN, from junction U.S. Hwy 40 and U.S. Hwy 35 over U.S. Hwy 35 to Michigan City, IN, and return over the same route. (B) Serving the intermediate and off-route points of: (1) Bellwood, Berwyn, Blue Island, Burnhouse, Calumet City, Chicago Heights, Chicago Ridge, Cicero, Des Plaines, Dolton, Downers Grove, Elmhurst, Evenston, Harvey, Justice Park, Kenilworth, La Grange, Lyons, Maywood, Niles, Oaklawn, Oak Park, Palos Park, Park Ridge, Riverdale, Villa Park, Willmet, Winnetka, Worth, York Center, IL; East Chicago, Hammond and Whitting, IN; Berkley, Dearborn, Dundee, East Detroit, Ecorse, Farmington, Ferndale, Grosse Pointe Farms, Lincoln Park, Pleasant Ridge, Plymouth, River Rouge, Royal Oak, Southfield, Wayne, MI; Avondale, Cumminsville, Fairmount, Linwood, Norwood, Oakley, St. Bernard, Sedamsville, and Westwood, OH; Bellvue, Covington, Dayton, Fort Thomas, Newport, Wilders, KY; Cudahy, Fox Point, Greendale, North Milwaukee, Root Creek, South Milwaukee, Wauwatosa, West Allis and White Fish Bay, WI. (2) All points within the area bounded ad follows: Beginning at junction U.S. Hwy 41 and U.S. Hwy 30 over U.S. Hwy 30 to junction IL Hwy 31 then over IL Hwy 31 to junction U.S. Hwy 20 then over U.S. Hwy 20 to junction U.S. Hwy 41 north of Chicago, including all points on highways specified and Commercial Zone of Chicago as defined by the Commission. (3) All points located on (including termini) (a) U.S. Hwy 20 between Chicago, IL, and Elkhart, IN; (b) IN Hwy 19 between Elkhart, IN and the Indiana-Michigan State line; (c) MI Hwy 205 between the Indiana-Michigan State line and U.S. Hwy 12; (d) U.S. Hwy 25 Between Cincinnati, OH and Mt. Clemens, MI; (e) MI Hwy 150 Between Detroit, MI and Rochester, MI; (f) U.S. Hwy 127 between U.S. Hwy 12 and Lansing, MI; (g) U.S. Hwy 23 between Toledo, OH and Flint, MI; (h) Interstate Hwy 94 between Chicago, IL and Detroit, MI; (i) U.S. Hwy 12 between junction Interstate Hwy 94 and U.S. Hwy 12 (near New Buffalo, MI) and Detroit, MI; (j) U.S. Hwy 31 between MI Hwy 89 and Niles, MI; (k) MI Hwy 40 between Interstate 94 and Niles, MI; (1) MI Hwy 89 between U.S. Hwy 31 and Fennville, MI; (m) County roads between Fennville, MI and Interstate Hwy 94 passing thru Grand Junction, Bangor and Hartford, MI; (n) MI Hwy 78 between Interstate 94 and U.S. Hwy 27; (o) U.S. Hwy 27 between MI Hwy 78 and MI Hwy 43; (p) MI Hwy 43 between MI Hwy 78 and unnumbered highway (formerly U.S. Hwy 16); (q) Unnumbered highway (formerly U.S. Hwy 16) between MI Hwy 78 and Interstate Hwy 96; (r) Interstate Hwy 96 between junction unnumbered Hwy (formerly U.S. Hwy 16) and Detroit, MI; (s) MI Hwy 78 between Lansing, MI and junction U.S. Hwy 10; (t) U.S. Hwy 10 between junction MI Hwy 78 and Detroit, MI; (u) U.S. 223 between U.S. Hwy 12 and Toledo, OH; (v) U.S. Hwy 24 between Toledo, OH and Detroit, MI; (w) MI Hwy 50 between U.S. Hwy 23 and Monroe, MI; (x) U.S. Hwy 41 between Chicago and U.S. Hwy 52; (y) U.S. Hwy 30 between U.S. Hwy 41 and OH Hwy 309 (formerly U.S. Hwy 30); (z) U.S. Hwy 52 between U.S. Hwy 41 and Cincinnati, OH; (aa) IN Hwy 44 between U.S. Hwy 52 and Liberty, IN; (bb) U.S. Hwy 27 between Richmond, IN and OH Hwy 73; (cc) OH Hwy 73 between U.S. Hwy 27 and Middletown, OH; U.S. Hwy 127 between U.S. Hwy 35 and Cincinnati, OH; (ee) OH Hwy 4 between U.S. Hwy 127 and Dayton, OH; (ff) IN Hwy 28 between U.S. Hwy 52 and U.S. Hwy 35; (gg) U.S. Hwy 35 between IN Hwy 28 and Dayton, OH; (hh) OH Hwy 309 (formerly portion of U.S. 30) between U.S. 30 and Lima, OH; (ii) U.S. Hwy 40 between U.S. Hwy 52 and OH Hwy 49; (jj) OH Hwy 49 between U.S. Hwy 40 and Dayton, OH; (kk) U.S. Hwy 41 between Chicago, IL and Milwaukee, WI; (ll) IL Hwy 42 between Chicago, IL and Wisconsin State line; (mm) WI Hwy 32 between Illinois State line and Milwaukee, WI. (Hearing site: Detroit, MI, or Washington, D.C.)

Note.—The purpose of this application is to convert applicant's irregular-route authority to regular-route authority.

MC 22311 (Sub-16F), filed July 2, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting *roofing and building materials,* from the facilities of the GAF Corporation, at Joliet, IL, to points in MI and OH, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Washington, DC.)

MC 22311 (Sub-17F), filed July 2, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting *iron and steel pipe,* from Nitro, WV, to points in OH, PA, IN, IL, KY, NY, VA, and MD, restricted to the transportation of traffic originating at the facilities of McTunkin Co., at or near the named origin. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 22311 (Sub-18F), filed July 2, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (same address as applicant). Transporting *aluminum and aluminum articles,* from the facilities of Kaiser Aluminum Corporation, at Ravenswood, WV, to points in IL, IN, MI MO, OH, and WI. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 41951 (Sub-48F), filed July 5, 1979. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Washington, DC 20014. Transporting (1) *Salt, in packages,* from Ludlowville, Horseheads, Retsof, Watkins, Glen and Silver Springs, NY, and Cleveland, Akron, Rittman, and Cincinnati, OH, to points in DE, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Somerset, Worchester, Wicomico, and Baltimore Counties, MD, and Baltimore, MD, Accomack, Northampton, York, Isle of Wright, and Southampton Counties, VA, and Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Newport News, and Hampton, VA, and (2) *Salt in packages,* from Baltimore and points in Baltimore County, MD, to points in DE, and Accomack and Northampton Counties, VA, and Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Newport News, and Hampton, VA. (Hearing site: Washington, DC.)

MC 47171 (Sub-133F), filed July 10, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same as above). Transporting *lumber* from the facilities of Champion International Corporation at or near Charleston and Orangeburg, SC to points in CT, DE, MD, NJ, NY, PA, RI, VA, WV. (Hearing site: Columbia, SC.)

MC 48221 (Sub-25F), filed July 2, 1979. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *malt beverages* (1) from Minneapolis and St. Paul, MN, and LaCrosse, WI, to Omaha, NE and Council Bluffs, IA, and (2) from St. Paul, MN, LaCrosse and Milwaukee, WI to Beatrice, NE. (Hearing Site: Omaha, NE.)

MC 52460 (Sub-248F), filed July 5, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *paper* and *paper products*, and *commodities* used in the manufacture of paper and paper products (except commodities in bulk), between the facilities of Champion International Corporation, at or near Courtland, AL, on the one hand, and, on the other, points in AR, KS, LA, MO, NM, OK, and TX. (Hearing site: Oklahoma City, OK.)

MC 52460 (Sub-249F), filed July 5, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *tallow*, in bulk, from the facilities of Iowa Beef Processors, Inc., at or near Emporia, KS, to points in AR, LA, MO, OK, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 52460 (Sub 250F), filed July 5, 1979. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *anhydrous ammonia* and *liquid fertilizer*, in bulk, from the facilities of Phillips Petroleum Company, at or near Hoag, NE, to points in CO, IA, KS, MN, MO, NE, OK, SD, and WY. (Hearing site: Oklahoma City, OK.)

MC 67450 (Sub-93F), filed July 2, 1979. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Transporting *foodstuffs* (except in bulk), (a) from the facilities of Joan of Arc Company, at Hoopeston and Princeville, IL, to points in IN, IA, KY, MI, MO, OH, TN, and WI, and (b) from the facilities of Joan of Arc Company, at Mayville, WI, to points in AL, CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC, restricted in (a) and (b) above to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 68100 (Sub-29F), filed July 9, 1979. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66603. Transporting (1) *iron and steel articles and pipe*, from Conroe, TX, to points in the U.S. (including AK but excluding HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above named commodities, in the reverse direction. (Hearing site: Houston, TX.)

MC 68860 (Sub-40F), filed June 29, 1979. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Drive, N.W., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr. (same as above). Transporting *petroleum or petroleum products, in packages* from the facilities of Pennzoil Company, from Rouseville and Reno, PA to points in NC, SC, VA, and WV. (Hearing site: Washington, DC., Pittsburgh, PA.)

MC 68980 (Sub-20F), filed June 28, 1979. Applicant: CHECKER EXPRESS CO., an IL Corporation, 6801 S. 13th St., Milwaukee, WI 53221. Representative: Abraham A. Diamond, 29 S. LaSalle St., Chicago, IL 60603. Transporting *iron and steel articles*, between the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in WI. (Hearing site: Chicago, IL.)

MC 85130 (Sub-9F), filed July 5, 1979. Applicant: BRADLEY'S EXPRESS, INC., 2985 Berlin Turnpike, Newington, CT 06111. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *wearing apparel*, on hangers, and in cartons, and (2) *department store merchandise* when transported in mixed loads with wearing apparel, on hangers and in cartons, from Secaucus, NJ to Coventry, RI, restricted to the transportation of traffic destined to the facilities of Outlet Department Stores. (Hearing site: New York, NY.)

MC 104430 (Sub-59F), filed July 9, 1979. Applicant: CAPITAL TRANSPORT COMPANY INC., P.O. Box 408, McComb, MS 39648. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Transporting *liquid animal feed*, in bulk, in tank vehicles, from Westwego, LA to points in AL, GA, and MS. (Hearing site: New Orleans, LA or Jackson, MS.)

MC 108341 (Sub-160F), filed July 2, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). Transporting (1) *heat exchangers and heat equalizers*, (2) *heating, cooling, conditioning, humidifying, dehumidifying* and *moving equipment*, (3) *parts* for the commodities in (1) and (2) above, and (4) *materials, equipment, and supplies* used in the manufacture, distribution, installation, or operations of the commodities in (1), (2), and (3) above, (except commodities in bulk), between the facilities of Westinghouse Electric Corporation, at or near (a) Verona, VA, and (b) Danville and Beardstown, IL, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Richmond, VA, or Washington, DC.)

MC 108341 (Sub-161F), filed July 2, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as above). Transporting *building materials and construction materials* (except commodities in bulk), from the facilities of Barclay Industies, Inc., at or near Lodi, NJ, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: New York, NY or Washington, DC.)

MC 108341 (Sub-162F), filed July 5, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as above). Transporting *pipe and pipe fittings*, from the facilities of Charlotte Pipe and Foundry Co., at or near Charlotte and Bakers, NC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Charlotte, NC or Washington, DC.)

MC 108341 (Sub-163F), filed July 9, 1979. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Mr. Jack F. Counts (same address as above). Transporting *iron and steel articles*, from the facilities

of Atlantic Steel Company, at or near Atlanta and Cartersville, GA, to points in the United States in and east of MI, IL, KY, TN, GA, and FL. (Hearing site: Atlanta, GA or Washington, DC.)

MC 108380 (Sub-103F), filed June 28, 1979. Applicant: Johnston's Fuel Liners, Inc., 808 Birch Street, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *cement* from the South Dakota Cement Plant near Rapid City, SD, to points in CO, MN, MT, NE, ND, and WY. (Hearing site: Rapid City, SD or Denver, CO.)

MC 109821 (Sub-60F), filed July 9, 1979. Applicant: TAYNTON FREIGHT SYSTEM, INC., 40 Main St., Wellsboro, PA 16901. Representative: Dewey T. Whitford (same address as applicant). Transporting *wheat flour, products of flour,* and *sugar topping, cereals, casseroles* and *snacks,* from Buffalo, NY, to points in NJ and PA. (Hearing site: Buffalo, NY, or Washington, DC.)

MC 110420 (Sub-834F), filed June 29, 1979. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW, Washington, DC 20004. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of Monsanto Co. at on near Chocolate Bayou and Texas City, TX, and the Houston, TX, Commercial Zone, to points in the United States, in and east of LA, AR, MO, IA and MN. (Hearing site: St. Louis, MO or Washington, DC.)

MC 111231 (Sub-277F), filed July 5, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: B. J. Wiseman, (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *General commodities* (except commodities in bulk, those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Houston, TX and Oklahoma City, OK, from Houston over Interstate Hwy 45 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Oklahoma City, serving Dallas, TX, for purpose of joinder only, and serving no intermediate points; (2) between Houston, TX and Dallas, TX, over U.S. Hwy 75, serving no intermediate points; (3) between Houston, TX, and Baton Rouge, LA, over Interstate Hwy 10, serving all intermediate points; (4) between Houston, TX, and Texarkana, AR, over U.S. Hwy 59, serving no intermediate points, but serving Nacogdoches, TX, and Carthage, TX, for purpose of joinder only; and (5) between Nacogdoches, TX and Carthage, TX, from Nacogdoches over U.S. Hwy 259 to junction TX Hwy 315, then over Texas Hwy 315 to Carthage and return over the same routes, serving no intermediate points, and serving Nacogdoches and Carthage for purpose of joinder only; (6) In conjunction with the above routes, all points on and within the following described territory as off-route points to carrier's authority to serve Houston, TX, beginning at the Gulf of Mexico, near Matagorda, TX, then over Texas Hwy 60 to Wallace, TX, then over Texas Hwy 36 to Brenham, TX, then over Texas Hwy 105 to Cleveland, TX, then over U.S. Hwy 59 to Livingston, TX, then over U.S. Hwy 190 to Woodville, TX, then over U.S. Hwys 69 and 287 to Kountze, then over Texas Hwy 327 to Silsbee, TX, then over U.S. Hwy 96 to junction TX Hwy 62, then over TX Hwy 62 to Interstate Hwy 10, then over Interstate Hwy 10 to the TX–LA state line, then over the TX–LA state line to the Gulf of Mexico. (Hearing site: Houston, TX, and New Orleans, LA.)

Note.—Applicant intends to tack this authority with its existing authority.

MC 111231 (Sub-278F), filed July 5, 1979. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902. Transporting *electrolytic chlorination cells* and *components* used in the manufacture and distribution of the foregoing commodities (except in bulk), between Russellville, AR, and points in CA, LA, MI, and TX. (Hearing site: Little Rock, AR, and Washington, DC.)

MC 111310 (Sub-48F), filed July 3, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting (1) *malt beverages* and (2) *malt beverage dispensing equipment* when transported in mixed loads with malt beverages, from LaCrosse, WI, to Chicago, IL. (Hearing site: Madison or LaCrosse, WI.)

MC 111981 (Sub-27F), filed July 10, 1979. Applicant: ROBIDEAU'S EXPRESS, INC., Front Street and Oregon Avenue, Philadelphia, PA 19148. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Transporting *foods,* vehicles equipped with mechanical refrigeration, from New York, NY, and Philadelphia, PA, to points in PA and VA. (Hearing site: Philadelphia, PA or Washington, DC.)

Note.—The purpose of this application is to eliminate the gateway of Hammonton, NJ.

MC 112801 (Sub-242F), filed July 6, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *chemicals,* in bulk, in tank vehicles, from the facilities of PPG Industries, Inc., in Harris County, TX, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 115311 (Sub-363F), filed June 22, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul P. Watkins, Sr., P.O. Box 56387, Atlanta, GA 30343. Transporting *charcoal, charcoal briquettes, vermiculite, activated carbon hickory chips, lighter fluid, charcoal grills, and accessories and materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Husky Industries, Inc. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 115311 (Sub-371F), filed July 2, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, P.O. Box 56387, Atlanta, GA 30343. Transporting *ground phosphate rock,* in bulk, in tank vehicles, from the facilities of Occidental Chemical Company at or near White Springs, FL, to Americus, Augusta and Tifton, GA. (Hearing site: Atlanta, GA or Jacksonville, FL.)

MC 115821 (Sub-46F), June 28, 1979. Applicant: FRANK BEELMAN, d.b.a., BEELMAN TRUCK CO., St. Libory, IL 62282. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *materials,* used in the manufacture and production of glass fiber products in bulk, between points in the United States (except AK and HI), restricted to the transportation of traffic destined to the facilities of Owens-Corning Fiberglass Corporation. (Hearing site: St. Louis, MO.)

MC 116300 (Sub-51F), filed July 2, 1979. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *salt cake,* from Weeks Island, LA, to points in FL. (Hearing site: New Orleans, LA.)

MC 118811 (Sub-15F), filed July 2, 1979. Applicant: LAWRENCE McKENZIE TRUCKING SERVICE, INC., Route 5, Box 111, Winchester, KY 40391. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *lard cans, shower stalls, furnaces,* and *stoves,* and *parts, accessories* and *supplies* for the foregoing commodities from the facilities of Louisville Tin and Stove Company, at Louisville, KY, to points in AL, AR, GA, LA, MS, MO, NC, OK, SC, TN, TX, VA, and WV. (Hearing site: Louisville or Lexington, KY).

MC 119631 (Sub-34F), filed July 5, 1979. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 3315, Mount Union Station, Alliance, OH 44601. Representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004. Transporting *iron and steel articles,* (1) from Alliance, OH, to points in AL, AZ, GA, IN, IL, KS, KY, MN, MI, MO, NE, OR, PA, SC, TX, UT, WA, WV, and WI, and (2) from East Chicago and Hammon, IN, and Granite City and East St. Louis, IL, to points in PA and OH. (Hearing site: Chicago, IL.)

MC 119741 (Sub-215F), filed July 5, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *frozen meats,* from the facilities of Hill-N-Dale Meat Co., at or near Downingtown, PA, to points in CO, IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA).

MC 119741 (Sub-217F), filed July 5, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson, (same address as applicant). Transporting *foodstuffs, paint, and paint products,* (except commodities in bulk), between the facilities of SCM Corporation, at or near (a) Chicago and Joliet, IL, (b) Louisville, KY, (c) Cleveland, Huron, and Sharonville, OH, and (d) Parkesburg and Shiremanstown, PA, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Cleveland, OH.)

MC 119741 (Sub-218F), filed July 9, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson, (same address as applicant). Transporting *foodstuffs,* from the facilities of California Canners and Growers at or near Fond du Lac, WI, to points in AR, IL, IN, KS, MO, NE, ND, OK, and SD. (Hearing site: Fond du Lac, WI.)

MC 119800 (Sub-6F), filed July 10, 1979. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 742, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *fuel oil,* in bulk, in tank vehicles, from points in TX on and north of U.S. Hwy 84, to points in OK. (Hearing site: Oklahoma City, OK or Fort Worth, TX.)

MC 119991 (Sub-30F), filed June 28, 1979. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Transporting *iron and steel articles,* from the facilities of Republic Steel Corporation at (1) Buffalo, NY, and (2) Cleveland, Warren and Youngstown, OH, to points in IN, IL, IA and MO. (Hearing site: Indianapolis, IN or Chicago, IL.)

MC 121060 (Sub-115F), filed June 29, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Boc 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *plywood, paneling, composition board, and building and construction materials,* (except commodities in bulk), from the facilities of Plywood Panels, Inc., at (a) Camden, NJ, (b) Plains and Savannah, GA, (c) Houston and Galveston, TX, (d) Norfolk, VA, (e) New Orleans, LA, (f) Charleston, SC, (g) Jacksonville and Tampa, FL, and (h) Mobile, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: New Orleans, LA, or Washington, DC.)

MC 121420 (Sub-15F), filed July 6, 1979. Applicant: DART TRUCKING COMPANY, a corporation, 61 Railroad Street, Canfield, OH 44406. Representative: Paul F. Beery, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Transporting (1) *iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation, at (a) Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Allenport and Monessen, PA, and (c) Beech Bottom, Benwood, Follansbee, and Wheeling, WV, to points in IL, IN, KY, MD, MI, NY, OH, PA, VA, WV, and WI (2) *equipment, materials,* and *supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Columbus OH.)

MC 124111 (Sub–59F), filed July 2, 1979. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Sandusky, OH 44870. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Transporting *meats, meat products, and meat by products* as described in Section A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, and 766 (except commodities in bulk), from Greenfield, OH, to points in AL, FL, GA, KY, MS, NC, SC, and TN. (Hearing site: Columbus OH.)

MC 124211 (Sub–365F), filed July 2, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as above). Transporting *cleaning, washing, polishing, and scouring compounds, chemicals, waxes, janitorial equipment and supplies, weed killers, paint, and sodium hypochloride solutions* (except commodities in bulk), between Omaha, NE, on the one hand, and, on the other, points in ID, LA, KS, MO, MT, NE, NV, OK, TX, UT, WI, and those points in CO east of the Continental Divide. (Hearing site: Omaha, NE.)

MC 124211 (Sub–367F), filed June 2, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as above). Transporting *materials, equipment, supplies, and accessories* used in the manufacture, operation, maintenance, repair, and sale of motor vehicles (except motor vehicles moving in drive-away service, and except commodities in bulk), (1) from points in IL, IN, LA, KY, MI, MO, NC, OH, PA, SC, TN, and WI, to Seattle, WA; and (2) from Charleston, SC, to Memphis, TN. (Hearing site: Seattle, WA.)

MC 124211 (Sub–368F), filed July 5, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Bremerton, Longview, Seattle, and Tacoma, WA, to points in IA, IL, MN, NE, OK, TX, and WI. (Hearing site: Seattle WA.)

MC 124211 (Sub-369F), filed July 9, 1979. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as above). Transporting

such commodities as are dealt in and used by grocery and food business houses, (except commodities in bulk), from points in CA, to those points in the United States in and east of WA, OR, ID, WY, NE, KS, OK, and TX, and to points in UT. (Hearing site: Los Angeles, CA or San Francisco, CA.)

MC 125350 (Sub-3F), filed July 9, 1979. Applicant: D. R. BURGHER, INC., 205 5th Avenue, North, Audubon, IA 50025. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting *commodities, which because of size or weight, require the use of special equipment or special handling:* (1) between points in AL, AR, CO, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, SD, TX, WI and WY, (2) from Batavia, NY to Bloomington, MN, (3) from Conway, Columbia and West Columbia, SC; Seattle, WA; Shady Grove, PA; Bowling Green and Lexington, KY and Portsmouth, VA to Des Moines and Sioux City, IA and Sioux Falls, SD, restricted in parts (1), (2) and (3) to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Minneapolis, MN or Des Moines, IA.)

MC 126040 (Sub-2F), filed July 2, 1979. Applicant: CONERTY-HENIFF TRANSPORT, INC., 4220 Shirley Lane, Alsip, IL 60658. Representative: Robert H. Levy, 29 South LaSalle St., Chicago, IL 60603. Transporting (1) *petroleum oils, lubricating oils, waxes* and *resins,* from the facilities of (a) Mobil Oil Corp., at or near Cicero, IL and (b) Calumet Refining Co., at or near Burnham, IL, to points in MI, IN, IA, OH, MN, and WI and (2) *petroleum* and *petroleum products,* in bulk (except asphalt), from Whiting, IN, to points in IL. (Hearing site: Chicago, IL.)

MC 127840 (Sub-119F), filed July 9, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *insecticides, in bulk,* from the Rocky Mountain Arsenal near Denver, CO, to NE, WY, and KS. (Hearing site: Denver, CO or Chicago, IL.)

MC 128030 (Sub-126F), filed July 9, 1979. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, IL 61801. Representative: James R. Madler, 120 W. Madison St., Room 718, Chicago, IL 60602. Transporting *plastic products,* (1) from Champaign, IL, to points in IN, OH, MI, WS, MN, MO, KS, KY, and IA, and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of plastic products, from points in IN, OH, MI, WS, MN, MO, KY, KS, and IA, to Champaign, IL. (Hearing site: Chicago, IL.)

MC 128850 (Sub-3F), filed June 28, 1979. Applicant: M & M TRANSPORT, INC. P.O. Box 455, Mossyrock, WA 98564. Representative: George R. La Bissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *sawdust and shavings,* from the facilities of Delson Lumber Company, at or near Little Skookum and Olympia, WA, to St. Helens, OR. (Hearing site: Seattle, WA.)

MC 134501 (Sub-56F), filed June 29, 1979. Applicant: INCORPORTATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *new furniture,* from Sheboygan, WI, to points in NH, VT, NY, PA, OH, DC, those in IN, on and south of U.S. 50, IA, MO, NE, KS, and WY. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 134890 (Sub-10F), filed June 25, 1979. Applicant: MARION TRANSFER, INC., 3011 North 30th St., Milwaukee, WI 53210. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Chemicals* and *tanning extracts and chemicals,* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in CT, MA, NH, NJ, PA, and RI to the facilities of Gebhardt-Vogel Tanning Co., at Milwaukee, WI, under continuing contract(s) with Gebhardt-Vogel Tanning Co., of Milwaukee, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 135070 (Sub-82F), filed July 6, 1979 Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *meats, meat products, meat byproducts, articles distributed by meat packinghouses,* and *such commodities as are used by meatpackers in the conduct of their business,* as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points Anderson County, TX, to points in the United States (except AK and HI). (Hearing site: Dallas or Amarillo, TX.)

MC 135691 (Sub-36F), filed June 25, 1979. Applicant: DALLAS CARRIERS CORP., P.O. Box 402626, Dallas, TX 75240. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or distributed by pharmaceutical houses (except commodities in bulk), from Norwich and North Norwich, NY, and Greenville, SC, to points in the United States (except AK and HI), and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction, under continuing contract(s) with Norwich-Eaton Pharmaceuticals, a Division of Morton-Norwich, of Norwich, NY. (Hearing site: Dallas, TX.)

MC 136511 (Sub-68F), filed July 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Transporting *confectionery,* from the facilities of M&M/Mars, at or near Elizabethtown, PA, and Elizabeth and Hackettstown, NJ, to points in the United States (except AK and HI). (Hearing site: New York, NY.)

MC 138021 (Sub-6F), filed June 22, 1979. Applicant: STAND, INC., County Road 22 North, Post Office Box 211, Gnadenhutten, OH 44629. Representative: Richard H. Brandon, Post Office Box 97, 220 West Bridge Street, Dublin, OH 43017. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pallets and lumber,* between Strongsville, OH, and points in Guernsey County, OH, on the one hand, and, on the other, points in NY, NC, SC, VA and WV and (2) *lumber,* between Strongsville, OH, and points in Guernsey County, OH, on the one hand, and, on the other, points in MI, under continuing contract(s) with Hinchcliff Products Company, of Strongsville, OH. (Hearing site: Columbus, OH.)

MC 141871 (Sub-17F), filed June 18, 1979. Applicant: WNI, INC., 8700 S.W. Elligsen Road, Wilsonville, OR 07070. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *such commodities as are dealt in or used by grocery, discount, and department stores* (except commodities in bulk), between points in NM, CO, WY, MT, ID, UT, AZ, CA, OR, WA, and NV, restricted to the transportation of traffic originating at or destined to the facilities used by The Procter & Gamble Company. (Hearing site: Chicago IL.)

MC 141921 (Sub-61F), filed July 9, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). Transporting (1) *malt beverages*, from points in Jefferson County, CO, to points in AR, and (2) *materials and supplies* used in the manufacture and distribution of malt beverages, in the reverse direction. (Hearing site: Concord, NH, or Boston, MA.)

MC 142291 (Sub-5F), filed July 2, 1979. Applicant: MDI, INC., 6202 Concord Blvd., East, Inver Grove Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN. Transporting *beverages* (except in bulk), from points in CA, CT, FL, IL, IA, KS, KY, LA, ME, MD, MA, MI, MO, MT, NJ, NY, OH, OR, PA, RI, TN, VA, WA, WI, and DC, to Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 142440 (Sub-2F), filed June 8, 1979. Applicant: PUGET SOUND EXPRESS AIR, INC., 400 108th Avenue NE., Suite 205, Bellevue, WA 98004. Representative: Brain E. Lawler, 3000 Seattle First National Bank Bldg., Seattle, WA 98154. Transporting *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Pierce, King, Snohomish, Skagit and Whatcom Counties, Washington. (Hearing site: Seattle, or Bellingham, WA.)

MC 143701 (Sub-16F), filed June 29, 1979. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 73–I, Metairie, LA. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *sugar, condiments and flavoring compounds*, (except in bulk), from points in LA on and west of the Mississippi River and in and east of Terrebone, Assumption and St. James Parishes, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MD, MS, MO, NE, NC, OK, OH, PA, SC, SD, TN, TX, VA, WV. (Hearing site: New Orleans, LA, or Memphis, TN.)

MC 144760 (Sub-2F), filed June 27, 1979. Applicant: HITTMAN TRANSPORT SERVICES, INC., 2700 Keslinger road, Geneva, IL 60134. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *radioactive waste, in shipper-owned containers transported on shipper-owned trailers*, from the facilities of Philadelphia Electric Company, at or near Delta, PA, to Barnwell, SC, and (2) *empty radioactive shipping containers*, in the reverse direction, under continuing contracts with Hittman Nuclear & Development Corp., of Columbia, MD. (Hearing site: Washington, DC, or Chicago, IL.)

MC 143760 (Sub-3F), filed June 26, 1979. Applicant: POINTS WEST TRUCKING, INC., 25836 Parada Drive, Valencia, CA 91355. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* and *grocery products*, from Cockeysville, MD, Jersey City, NJ, and Souderton, PA, to the facilities of R. T. French company at (a) Fresno, CA and (b) Springfield, MO, under continuing contract(s) with R. T. French Co. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be at issue.

MC 145070 (Sub-4F), filed July 2, 1979. Applicant: PROGRESSIVE PRODUCE CO., d.b.a., PATHFINDER TRUCKING, 1206 E. Sixth St., Los Angeles, CA 90021. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Transporting (1) *bananas*, and (2) *agricultural commodities* the transportation of which is otherwise exempt from economic regulations under 49 U.S.C. 10526(a)(6) [formerly section 203(b)(6) of the Interstate Commerce Act], when transported in mixed loads with bananas, from the facilities of Castle & Cooke Foods, at Los Angeles, CA, to points in AZ, ID, OR, UT, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 147551 (Sub-2F), filed July 5, 1979. Applicant: EL SYD, INC., 13105 Mountain Shadow, N.E., Albuquerque, NM 87111. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *corn starch* (except in bulk), from Dimmitt, TX, to points in CA. (Hearing site: Dimmitt, TX, or Albuquerque, NM.)

MC 145870 (Sub-14F), filed July 3, 1979. Applicant: L–J–R HAULING, INCORPORATED, P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Transporting *soda ash briquettes*, from Salt Lake City, UT, to points in IL, IN, KY, MO, NY, OH, PA, TX, and WV. (Hearing site: Salt Lake City, UT, Washington, DC.)

MC 147721F, filed July 3, 1979. Applicant: RONALD G. HAYNES, 225 Escondido Drive, Martinez, CA 94553. Representative: Richard E. Macey, 1122 North El Dorado St., Stockton, CA 95202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical construction materials, electrical construction equipment, and construction trailers*, between Martinez, CA, on the one hand, and, on the other, points in AZ, CO, NM, NV, OR, UT, and WA, under continuing contract(s) with Howard P. Foley Co., of Martinez, CA. (Hearing site: Stockton or Sacramento, CA.)

MC 135070 (Sub-83F), filed July 9, 1979. Applicant: JAY LINES, INC., P.O. box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *confectionery*, from the facilities of Just Born, Inc., at or near Bethlehem, PA, to points in WA, OR, CA, AZ, NV, ID, MT, WY, UT, CO, NM, TX, KS, OK, AR, and LA. (Hearing site: Bethlehem, PA, or Amarillo, TX.)

Note.—Dual operations may be involved.

MC 135221 (Sub-16F), filed June 18, 1979. Applicant: DICK SIMON TRUCKING, INC., 5140 South 2050 East, P.O. Box 26724, Salt Lake City 84125. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Transporting *such commodities* as are dealt in or used by a manufacturer of cosmetics and toilet preparations, and between points in the United States (except AK and HI), restricted to the transportation of traffic originating at and or destined to the facilities of Max Factor & Co. (Hearing site: Salt Lake City, UT.)

Note.—Dual operations may be involved.

MC 136511 (Sub-69F), filed June 29, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, 9640 Timberlake Road, Lynchburg, VA 23502. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Transporting *confectionery*, from the facilities of M&M/Mars, at or near (a) Chicago, IL (b) Cleveland, TN (c) and Waco, TX, to points in the United States (except AK and HI). (Hearing site: New York, NY.)

Motor Carriers of Passengers

MC 119961 (Sub-7F), filed June 29, 1979. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and

ending at points in Polk County, IA, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Des Moines, IA; Chicago, IL.)

MC 119961 (Sub-8F), filed July 2, 1979. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in Mahaska County, IA, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Des Moines, IA; Chicago, IL.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-3690 Filed 2-4-80; 8:45 am]

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[Volume No. 48]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Eoute Deviations, Intrastate Applications Gateways, and Pack and Crate.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

January 18, 1980.

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 12645 M1F, filed July 2, 1979, notice of a petition to modify a license. Petitioner: PARAGON TRAVEL AGENCY, INC., 680 Purchase Street, New Bedford, MA 02741. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Petitioner holds a license to engage in operation as a broker of motor passenger transportation in MC-12645, served July 1, 1976. The license in MC-12645 authorizes the arrangement of transportation of passengers and their baggage, in special or charter operations, between points in the United States, permitting Petitioner to engage in activities as a broker at New Bedford and Dartmouth, MA. By this Petition, authority is sought to engage in operations as a broker at Braintree, MA.

MC 12655 M1F, Notice of Filing of Petition for Modification of Broker's License, filed August 3, 1979. Petitioner: TRI STATE TOURS, INC., P.O. Box 307, Galena, IL 61036. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Petitioner holds License No. MC-12655, reissued September 14, 1978, authorizing petitioner to engage in operations as a *broker of passenger and their baggage*, in special and charter operations, in round-trip, all expense tours, beginning and ending in Galena, IL, and Hazel Green, Cuba City, Shullsburg, and Benton, WI, and extending to points in the United States, including Alaska and Hawaii, and authorizing petitioner to engage in such operations as a broker at Galena, IL. By the instant petition, petitioner seeks to modify the territorial description to authorize it to broker such operations between points in the United States (including AK and HI). The modification would not affect the point at which petitioner's licensed office is maintained.

MC 58885 (Sub-32 M1 F), filed July 13, 1979, notice of petition to modify the territorial description and delete a restriction. Petitioner: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, GA 30027. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Petitioner holds Motor Common Carrier Certificate MC 58885 (Sub 32) issued March 21, 1979. MC 5885 (Sub 32) authorizes transportation over irregular routes of *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Greenville, SC and Athens, GA, serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points, from Greenville over US Hwy 29 to Athens, GA, and return over the same route; (2) between Greenville, SC, and Blairsville, GA, serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points; from Greenville over US Hwy 123 to Westminster, SC, then over US Hwy 76 to Blairsville, and return over the same route; (3) between Greenville, SC, and Gainesville, GA, serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points; from Greenville over Interstate Hwy 85 to junction US Hwy 129, then over US Hwy 129 to Gainesville, and return over the same route; (4) between Athens, GA, and junction US Hwy 441 and Interstate Hwy 85, serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points; from Athens, GA, over US Hwy 441 to junction Interstate Hwy 85, and return over the same route; (5) between Westminster, SC, and Gainesville, GA,

serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points; from Westminster, SC over US Hwy 123 to Cornelia, GA, then over US Hwy 23 to Gainesville, GA, and return over the same route; (6) between Cornelia, GA, and Clayton, GA, serving those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone), as intermediate or off-route points, restricted to the transportation of traffic moving between Greenville, SC, on the one hand, and, on the other, those points in GA lying west of US Hwy 221 within 100 miles of Greenville, SC (except Toccoa, GA, and points in its commercial zone). By the instant Petition, Petitioner seeks to modify the authority as follows: Authorizing service at all intermediate points on the above-described routes; authorizing service at all points in Georgia within 100 miles of Greenville, SC; and, eliminating the Greenville, SC restriction in said certificate.

MC 111320 (Sub-23) (M1 F) (notice of filing of petition to modify certificate), filed June 18, 1979. Petitioner: KEEN TRANSPORT, INC., Post Office Box 1417, Hudson, Ohio 44236. Representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 43215. Petitioner holds a *common carrier* certificate in MC-111320 (Sub 23), issued December 16, 1959, which authorizes, in part, service over irregular routes to transport: *Used road building machinery and equipment,* between points in the United States, (except from Cedar Rapids, IA, and points in AK, HI, AZ, ID, MT, NV, NM, OR, UT, WA, WY, and CA). By the instant petition, petitioner seeks to modify the above portion of authority as follows: *Road building machinery and equipment,* between points in the United States, (except points in AK, HI, AZ, ID, MT, NV, NM, OR, UT, WA, WY, and CA). (Hearing site: Columbia, OH)

MC 111320 (Sub-59 M1F), (notice of filing of petition to modify certificate), filed June 4, 1979. Petitioner: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Petitioner holds a *common carrier* certificate in MC-111320 Sub 59, issued August 7, 1978, authorizing service over irregular routes, of (1) *self-propelled articles weighing 15,000 pounds or more,* and (2) *attachments, parts, and accessories for the commodities in (1),* from the facilities of American Poclain Corporation, in Spotsylvania County, Va, to points in AR, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, TX, VT, VA, WV, WI, and DC. By the instant petition, petitioner seeks to modify the above authority by deleting "from the facilities of American Poclain Corporation, in Spotsylvania County, VA", and substituting therefore "from the facilities of J. I. Case Company, Drott Division at Wausau, WI."

MC 111320 (Sub-64 M1F), (notice of filing of petition to modify certificate), filed June 1, 1979. Petitioner: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Petitioner holds a motor *common carrier* certificate in MC-111320 Sub 64, issued February 16, 1977, authorizing transportation over irregular routes, of (1) *Self-propelled articles,* each weighing 15,000 pounds or more, and (2) *parts, attachments, and accessories* for the commodities named in part (1) above, between the facilities of FMC Corporation, at or near Bowling Green, KY, on the one hand, and, on the other, points in the United States (including AK, but excluding HI), restricted in parts (1) and (2) above to the transportation of traffic originating at or destined to the facilities of FMC Corporation, at or near Bowling Green, KY.

By the instant petition, petitioner seeks to modify the above authority by adding authority to serve "between the facilities of the FMC Corporation at or near Lexington, KY, on the one hand, and, on the other, points in the United States (including AK but excluding HI), and to further amend the restriction to read: Restricted in parts (1) and (2) above to the transportation of traffic originating at or destined to the facilities of the FMC Corporation, at or near Bowling Green, KY and at or near Lexington, KY.

MC 135185 (Sub-28 M1F), filed July 11, 1979, notice of filing of a petition to modify a permit. Petitioner: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Petitioner holds *contract carrier* authority in MC-135185 Sub 28, served June 14, 1977, which authorizes, as pertinent, over irregular routes, the transportation of (1) *razors* and *razor blades, toilet articles* and *toilet preparations, pens and markers,* shaving cream, *stationery and stationery products, cigarette lighters, cleaning compounds and pads, hair curlers, hair spray, shampoo, sponges, fire extinguishers, electric appliances, deodorants, dispensers, sound warning signals and display racks, stands and cabinets and materials, equipment, and supplies* (except in bulk) used in the manufacture and distribution of the commodities named above, (a) from Andover, MA, to points in PA, OH, IL, (except East St. Louis, IL), MN, and points in that part of NY on and west of a line beginning at the United States-Canada boundary line and extending along Interstate Hwy 87 to junction NY Hwy 17 and then west along NY Hwy 17 to the NY-NJ State line, and Dallas, TX, Los Angeles and LA Mirada, CA, Detroit, MI, and Seattle and Kent, WA; and (b) from St. Paul, MN, to points in IL (except East St. Louis, IL, and points in that part of IL located on and north of U.S. Hwy 6), Newark, NJ, Baltimore, MD, Dallas, TX, Los Angeles, and La Mirada, CA, Richmond, VA, Detroit, MI, Andover and Boston, MA, Kearny, NJ, Farmingdale, NY, and Seattle and Kent, WA, Denver, CO, and points in OH, PA, and DC; and (c) from Santa Monica, CA, to Andover and Boston, MA, and points in IL; and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture and distribution of the commodities specified in (1) above, (a) from the destinations specified in (1)(a) above, to Andover and Boston, MA, (b) from the destinations specified in (1)(b) above, to St. Paul, MN, and (c) from the destination specified in (1)(c) above, to Santa Monica, CA, under constract with The Gillette Company. By the instant petition, petitioner seeks to: (1) add photographic equipment, materials, and supplies and ink to the commodity description in (1) above, (2) add La Mirada, CA as an origin point in (1)(c), (3) add Cambridge, MA as an origin point in (1)(a), and (4) add Arlington, TX as a destination point in (1)(a) and (b).

MC 140055 (M1F), filed July 1, 1979, notice of filing of petition to modify the territorial description. Petitioner: MAYS LANDING TRANSPORTATION CO., INC., 1300 Main Rd., Vineland, NJ 08360. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. Petitioner holds *contract carrier* authority in MC-140055, served September 18, 1978, which authorizes the transportation over irregular routes, of (1) *sand* (except industrial sand), from Williamstown Junction, NJ, and the facilities of Mays Landing Sand & Gravel Co., Inc., in Atlantic, Cumberland, and Gloucester Counties, NJ, to points in DE, and in Chester, Montgomery, Bucks, Delaware, and Philadelphia Counties, PA, and (2)

crushed stone and *crushed stone products*, from points in Chester, Montgomery, Bucks, Delaware, and Philadelphia Counties, PA, to points in Atlantic, Camden, Cumberland, Gloucester, Cape May, and Salem Counties, NJ (except Cape May Point); the above operations are subject to the following conditions: (a) Said operations are restricted against the transportation of commodities in bulk, in tank vehicles, and (b) Said operations are limited to a transportation service to be performed, under a continuing contract(s) with Mays Landing Sand & Gravel Co., Inc., of Vineland, NJ. By the instant petition, petitioner seeks to modify the permit to read: (1) *said* (except industrial sand), from points in NJ, to points DE and PA; and (2) *crushed stone* and *crushed stone products*, (a) from points in PA, to points in NJ, and (b) between points in the Philadelphia, PA Commercial Zone, subject to the same restrictions.

Republications of Grants of Operating Rights Authority Prior to Certification Notice

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 March 6, 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 71084 (Sub-No. 1) (Republication), filed November 15, 1979, published in the FR issue of February 23, 1979, as New York Docket No. T-881, and republished this issue. Applicant: RAYMOND F. MELANDER, d.b.a. SHOREY'S EXPRESS, 270 Malto Ave., Ballston Spa, NY 12020. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10019. A Decision of the Commission, Review Board Number 4, decided December 10, 1979, and served December 17, 1979, finds that applicant may conduct operations in interstate and foreign commerce which do not exceed the scope of its intrastate authority for which applicant holds Certificate No. 2564 dated October 25, 1979, issued by the New York State Department of Transportation, which authorizes operations as a *common carrier* by motor vehicle, solely within the State of New York in the transportation of *General commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in a territory comprised of the Counties of Albany, Rensselaer, Saratoga, Schenectady, Warren and Washington. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 99532 (Sub-No. 4) (Republication), filed June 8, 1978, published in the FR issue of July 27, 1978, as Iowa Docket No. MV-A-78-22, and republished this issue. Applicant: ARNIE'S MOTOR FREIGHT, INC., 701 First Ave. N., Altoona, IA 50009. Representative: Russell H. Wilson, 3839 Merle Hay Rd., Suite 200, Des Moines, IA 50310. A Decision of the Commission, Review Board Number 4, decided August 13, 1979, and served August 20, 1979, finds that applicant may conduct operations in interstate and foreign commerce which do not exceed the scope of its intrastate authority for which applicant holds Certificate No. C-130 dated May 29, 1979, issued by the Iowa Department of Transportation, which authorizes operations as a *common carrier* by motor vehicle, solely within the State of Iowa in the transportation of *General commodities*, (except liquid products, in bulk, in tank vehicles), between Allemen, Altoona, Baxter, Bondurant, Cambridge, Clemons, Colfax, Colo, Collins, Des Moines, Elkhart, Fernald, Haverhill, Ira, Kelly, Maxwell, Melbourne, Mingo, Mitchellville, McCallsburg, Nevada, Rhodes, Runnells, St. Anthony, Sheldahl, Shipley, Slater, State Center, and Zearing, IA. The purpose of this republication is to add "Kelly" to the territorial description.

Broker, Water Carrier and Freight Forwarder Operating Rights Applications; Notice

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.**

Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Permanent Ex-Water Authority Decisions; Decision Notice

Decided: January 15, 1980.

The following applications are governed by 49 CFR 1062.3. Applicants seek to obtain motor common carrier authority to perform service within the commercial zone of port cities where the shipment has a prior or subsequent movement by maritime carrier. The full text and explanation of the rules are contained at 44 FR 7965, as corrected at 44 FR 37230.

The sole issue upon which these applications can be protested is the applicant's fitness to perform the service. Protests (an original and one copy) must be filed with the Commission on or before March 6, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 5, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity.

Each applicant is fit, willing, and able to properly perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed on or before March 6, 1980. (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Hill, and Fortier.

MC 127090 (Sub-5F), filed May 29, 1979, previously noticed in FR issue of December 27, 1979. Applicant: PACIFIC STORAGE, INC., 440 E. 19th St., Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, between points in the commercial zones of Seattle and Tacoma, WA, restricted to traffic having a prior or subsequent movement by water.

Note: This application is being republished to reflect a grant under Ex Parte No. MC-105 procedures in lieu of Ex Parte No. MC-55 Sub 26 as previously published. (Hearing site: Seattle, WA).

Note.—Dual operations may be involved.

MC 147048 (Sub-2F), filed July 2, 1979. Applicant: BOARD OF TRUSTEES OF GALVESTON WHARVES, 802 25th Street, Galveston, TX 77553. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except Classes A and B explosives), between points in the commercial zone of Houston, TX, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Houston, TX).

MC 14814F, filed August 3, 1979. Applicant: RASMUSSEN ENTERPRISES, INC., P.O. Box 2213, Kodiak, AK 99615. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the commercial zone of Kodiak, AK, restricted to traffic having a prior or subsequent movement by water. (Hearing site: Kodiak or Anchorage, AK).

Permanent Authority Decisions; Decision-Notice

Decided: January 8, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *rules of practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission with 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and specify with particularity the facts, mattters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after February 5, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones. Member Joyce not participating.

MC 130092 (Sub-1F), filed June 25, 1979. Applicant: GREEN MOUNTAIN TOURS, INC., 128A West Pleasant Ave., Maywood, NJ 07607. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. To engage in operations, in interstate or foreign commerce, as a *broker* at Maywood, NJ, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in Bergen, Morris, Hudson, Passaic, Essex, Union, Middlesex and Somerset Counties, NJ, and extending to those points in the United States in and east of MN, IA, MO, AR and LA. (Hearing site: Newark, NJ).

MC 130596F, filed August 13, 1979. Applicant: T.L.C. SENIOR TOURS LTD., 186 New Wilmot Rd., Scarsdale, NY 10583. Representative: Jackie M. Infurna (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker,* at Scarsdale, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round trip special and charter operations, beginning and ending at points in NY, NJ, CT, MA, and PA, and extending to points in the United States, (including AK and HI). (Hearing site: New York or Westchester County, NY).

MC 130600F, filed August 6, 1979. Applicant: LA-MAR TRAVEL & TOURS, INC., 1738 Edison Ave., Bronx, NY 10461. Representative: Guy J. Velella, 2138 Williamsbridge Road, Bronx, NY 10461. To engage in operations, in interstate or foreign commerce, as a *broker,* at Bronx, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at points in Bronx County, NY, and extending to points in CT, DE, FL, GA, MA, MD, ME, NH, NJ, NY, NC, PA, RI, SC, VA, VT, WV, and DC. (Hearing site: New York, NY).

MC 130614F, filed August 17, 1979. Applicant: ATWOOD'S TRANSPORT LINES, INC., 5500 Tuxedo Rd., Tuxedo, MD 20781. Representative: L. C. Major, Jr., Overlook Bldg., Suite 400, 6121 Lincolnia Rd., Alexandria, VA 22312. To engage in operations, in interstate or foreign commerce, as a *broker,* at Tuxedo, MD, and Washington, DC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at Washington, DC and points in its commercial zone, and extending to points in the United States (including AK and HI). (Hearing site: Washington, DC).

MC 130656F, filed November 14, 1979. Applicant: MARK ANTHONY, d.b.a. SELECT TOURS, 114 East 8th St., P.O. Box 115, Madrid, IA, 50156. Representative: Mark Anthony (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker* at Madrid, IA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at points in Carroll, Greene, Boone, Story, and Polk Counties, IA, and extending to points in the United States (including AK and HI). (Hearing site: Des Moines, IA, or Omaha, NE).

MC 130703F, filed November 23, 1979. Applicant: MICHIGAN TRAVEL SERVICE, INC., d.b.a. WONDERLAND TRAVEL SERVICE, 333 South Saginaw St., Flint, MI 48502. Representative: James F. Smith (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker,* at Flint, MI, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at Flint, MI, and extending to points in the United States, (including AK and HI). (Hearing site: Detroit, MI).

MC 130724F, filed December 18, 1979. Applicant: CARNIVAL TOURS, INC., 6812 Fifth Avenue, Brooklyn, NY 11220. Representative: S. Harrison Kahn, 1511 K Street, NW., Washington, DC 20005. To engage in operations, in interstate or foreign commerce, as a *broker,* at Brooklyn, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at Brooklyn, NY, and extending to points in the United States (including AK and HI). (Hearing site: New York NY.)

Permanent Property Broker Authority Decisions; Decision-Notice

Decided: January 8, 1980.

The following applications are governed by 49 CFR 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (except household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 FR 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission on or before March 6, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative, or, if not is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is later determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or latter which will be served on each party of record.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved fitness questions), we find, preliminarily, that each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will

be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones. Member Joyce not participating.

MC 130624F, filed October 22, 1979. Applicant's name and address are PARAMOUNT FORWARDERS, INC., P.O. Box 809, Desoto, TX 75115. The name under which operations will be performed is Transportation Brokerage Co. Applicant is represented by Robert J. Gallagher, in this proceeding whose address is Suite 1200, 1000 Connecticut Ave., NW. Washington, DC, 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Lyle K. McDermed, president/stockholder, 1364 Springfield, Lancaster, TX 75146, Mable Alley, vice president/stockholder, S. Wyatt Carr, Jr., secretary/treasurer/stockholder, R. L. Rork, stockholder, and R. D. Burch, stockholder. All of the above stockholders have the same address as the president. The daily operations will be managed by Lyle K. McDermed, whose business address is the same as the president. Applicant is affiliated with the following shipper or warehouse: None.

MC 130632F, filed October 26, 1979. Applicant's name and address are: HARRY EARL NEWLON, JR., 1511 No. Nelson Street, Arlington, VA, 22201. The name under which operations will be performed is Newlon Transportation Services. Applicant is represented by Robert J. Gallagher in this proceeding, whose address is 1000 Connecticut Avenue, N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Harry Earl Newlon, Jr., sole proprietor, 1511 No. Nelson Street, Arlington, VA, 22201, no other officers, directors or partners. The daily operations will be managed by Harry Earl Newlon, Jr., whose business address is 1511 No. Nelson Street, Arlington, VA 22201. Applicant is affiliated with the following shipper or warehouse: Harry Earl Newlon, Jr., d.b.a. Newlon's Transfer.

MC 130655F, filed November 8, 1979. Applicant's name and address are DONNIE G. WEYGANDT, 1355 N. Mingo Rd., Tulsa, OK 74116. The name under which operations will be performed is Tulsa Freight Brokerage Services. Applicant is represented by himself. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donnie G. Weygandt, President and shareholder, (same address as applicant), and Geneva Weygandt, Vice President and shareholder, (same address as applicant). The daily operations will be managed by the applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130664F, filed November 16, 1979. Applicant's name and address are B & Y TRANSPORT BROKERS, INC., 214 Palmetto Court, Longwood, FL 32750. The name under which operations will be performed is B & Y Transport Brokers, Inc. Applicant is represented by Elbert Brown, Jr., in this proceeding whose address is P.O. Box 1378, Altamonte Springs, FL 32701. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Margaret E. Bragg, President and sole shareholder, (same address as applicant), Winford W. Bragg, Vice-President, 617 Central Blvd., Orlando, FL 32804. The daily operations will be managed by Margaret E. Bragg, whose business address is the same as applicant's. Applicant is affiliated with the following shipper or warehouse: None.

MC 130672F, filed November 19, 1979. Applicant's name and address are GULF UNITED FREIGHT SYSTEM, No. 3 Embarcadero Center, San Francisco, CA 94111. The name under which operations will be performed is Gulf United Freight System. Applicant is represented by John Muhoberac in this proceeding whose address is Gulf United Freight System, No. 3 Embarcadero Center, San Francisco, CA 94111. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: John Potashnik, President and shareholder, John Muhoberac, Senior Vice President, Dana Miller, Vice President, Secretary, Treasurer, and shareholder, Robert Mehrabian, Vice President Middle East, and shareholder, David Frankland, Vice President and Controller. The business address of the above officers and shareholders is Gulf United Freight System, No. 3 Embarcadero Center, San Francisco, CA 94111. Leonard Colangelo, Vice President, Operations, Gulf United Freight System, 28 Railroad Street, Revere, MA 02151. The daily operations will be managed by Laura C. Burke whose business address is Gulf United Freight System, 535 Brennan Street, San Jose, CA 95131. Applicant is affiliated with the following shipper or warehouse: None.

MC 130673F, filed November 19, 1979. Applicant's name and address are VICTORY BROKERS, INC., 2745 North Hughes #102, Fresno, CA. 93705. The name under which operations will be performed is Victory Brokers, Inc. Applicant is represented by Victory Brokers, Inc., in this proceeding whose address is 2745 North Hughes #102, Fresno, CA. 93705. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Roy Wylie, President and shareholder; Mildred Wylie, Secretary, Treasurer, and shareholder, and Marylin Bell, Director, and shareholder. The business address of the above officers and shareholders is 2745 North Hughes Avenue, #102, Fresno, CA. 93705. The daily operations will be managed by Victory Brokers, Inc., whose business address is 2745 North Hughes Avenue, #102, Fresno, CA. 93705. Applicant is affiliated with the following shipper or warehouse: None.

MC 130674F, filed November 23, 1979. Applicant's name and address are SAMUEL SHAPIRO & CO., INC., World Trade Center Baltimore—Suite 525, P.O. Box 2035, Baltimore, MD 21203. The name under which operations will be performed is Samuel Shapiro & Co., Inc. Applicant is represented by itself in this proceeding whose address is the same as applicant. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Samuel Shapiro, Chairman of the Board and stockholder, M. Sigmund Shapiro, President and stockholder, Jesse York,

Executive Vice President and stockholder, Morris E. Horwitz, Vice President, Import Traffic, Julius Braverman, Import Administration, William H. Johnson, Vice President, Finance, Ronald Caplan, Vice President, Air Freight Operations, Barbara K. Shapiro, Treasurer, Jack Shapiro, Secretary, Hilda L. Shapiro, stockholder, Florence P. Kluger, stockholder, (same address as applicant). The daily operations will be managed by Morris E. Horwitz whose business address is Suite 525, World Trade Center, Baltimore, MD 21202. Applicant is affiliated with the following shipper or warehouse: None.

MC 130675F, filed November 23, 1979. Applicant's name and address are INTERMODAL CONSOLIDATING SERVICE, INC., 711 E. Main Street, Bridgewater, NJ. The name under which operations will be performed is Intermodal Consolidating Service. Applicant is represented by Donald J. Sooy in this proceeding whose address is 711 E. Main Street, Bridgewater, NJ 08807. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donald J. Sooy, President, Director, and shareholder, Richard T. Tobey, Vice President, Director, and shareholder, David Sklaroff, Treasurer, Director, and shareholder, and William D. Reedy, shareholder, (same address as applicant). The daily operations will be managed by Donald J. Sooy whose business address is 711 E. Main Street, Bridgewater, NJ 08807. Applicant is affiliated with the following shipper or warehouse: None.

MC 130682F, filed November 28, 1979. Applicant's name and address are ARNOLD PEVNA, 440 North Avenue, Haverhill, MA 01830. The name under which operations will be performed is Arnold Pevna. Applicant is represented by C. Jack Pearce in this proceeding whose address is 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Arnold Pevna, sole proprietorship, 440 North Avenue, Haverhill, MA 01830. The daily operations will be managed by Arnold Pevna whose business address is 440 North Avenue, Haverhill, MA 01830. Applicant is affiliated with the following shipper or warehouse: None.

MC 130683F, filed November 19, 1979. Applicant's name and address are EXHIBIT EXPRESS, INC., 288 Mishawum Road, P.O. Box 246, Woburn, MA 01801. The name under which operations will be performed is Exhibit Express, Inc. Applicant is represented by Robert J. Gallaher, Esq. in this proceeding whose address in Suite 1200, 1000 Connecticut Avenue, N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donald L. Knapp, President, Edward O'Keefe, Vice President, and Paul F. Duggan, Treasurer, whose business address is 288 Mishawum Road, P.O. Box 246, Woburn, MA 01801. Geo. F. Cahill, Clerk, 225 Franklin St., Boston, MA 02110; William C. Casey, shareholder, John C. Casey, shareholder, and Edward D. Casey, shareholder, whose business address is 288 Mishawum Road, P.O. Box 246, Woburn, MA, 01801.The daily operations will be managed by Paul F. Duggan, whose business address is 288 Mishawum Road, P.O. Box 246, Woburn, MA, 01801. Applicant is affiliated with the following shipper or warehouse: None.

MC 130685F, filed November 28, 1979. Applicant's name and address are NATIONAL CARRIER SERVICE, INC., 2000 Santa Cruz St., Anaheim, CA 92806. The name under which operations will be performed is National Carrier Service, Inc. Applicant is represented by Milton W. Flack in this proceeding whose address 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. Following are the names and addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Robert J. Walters, President, Director, and shareholder, Stanley Sawinsky, Vice President, and Beatrice Duncan, Secretary-Treasurer, (same address as applicant). The daily operations will be managed by Robert J. Walters, whose business address is 2000 Santa Cruz St., Anaheim, CA 92806. Applicant is affiliated with the following shipper or warehouse: None.

MC 130692F, filed November 30, 1979. Applicant's name and address are SUDDATH VAN LINES, INC., 525 Stevens Street, Jacksonville, FL 32205. The name under which operations will be performed is Suddath Van Lines, Inc. Applicant is represented by itself in this proceeding whose address is 525 Stevens Street, Jacksonville, FL 32205. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and the first five principal shareholders, with their appropriate titles: Richard H. Suddath, Chief Executive Officer and shareholder; A. Q. Bell, President; Robert F. Bartlett, Secretary; Robert J. Price, Treasurer; Richard E. Oehser, Vice President; Michael C. Richardson, shareholder, James G. Barnett, shareholder, and George Doyle, shareholder. The business address for the above officers and shareholders is 525 Stevens Street, Jacksonville, FL 32205. The daily operations will be managed by A. Q. Bell, whose business address is 525 Stevens Street, Jacksonville, FL 32205. Applicant is affiliated with the following shipper or warehouse: None.

MC 130693F, filed December 5, 1979. Applicant's name and address are: HORSELESS CARRIAGE CARRIERS, INC., 61 Iowa Avenue, Paterson, NJ 07503. The name under which operations will be performed is: Horseless Carriage Carriers, Inc. Applicant is represented by Robert J. Gallagher, Esquire, in this proceeding whose address is 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Frank Malatesta, President-shareholder, and Gwendolyn Malatesta, Secretary-shareholder, whose business address is 61 Iowa Avenue, Paterson, NJ 07503. The daily operations will be managed by Frank Malatesta, whose business address is 61 Iowa Avenue, Paterson, NJ 07503. Applicant is affiliated with the following shipper or warehouse: Frank Malatesta Moving & Storage, 61 Iowa Avenue, Paterson, NJ 07503.

MC 130702F, filed December 3, 1979. Applicant's name and address are John H. Tillotson and Duncan S. Kimball, d.b.a. CENTURY BROKERAGE, 18420 South Santa Fe Avenue, P.O. Box 923, Long Beach, CA 90801. The name under which operations will be performed is Century Brokerage. Applicant is represented by Kim G. Meyer in this proceeding whose address is P.O. Box 56387, Atlanta, GA 30343. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: John H. Tillotson, President-shareholder, 16426 Ladona Circle, Huntington Beach, CA 92649; and

Duncan S. Kimball, Secretary-Treasurer-shareholder, 2205 Agnes Road, Manhattan Beach, CA 90266. The daily operations will be managed by John H. Tillotson and Duncan S. Kimball whose business address is P.O. Box 923, 18420 South Santa Fe Avenue, Long Beach, CA 90801. Applicant is affiliated with the following shipper or warehouse: None.

MC 130714F, filed December 11, 1979. Applicant's name and address are Security Van Lines, Inc., 100 West Airline Hwy, Kenner, LA, 70062. The name under which operations will be performed is Security Van Lines, Inc. Applicant is represented by Donald Goldwasser in this proceeding whose address is P.O. Box 830, Kenner, LA 70063. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Donald Goldwasser, President, Director and shareholder, Charles Wolchansky, Vice-President, Chairman of the Board of Directors, and shareholder, Louise Wolchansky, Secretary, Director, and shareholder, George Baumgartner, Treasurer, Nanette Goldwasser, Director and shareholder, and Audrey Wolchansky, Director and shareholder; the business address of all of the above individuals is the same as the applicant's. The daily operations will be managed by Charles Wolchansky whose business address is the same as the applicant. Applicant is affiliated with the following shipper or warehouse: n/a.

MC 130734F, filed December 14, 1979. Applicant's name and address are DOOR TO DOOR INTERNATIONAL, INC., 7109 Woodlawn Avenue, N.E., Seattle, WA 98115. The name under which operations will be performed is Door to Door International, Inc. Applicant is represented by Alan F. Wohlstetter in whose address is 1700 K Street, N.W., Washington, DC 20006. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles:

C. Byron Schenck, President, Director, and sole shareholder, whose address is 937 17th Avenue East, Seattle, WA 98112, Jerry Jarrett, Vice President, whose address is 1925 37th Place East, Seattle, WA 98112, Charles L. will burn, Vice President and Director, whose address is 16503 Densmore Avenue North, Seattle, WA 98133, and M. Rita Schenck, Director, Secretary, and Treasurer, whose address is 937 17th Avenue East, Seattle, WA 98112. The daily operations will be managed by C. Byron Schenck whose business address is 7109 Woodlawn Avenue, N.E., Seattle, WA 98115. Applicant is affiliated with the following shipper or warehouse: None.

Permanent Property Broker Authority Decisions; Decision-Notice

Decided: January 15, 1980.

The following applications are governed by 49 CFR Part 1045A. Applicants seek to obtain authority to operate as brokers of motor carrier transportation of general commodities (excpet household goods) between all points in the United States. The full text and explanation of the rules are contained at 44 FR 53513.

The sole issue upon which these applications can be protested is the fitness of applicant (or business associates) to perform the service. Protests (an original and one copy) must be filed with the Commission on or before March 5, 1980. The protest must contain the *specific facts* being relied upon to challenge fitness, and must contain a certification that it has been served concurrently upon applicant's representative or, if none is listed, upon the applicant. Applicant may file a reply statement to any protest. The filing of these statements will complete the record, unless it is latter determined that more evidence must be supplied.

Further processing steps will be by Commission notice, decision, or later which will be served on each party of record.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved fitness questions), we find, preliminarily, that each applicant has demonstrated that its proposed service is consistent with the public interest and the transportation policy of 49 U.S.C. 10101, and that each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this action will not significantly affect the quality of the human environment or conservation of energy resources.

In the absence of legally sufficient protests, filed on or before March 6, 1980 (or, if the application to later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parkers, Hill, and Fortier.

MC 130601F, filed August 30, 1979. Applicant's name and address are C. F. AGENCY, INC., P.O. Box 2464, Jackson, TN 38301. The name under which operations will be performed is C. F. Agency, Inc. Applicant is represented by Abraham A. Diamond in this proceeding whose address is 29 South La Salle St., Chicago, IL 60603. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: N. Randy Freeland, President, Director, and shareholder, R. Leon Curtis, Vice President, Secretary, Treasurer, Director, and shareholder, (same address as applicant). The daily operations will be managed by N. Randy Freeland whose business address is P.O. Box 2464, Jackson, TN 38301. Applicant is affiliated with the following shipper or warehouse: None.

MC 130623F, filed October 15, 1979. Applicant's name and address are ERNEST M. SIFRAR, d.b.a. ECONOMY SERVICE, 1224 S. Marian Road, Sioux Falls, SD, 57106. The name under which operations will be performed is Economy Service. Applicant is represented by Ernest M. Sifrar in this proceeding, whose address is 1224 So. Marian Road, Sioux Falls, SD, 57106. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Ernest M. Sifrar (owner), 1224 S. Marian Road Sioux Falls, SD, 57106. There are no officers, shareholders, directors or partners silent or otherwise. The daily operations will be managed by Ernest M. Sifrar whose business address is 1224 South Marian Road, Sioux Falls, SD, 57106. Applicant is affiliated with the following shipper or warehouse: None.

MC 130626F, filed November 22, 1979. Applicant's name and address are GRAY MOVING & STORAGE, INC., 1290 South Pearl St., Denver, CO 80210.

The name under which operations will be performed is STETSCO (Stewart Transportation Service Company). Applicant is represented by Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW, Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: David R. Gray, President & Director/Shareholder, Vayann D. Gray, Vice-President & Director/Shareholder, Eleanor, G. Newman, Secretary & Director, and David R. Gray, II, Vice-President/ Treasurer & Director/Shareholder, all have the same address as applicant. The daily operations will be managed by David R. Gray, II, whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130627F, filed November 15, 1979. Applicant's name and address are PAUL L. BROUSSARD, Suite 401, Union Station Building, 501 Crawford St., Houston, TX 77002. The name under which operations will be performed is Paul L. Broussard and Associates. Applicant is represented by is Paul L. Broussard in this proceeding whose address is the same as applicant. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Paul L. Broussard, sole owner. The daily operations will be managed by Paul L. Broussard whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: Leopold Price & Rolle, Gardner Restaurant Supply and Battelstein's.

MC 130630F, filed October 18, 1979. Applicant's name and address are LINCOLN MOVING & STORAGE CO., 2122 112th N.E., Bellevue, WA 98004. The name under which operations will be performed is Lincoln Moving & Storage Co. Applicant is represented by Henry C. Winters in this proceeding, whose address is 525 Evergreen Building, Renton, WA 98055. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Remo S. Galvagno, President and Director, (same address as applicant), Robert D. Young, Secretary and Director, 55 Battery Street, Seattle, WA 98121, Kenneth W. Kadish, Controller and Director (same address as applicant), and The Loomis Corporation, 55 Battery Street, WA 98121, sole stockholder. The daily operations will be managed by Earl Brown whose business address is 2122 112th N.E., Bellevue, WA 98004. Applicant is affiliated with the following shipper or warehouse: None.

MC 130636F, filed November 23, 1979. Applicant's name and address are RTL HOLDINGS, INC., 2050 Kings Road, Jacksonville, FL 32209. The name under which operations will be performed is RTL HOLDINGS, INC. Applicant is represented by Roland Rice whose address is 501 Perpetual Building, 1111 E St., NW, Washington, DC 20004. Following are the names and business addresses of all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: E. N. Hoekenga, Chairman of the Board-Director, T. L. Mainwaring, President-Director, W. H. Ovard, Senior Vice President and Asst. Secretary, and S. E. Somers, Jr., Vice President, all of P.O. Box 2408, Jacksonville, FL 32203, and W. H. Walker, Secretary, J. R. Wilson, Treasurer, H. Beatty Chadwick, Asst. Secretary-Director, A. J. Clougherty, Asst. Treasurer, J. J. Terry, Director and J. G. Christy, Director, all of 1500 Walnut St., Philadelphia, PA 19102, the sole stockholder is RYDER TRUCK LINES, INC., whose address is the same as applicant. The daily operations will be managed by M. E. Krause whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: Wnijax, Inc., Bigger Brothers, IU Distribution Services, and C. Brewer Co.

MC 130641F, filed November 7, 1979. Applicant's name and address are A. ARNOLD & SON TRANSFER & STORAGE CO., 2600 West Broadway, Louisville, KY 40211. The name under which operations will be performed is U.S. TRAFFIC COORDINATORS, INC. Applicant is represented by Robert J. Gallagher in this proceeding whose address is Suite 1200, 1000 Connecticut Ave., N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officer and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Carl H. Arnold, President and shareholder, 3311 Broeck Point Circle, Louisville, KY 40222, Charles W. Arnold, Vice-President and shareholder, (same address as applicant), Charles W. Arnold, Jr., Secretary, Treasurer, and shareholder, 11007 Harbour Place, Louisville, KY 40059. The daily operations will be managed by Rudy Miller whose business address is P.O. Box 11009, Louisville, KY 40211. Applicant is affiliated with the following shipper or warehouse: None.

MC 130651F, filed November 2, 1979. Applicant's name and address are RAY L. DEAN, 2514 N.E. 83rd, Seattle, WA 98115. The name under which operations will be performed is A & D TRANSCO. Applicant is represented by himself in this proceeding whose address is as shown above. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Ray L. Dean, sole owner. The daily operations will be managed by Ray L. Dean, (same address as applicant). Applicant is affiliated with the following shipper or warehouse: None.

MC 130660F, filed November 6, 1979. Applicant's name and address are KAY FERRENBURG AND JACK FRICKEY, d.b.a. F & F CLEARING, 243 N.E. Second Ave., Ontario, OR 97914. The name under which operations will be performed is F & F CLEARING. Applicant is represented by David E. Wishney in this proceeding, whose address is P.O. Box 837, Boise, ID 83701. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Kay Ferrenburg, partner, Jack Frickey, partner, (same address as applicant). The daily operations will be managed by Kay Ferrenburg and Jack Frickey, (same address as applicant). Applicant is affiliated with the following shipper or warehouse: None.

MC 130661F, filed November 13, 1979. Applicant's name and address are ARTHUR J. FRITZ & CO., 142 Sansome St., Suite 600, San Francisco, CA 94104. The name under which operations will be performed is ARTHUR J. FRITZ & CO. Applicant is represented by himself in this proceeding whose address is the same as shown above. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Arthur J. Fritz, Sr., Chairman of the Board, 244 Jackson St., San Francisco, CA 94111, Arthur J. Fritz, Jr., President, Lynn C. Fritz, Executive Vice President, Sandra F. Davis, Treasurer, Olive Reynolds, Secretary, (same

address as applicant). The daily operations will be managed by Lou Smith whose business address is 1620 S. Wilmington Ave., Compton, CA 90220. Applicant is affiliated with the following shipper or warehouse: None.

MC 130666F, filed November 27, 1979. Applicant's name and address are EDWARD W. FALES, 246 Manning St., Needham, MA 02192. The name under which operations will be performed is F & M ASSOCIATES. Applicant is represented by Edward W. Fales in this proceeding whose address is the same as applicant. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Edward W. Fales, sole owner, same address as applicant. The daily operations will be mananged by Edward W. Fales whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130677F, filed November 20, 1979. Applicant's name and address are UNITED EBONY TRANSPORT, INC., 57 Hathaway St., Wallington, NJ 07057. The name under which operations will be performed is UNITED EBONY TRANSPORT, INC. Applicant is represented by Ronald I. Shapss, in this proceeding whose address is 450 7th Ave., New York, NY 10001. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: William Walker, President, and Anthony Triolo, Secy/Treas, same address as applicant. The daily operations will be mananged by both parties named above, whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130680F, filed October 22, 1979. Applicant's name and address are Laurel D. Relf and Stephen J. Greene, a partnership, doing business as L & S TRUCKING SERVICES, Suite #3, 240 Chester St., St. Paul, MN 55107. The name under which operations will be performed is L & S TRUCKING SERVICES. Applicant is represented by Richard A. Westley in this proceeding whose address is 4506 Regent Street, Suite 100, Madison, WI 53705. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Laurel D. Relf, partner, Stephen J. Greene, partner, (same address as applicant). The daily operations will be mananged by Laurel D. Relf and Stephen J. Greene, (same address as applicant). Applicant is affiliated with the following shipper or warehouse: None.

MC 130681F, filed November 15, 1979. Applicant's name and address are TRANSPORTATION RESEARCH AND MARKETING, INC., 40 Mary Street, Reno, NV 89501. The name under which operations will be performed is TRANSPORTATION RESEARCH AND MARKETING. Applicant is represented by Mark J. Andrews in this proceeding whose address is 1660 L Street, N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Forrest S. Baker, Jr., President, Director, and shareholder, 248 South Main, Suite 317, Salt Lake City, UT 84101, Carol F. Baker, Vice President, Secretary, Treasurer, Director and shareholder, 248 South Main, Suite 317, Salt Lake City, UT 84101, Stanford Owen, Director, 2415 Maywood Circle, Salt Lake City, UT 84107. The daily operations will be mananged by Forrest S. Baker, Jr. whose business address is 248 S. Main, Suite 317, Salt Lake City, UT 84101. Applicant is affiliated with the following shipper or warehouse: None.

MC 130684F, filed November 26, 1979. Applicant's name and address are MULLEN BROTHERS, INC. OF NORTH ADAMS MASSACHUSETTS, 71 Grove St., Adams, MA 01220. The name under which operations will be performed is MULLEN BROTHERS, INC. OF NORTH ADAMS MASSACHUSETTS. Applicant is represented by Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW, Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Martin J. Mullen, President/shareholder, and Geraldine M. Mullen, shareholder. Both of the shareholders have the same address as the applicant. The daily operations will be mananged by the president, whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: MULLEN BROTHERS, INC.

MC 130686F, filed November 26, 1979. Applicant's name and address are KENNETH J. GREEN, 10 Allen Place, Fair Lawn, NJ 0740.. The name under which operations will be performed is KENNETH J. GREEN. Applicant is represented by Kenneth J. Green in this proceeding whose address is the same as applicant. Following are the names and business addresses for all persons who are officers and directors, partners, (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Kenneth J. Green, same address as applicant, sole owner. The daily operations will be managed by Kenneth J. Green whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130687F, filed November 28, 1979. Applicant's name and address are DIVERSIFIED FREIGHT SYSTEMS, INC., 4987 North University Dr., Suite 14–B, Lauderhill, FL 33321. The name under which operations will be performed is DIVERSIFIED FREIGHT SYSTEMS, INC. Applicant is represented by R. M. Tettelbaum in this proceeding whose address is 5th Floor, Lenox Towers South, 3390 Peachtree Road, NE, Atlanta, GA 30326. Following are the names and business addresses for all persons who are officers and directors, partners, (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Marty Sacks, President, Secretary/Treasurer, and sole Director and Stockholder, and Steven Stone, Vice-President, both have the same address as applicant. The daily operations will be managed by Marty Sacks whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: Reliable Freight Distribution & Warehousing, Inc.

MC 130690F, filed November 19, 1979. Applicant's name and address are REMY MOVING & STORAGE CORPORATION, Old Post Road, Walpole. MA 02081. The name under which operations will be performed is REMY MOVING & STORAGE CORPORATION. Applicant is represented by Robert J. Gallagher in this proceeding whose address is 1000 Connecticut Ave., N.W., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners, (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Nancy M. Condon, President and shareholder, George F. Condon, Treaurer and shareholder, (same address as applicant). The daily operations will be managed by George F. Condon whose business address is the same as

applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130691F, filed December 3, 1979. Applicant's name and address are STARCK VAN LINES, INC., R. D. No. 1, Burgettstown, PA 15021. The name under which operations will be performed is STARCK VAN LINES, INC. Applicant is represented by Alan F. Wohlstetter in this proceeding whose address is 1700 K St., N. W., Washington, DC 20006. Following are the names and business addresses for all persons who are officers and directors, partners, (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Robert J. Starck, President, Director and shareholder, 115 Crest St., Weirton, WV 26062, James J. Starck, Vice President, Director and shareholder, 8950 Park Boulevard, Apt. 407, Seminole, FL 33542, Marguerite J. Starck, Secretary, Treasurer and Director, 9002 St. Andrews Dr., Seminole, FL 33543, Richard E. Starck, Asst. Secretary, Treasurer, Director and shareholder, 4022 Palisades DR., Weirton, WV 26062, Geraldine I. Starck, Shareholder, 9301 Northgate Dr., Pittsburgh, PA 15101, Edward J. Starck, shareholder, 9002 St. Andrews Dr., Seminole, FL 33543. The daily operations will be managed by Robert J. Starck whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130695F, filed December 3, 1979. Applicant's name and address are NATIONWIDE MOTOR CARRIERS BROKERS, INC., P.O. Box 1104, Mountainside, NJ 07092. The name under which operations will be performed is Nationwide Motor Carriers Brokers, Inc. Applicant is represented by John L. Alfano and Roy A. Jacobs, Esqs. in this proceeding whose address is 550 Mamaroneck Avenue, Harrison, NY 10528. Following are the names and business addresses for all persons who are officers and directors, partners, and first five principal shareholders, with their appropriate titles: Frederick Steigmann, President, Director and Shareholder, P.O. Box 1104, Mountainside, NJ 07092. The daily operations will be managed by Frederick Steigmann whose business address is 1126 Ridge Drive, Mountainside, NJ 07092. Applicant is affiliated with the following shipper or warehouse: None.

MC 130696F, filed December 4, 1979. Applicant's name and address are BARRY BLACK, 3 Halsey Rd, Wayne, NJ 07470. The name under which operations will be performed is BARRY BLACK. Applicant is represented by Ronald I. Shapss in this proceeding whose address is 450 7th Ave., New York, NY 10001. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Barry Black, sole owner, whose address is the same as applicant. The daily operations will be managed by Barry Black whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130700F, filed December 5, 1979. Applicant's name and address are INTER-MARITIME FORWARDING CO., INC., 1 World Trade Center, Suite 2147, New York, NY 10048. The name under which operations will be performed is INTER-MARITIME FORWARDING CO., INC. Applicant is represented by Barnett Osofsky in this proceeding whose address is the same as applicant. Following are the names and business addresses for all persons who are officer and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Charles H. Dalldorf, President, and shareholder, Martin G. Mann, Vice President, and shareholder, Robert B. Mann, Secretary, and shareholder, (same address as applicant). The daily operations will be managed by Barnett Osofsky whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130701F, filed December 5, 1979. Applicant's name and address are STARCK VAN LINES OF COLUMBUS, INC., 3747 Groveport Rd., Columbus, OH 43207. The name under which operations will be performed is STARCK VAN LINES OF COLUMBUS, INC. Applicant is represented by Alan F. Wohlstetter in this proceeding whose address is 1700 K St., N.W., Washington, DC 20006. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Clarence S. Bowser, President, Director, and shareholder, 154 Woodside Dr., S.W., Pataskala, OH 43062, James J. Starck, Vice President, and shareholder, 8950 Park Blvd., Apt. 407, Seminole, FL 33542, Robert J. Starck, Treasurer, Director, and shareholder, 116 Crest St., Weirton, WV 26062, Richard E. Starck, Secretary and shareholder, 4022 Palisades Dr., Weirton, WV 26062. The daily operations will be managed by Clarence S. Bowser whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130712F, filed December 11, 1979. Applicant's name and address are CALIFORNIA CARTAGE COMPANY, INC., at 20021 Susana Road, Compton, CA 90221. The name under which operations will be performed is CALIFORNIA CARTAGE COMPANY, INC. Applicant is represented by R. Y. Schureman in this proceeding whose address is 1545 Wilshire Boulevard, Los Angeles, CA 90017. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles, C. N. Baily, President/Director; Robert A. Curry, Executive Vice President/Director; J. Robert Mackey, Vice President, Secretary/Director; Charles J. Chodzko, Vice President/Director; Leo Boster, Vice President; Jack Crawford, Controller/Director, and William Whittingham, Assistant Vice President/Director, James J. Gill, Director. The business address of the above is 20021 Susana Road, Compton, CA 90221. Phil H. Curry, Director, 5143 Sunset Boulevard, Los Angeles, CA 90027, and Patricia A. Thompson, Director, 37167 Esplanade, Hemet, CA 92343. The first five principal shareholders are Neil J. Curry Trust c/o Trust Department, Crocker National Bank, P.O. Box 54410, Terminal Annex, Los Angeles, CA 90054; J. F. Tichenor, 20031 Mildred Avenue, Torrance, CA 90503; Robert A. Curry and C. N. Bailey, 20021 Susana Road, Compton, CA 90221, and Patricia A. Thompson, 37167 Esplanade, Hemet, CA 92343.

MC 130712F. The daily operations of applicant will be managed by C. N. Bailey, President, and J. Robert Mackey, Vice President, whose business address is 20021 Susana Road, Compton, CA 90221. Applicant is not affiliated with any shipper. Applicant operates public warehouses at 2401 East Pacific Coast Highway, Wilmington, CA 90744; and 2902 East Val Verde Court, Compton, CA 90221.

MC 130713F, filed December 10, 1979. Applicant's name and address are M. E. DEY & CO., INC., 759 North Milwaukee Street, Milwaukee, WI 53202. The name under which operations will be performed is M. E. Dey & Co., Inc. Applicant is represented by M. E. Dey & Co., Inc., in the proceeding whose address is 759 N. Milwaukee St., Milwaukee, WI 53202. Following are the

names and business addresses for all persons who are officers and directors, and first five principal shareholders, with their appropriate titles: Roland E. Gardenier, Chairman, Director, Shareholder, Richard W. Gardenier, President, Director, Shareholder, Allen G. Lemke, Vice President, Vincent L. Testroet, Vice President, Karen M. Gardenier, Secretary, Maybelle M. Gardenier, Treasurer, Director, Shareholder. The business address for the above is 759 N. Milwaukee St., Milwaukee, WI 53202. The daily operations will be managed by Allen G. Lemke, whose business address is 759 N. Milwaukee St., Milwaukee, WI 53202. Applicant is affiliated with the following shipper or warehouse: None.

MC 130716F, filed December 12, 1979. Applicant's name and address are EXPRESS FORWARDING AND STORAGE CO., INC., 19 Rector St., New York, NY 10006. The name under which operations will be performed is Express Forwarding and Storage Co., Inc. Applicant is represented by Alan F. Wohlstetter in this proceeding whose address is 1700 K St. NW., Washington, DC 20006. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Leonard Tarloff, President, Director/Stockholder, Lawrence Barrett, Vice-President, Director/Stockholder, Melvin Sonner, Secretary, Director/Stockholder, and Murray Kadin, Treasurer, Director/Stockholder, all have the same address as applicant. The daily operations will be managed by Leonard Tarloff whose business address is the same as applicant. Applicant is affiliated with the following shipper or warehouse: None.

MC 130717F, filed December 11, 1979. Applicant's name and address are WARES' VAN AND STORAGE CO., INC., 1344 N.W. Boulevard, Vineland, NJ 08360. The name under which operations will be performed is Wares' Van and Storage Co., Inc. Applicant is represented by Robert J. Gallagher in this proceeding whose address is Suite 1200, 1000 Connecticut Ave. NW., Washington, DC 20036. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Maurice Greenblatt, President, Director/Stockholder, Luigi Tramontana, Vice-President, and Director, Stanton Greenblatt, Secretary-Treasurer/Shareholder, Joan Greenblatt, Director, and Adele Greenblatt, Director, all have the same address as applicant. The daily operations will be managed by David Greenblatt whose business address is 9138 Euclid Ct., Manassas, VA 22110. Applicant is affiliated with the following shipper or warehouse: None.

MC 130723F, filed December 11, 1979. Applicant's name and address are CARTWRIGHT INTERNATIONAL VAN LINES, INC., at 11901 Cartwright Avenue, Grandview, MO 64030. The name under which operations will be performed is CARTWRIGHT INTERNATIONAL VAN LINES, INC., Applicant is represented by William F. Gremmels in this proceeding whose address is 11901 Cartwright Avenue, Grandview, MO 64030. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Jessie M. Cartwright, Chairman and stockholder; Mike Cartwright, President and stockholder; William F. Gremmels, Executive Vice President and stockholder; Jack Spencer, Vice President and stockholder; Tom Cartwright, Secretary and stockholder; and Guy Bolen, Treasurer and stockholder. The business address of the above is 11901 Cartwright Avenue, Grandview, MO 64030. The daily operations will be managed by William F. Gremmels, whose business address is 11901 Cartwright Avenue, Grandview, MO 64030. Applicant is affiliated with the following shipper or warehouse: None.

MC 130733F, filed December 14, 1979. Applicant's name and address are ALL COAST TRANSPORT, INC., 3050 Teagarden Street, San Leandro, CA 94577. The name under which operations will be performed is ALL COAST TRANSPORT, INC. Applicant is represented by Martin J. Rosen, Esq. in this proceeding whose address is 256 Montgomery Street, San Francisco, CA 94104. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Applicant is a wholly-owned subsidiary of A & W Investments, Inc., of 10 Exchange Place, Salt Lake City, UT 84111, sole stockholder; S. Whitfield Lee, President and Director, and B. D. Pinkham, Asst. Secretary and Director, whose business address is Ten Exchange Place, Salt Lake City, UT 84111, and M. Stanley Lee, Sec./Treasurer and Director, whose business address is 2840 Liberty Tower, Oklahoma City, OK. The daily operations will be managed by Paul Scott Triglia whose business address is 3050 Teagarden Street, San Leandro, CA 94577. Applicant is affiliated with the following shipper or warehouse: None.

MC 130742F, filed December 18, 1979. Applicant's name and address are DATA TRANSPORTATION CO., INC., 2015 Bandini Boulevard, Los Angeles, CA 90023. The name under which operations will be performed is DATA TRANSPORTATION CO., INC. Applicant is represented by Ernest E. Gallego, 777 Flower Street, Glendale, CA 91201. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: (Applicant is a wholly owned subsidiary of the Bekins Company, A California Corporation—stockholder) Milo W. Bekins, Jr., Director, John D. Gill, Director, Albert L. Labinger, Director, Roger Lee, Director, and Lee Waters, Director; Lee Waters President, John D. Gill and William F. Kruse, Vice Presidents, Roger Lee, Vice-President-Finance, Ronald L. Hartman, Legal Vice-President, and Secretary; Alfred Dusebout, Ernest E. Galleo, and Donald H. Wolff, Asst. Secretaries, and Phillip S. Scott, Treasurer. The business address of the above is 3015 Bandini Boulevard, Los Angeles, CA 90023. The daily operations will be managed by John D. Gill, Vice President, whose business address is 3015 Bandini Boulevard, Los Angeles, CA 90023. Applicant is affiliated with the following shipper or warehouse: None.

MC 130743F, filed December 17, 1979. Applicant's name and address are HUDSON SHIPPING CO., INC., 90 West St., New York, NY 10006. The name under which operations will be performed is HUDSON SHIPPING CO., INC. Applicant is represented by Saul Federman in this proceeding whose address is 90 West St., New York, NY 10006. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Otto P. Poll, President-Director, Saul Federman, Vice-President and Secretary (Director), A. Hartrodt (GMBH & Co.), Hamburg, Anke H. Schmidt, Vice-President (Director), and Dominick Maccone, Asst. Vice-President (Director), whose business address is 90 West Street, New York, NY 10006. The daily operations will be managed by Saul Federman whose business address is 90 West St.,

New York, NY 10006. Applicant is affiliated with the following shipper or warehouse: None.

Finance Applications

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before March 6, 1980. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F–14019 filed May 8, 1979. Applicant: PACIFIC GAMBLE ROBINSON CO., 4103 Second Avenue South, Seattle, Washington 98124. Legal Representative: Richard J. Howard, 3201 The Bank of California Center, Seattle, Washington 98165. Authority sought to acquire control of a *Contract Motor Carrier* through ownership of stock. The applicant holds no authority itself but controls Inland Transportation Co., Inc. a wholly-owned subsidiary, which is a common carrier specializing in the transportation of bulk commodities in the states of WA, OR, ID and MT and the Province of British Columbia, Canada. This Application is to gain authority to control Gampac Express, Inc., another wholly-owned subsidiary of applicant, for which application has been submitted and is pending to operate as a *Contract Carrier* by Motor Vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles distributed by meat packing houses* from the plant site and storage facilities utilized by Pierce Packing Co. in Billings, Montana, to points and places in the States of ID, WA, OR, CA, AZ, TX, LA and MN, under contract with Pierce Packing Co., and (2) *Merchandise as is dealt in by wholesale and retail grocery establishments, including commodities requiring temperature control, in straight and mixed truckloads with commodities otherwise exempt under Section 203(6) of the Interstate Commerce Act*, between points and places in the States of WA, OR, ID, CA, AZ, CO, UT, MT, NE, SD, ND, MN, IA, KS, WI, MI, IL, IN, OH, WY and TX under contracts with Pacific Gamble Robinson Co. and Tradewell Stores, Inc.

MC–F–14095F, filed July 20, 1979. Transferee: S & W FREIGHT LINES, INC., 1136 Haley Road, Murfreesboro, TN 37130. Transferor: CANNON COUNTY EXPRESS, INC., 1320 Elm Hill Pike, Nashville, TN 37210. Applicant's Representative: A. O. Buck, 618 United American Bank Bldg., Nashville, TN 37219. Authority sought for purchase by S & W Freight Lines, Inc. of all the operating rights of Cannon County Express, Inc., and for control of such rights by R. D. Easley and C. Barry Smotherman, 1136 Haley Road, Murfreesboro, TN 37130. Operating rights sought to be transferred are contained in Certificate of Registration No. MC–121813, authorizing the transportation of general commodities over regular routes between Nashville, TN and Woodbuty, TN, serving all points in Cannon County, TN as off-route points. Vendee is authorized to operate as a common carrier in the State of Tennessee. Application has been filed for temporary authority under Section 210a(b) and a conversion application has been filed under Section 207.

MC–F–14135F, filed August 17, 1979. Transferee: OVER-NIGHT MOTOR SERVICE, INC., 3600 West State Street, Rockford, IL 61101. Transferor: BEST-WAY MOTOR EXPRESS, INC., 3608 West State Street, Rockford, IL 61101. Representative: Henry M. Wick, Jr., Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought for the purchase of the operating rights set forth in MC–4575. Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Beloit, Wis, to points in Illinois within 25 miles of Beloit, with no transportation for compensation on return except as otherwise authorized. From Freeport, Rockford, and South Beloit, Ill., to Beloit, Wis., with no transportation for compensation on return except as otherwise authorized. Household goods as defined by the Commission, between Beloit, Wis., on the one hand, and, on the other, points in Illinois within 25 miles of Beloit. Transferee presently holds authority from the Commission at MC–109611. Application has not been filed for temporary authority.

Operating Rights Application(s) Directly Related to Finance Proceedings

Notice

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission on or before March 6, 1980. Such protests shall conform with Special Rule 247(e) of the Commission's *general rules of practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *general rules of practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission on or before March 6, 1980. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to

intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 149080, filed: October 30, 1979. Applicant: GLOVER TRUCKING CORP., P.O. box 7206, Holland Station, Suffolk, VA 23437. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber,* from Norfolk and Suffolk, VA to points in DC, DE, MD, NJ, PA, VA, WV, and points in the New York, NY Commercial Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized [eliminating gateways at Ahoskie, NC and points in NC within 55 miles of Ahoskie]; (2) *Lumber* (except veneer, plywood and other laminated wood), from Norfolk and Suffolk, VA to points in CT and OH, with no transportation for compensation on return except as otherwise authorized [eliminating gateways at Ahoskie, NC and points in NC within 55 miles of Ahoskie]; (3) *Lumber* (except plywood and veneer), (a) from New York, NY, Jersey City, NJ, and Baltimore, MD to Suffolk, VA and Ahoskie, NC and points in NC within 55 miles of Ahoskie [eliminating gateways at Edenton, NC and Norfolk, VA], (b) from Snell, Laurel, Richmond, Cologne, DeWitt, Pendleton, and Bukner, VA to Norfolk and Suffolk, VA [eliminating the gateway at Edenton, NC]; (4) *Damaged Shipments of Lumber,* from points in WV to Norfolk and Suffolk, VA [eliminating gateways at Ahoskie, NC and points in NC within 55 miles of Ahoskie]; (5) *Damaged Shipments of Lumber* (except plywood and veneer), from Norfolk and Suffolk, VA to Snell, Laurel, Richmond, Cologne, DeWitt, Pendleton, and Bukner, VA [eliminating the gateway at Edenton, NC]; (6) *Wooden Boxes, Box Shooks,* and *Wooden Pallets,* from Norfolk and Suffolk, VA to points in CT, DC, DE, GA, MD, NJ, NY, OH, PA, SC, TN, VA, and WV [eliminating gateways at points in Chowan and Hertford Counties, NC]; (7) *Damaged, Refused* and *Returned Shipments* of wooden boxes, box shooks, and wooden pallets, from points in CT, DC, DE, MD, NJ, NY, OH, PA, VA, and WV to Norfolk and Suffolk, VA [eliminating gateways at points in Chowan and Hertford Counties, NC]; (8) *Fiberglass Swimming Pools,* from Norfolk and Suffolk, VA to points in AL, CT, DC, DE, FL, GA, IL, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, and WV [eliminating gateway at Edenton, NC]; (9) *Damaged Shipments of Fiberglass Swimming Pools,* from points, AL, CT, DC, DE, FL, GA, IL, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, and WV to Norfolk and Suffolk, VA [eliminating the gateway at Edenton, NC]; (10) *Pickle Products,* from Norfolk and Suffolk, VA to points in NY, NJ, CT, VA (except Richmond, Fredericksburg and that portion of the commercial zone of Washington, DC, as defined by the Commission, lying in VA), MD (except Baltimore, MD and its commercial zone, as defined by the Commission, and that portion of the commercial zone of Washington, DC, as defined by the Commission, lying in MD), and PA (except Philadelphia, PA and its commercial zone, as defined by the Commission), with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (11) *Glass Jars* and *Jar Caps,* from points in MD, NJ, NY, and PA to Norfolk and Suffolk, VA, with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (12) *Cans,* from points in MD to Norfolk and Suffolk, VA, with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (13) *Barrels and Spices,* from points in NY to Norfolk and Suffolk, VA, with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (14) *Sugar,* in containers, from points in MD, NY, and PA to Norfolk and Suffolk, VA, with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (15) *Pickles,* from Norfolk and Suffolk, VA to points in MA, ME, NH, RI, and VT, with no transportation for compensation on return except as otherwise authorized [eliminating the gateway at Ahoskie, NC]; (16) *Wooden Fencing and Fencing Materials,* from Norfolk and Suffolk, VA to points in CT, DE, FL, GA, MA, MD, NJ, NY, OH, PA, SC, VA, and WV [eliminating gateways at those points in Halifax County, NC which are within 55 miles of Ahoskie, NC]. This gateway elimination application is directly related to the simultaneously filed application seeking authority for Glover Trucking Corp. to purchase the operating authority of Lane Truck Lines, Inc., docketed MC-F-14205F, published in the November 27, 1979, issue of the **Federal Register.**

Motor Carrier Alternate Route Deviations; Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)). Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 6, 1980. Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 80430 (Deviation No. 25), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601, filed December 27, 1979. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Cincinnati, OH over Interstate Hwy 75 to junction US Hwy 129, then over US Hwy 129 to junction US Hwy 411, then over US Hwy 411 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, OH over US Hwy 50 to Seymour, IN, then over Alternate US Hwy 31 to junction US Hwy 31, then over US Hwy 31 to junction US Hwy 31E, then over US Hwy 31E to junction US Hwy 31W, then over US Hwy 31W to Nashville, TN, then over Interstate Hwy 24 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, GA.

MC 144678 (Deviation No. 1), AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210, filed December 17, 1979. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From St. Louis, MO over Interstate Hwy 70 to junction US Hwy 63, then over US Hwy 63 to junction Iowa Hwy 163, then over Iowa Hwy 163 to junction Iowa Hwy 117, then over Iowa Hwy 117 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Des Moines, IA and return over the same route for operating

convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From St. Louis, MO over Missouri Hwy 100 to junction US Hwy 50, then over US Hwy 50 to Kansas City, Mo, then over Interstate Hwy 35 to Des Moines, IA.

Motor Carrier Intrastate Application(s); Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, purusant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 79–350–MF/E, filed August 6, 1979. Applicant: JOHN W. HOOGLAND AND JOANNE C. HOOGLAND d.b.a. CITY EXPRESS, Box 305, Seward, AK 99664. Representative: John M. Stern, Jr., P.O. Box 1672, Anchorage, AK 99510. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities (except Classes A & B explosives, commodities of unusual value and household goods) in regular route, schedule service: From Seward to Anchorage via Alaska State Hwy 1 to Anchorage and return over the same route serving all intermediate points in both directions and all off-route points within ten (10) miles of either side of the road. NOTE: Purpose of the application is to remove a restriction to shipments not exceeding 20,000 pounds each and to request authority to transport commodities in bulk and commodities which, because of unusual size, weight or shape require the use of special equipment.Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Alaska Transportation Commission, 1000 Mackay Building, 338 Denali Street, Anchorage, AK, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. T–4796, filed December 4, 1979. Applicant: JAMES B. FORDYCE, 314 Brassey St., Lewistown, MT 59457. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities as a Class A carrier, between Lewistown, MT, and Coffee Creek, MT, serving the intermediate point of Denton, MT. Applicant desires to be able to transport shipments of this commodity having an immediate prior interstate haul by truck or rail between these same points. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should addressed to Montana Public Service Commission, Asst. Administrator Transportation Division, 1227 11th Avenue Helena MT 59601, and should not be directed to the Interstate Commerce Commission.

Irregular-Route Motor Common Carriers of Property-Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules. An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 15, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation. Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number. The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 22254 (Sub-E2) (correction), filed May 14, 1974, published in the **Federal Register** August 29, 1979, republished November 27, 1979. Applicant: TRANS-AMERICAN VAN SERVICE, INC., P.O. Box 12608, Ft. Worth, TX 76116. Representative: Danny M. Moon (same as above). *Pianos*, uncrated: Part (A): WT should read WI. Part (C): AR Hwy 67 should read US Hwy 67, Part (C): MT Hwy 23 should read MT Hwy 233. Part (C): IN should read ID. The remainder of the letter-notice stands as previously published.

MC 114019 (Sub-E455) (correction) filed December 20, 1976, previously published February 2, 1978. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Representative: Arthur J. Sibik (same as above). (1) *Such merchandise* as is dealt in by chain grocery stores, and *supplies, materials, and equipment* used in the conduct of such business, between points in WI on, north and east of a line beginning at the IL-WI State line extending along WI Hwy 104 to junction US Hwy 12, then along US Hwy 12 to junction I Hwy 94, then along I Hwy 94 to the WI-MN State line, on the one hand, and, on the other, St. Louis, MO, and Carbondale, IL. (2) *Such-merchandise* as is dealt in by wholesale food business houses, and *equipment, materials,* and *supplies* used in conduct of such business, from points in WI, to St. Joseph, Benton Harbor, Niles Buchanan, Sturgis, and Three Rivers, MI. (3) *Such-merchandise* as is dealt in by wholesale or retail food business houses, and *equipment, materials, and supplies* used in the conduct of such business, from points in IA, to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, MI. (Gateway eliminated: Chicago and Lansing, MI). Purpose of correction—reflect parts 2 and 3.

MC 114019 (Sub-E479) (correction) filed December 20, 1976, published in the **Federal Register** March 14, 1979. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Representative: Arthur J. Sibik (same as above). In all 3 parts, all reference to LA should be changed to Louisiana County, MO.

MC 114019 (Sub-E480) (correction) filed May 16, 1974, last republication August 29, 1979. Applicant: MIDWEST EMERY FREIGHT SYSTEMS, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Representative: Arthur J. Sibik (same as above). Part (1) correct as published. Part (2) IA territory should read; points in IA on, north and west of a line beginning at the Mississippi River extending along US Hwy 18 to junction US Hwy 69, then along US Hwy 69 to junction US Hwy 20, then along US Hwy 20 to junction US Hwy 71, then along US Hwy 71 to junction IA Hwy 175, then along IA Hwy 175 to the Missouri River. Part (3) correct as published. (Gateway elminated: Milwaukee, WI, and Waukegan, IL). Purpose of republication—clarify part 2.

MC 124174 [Sub-E86] filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Glue stock* (except in bulk, in tank vehicles), *hides* and *tannery products and by-products* (except liquids in bulk), between Houston and San Antonio, TX, on the one hand, and on the other, points in MA. (Gateways eliminated: points in VA, WV, KY.)

Transportation of "Waste" Products for Reuse or Recycling; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in *"Waste" Products*, Ex Parte No. MC–85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States. An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before February 25, 1980. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation. If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

P–16–79 (special certificate—waste products), filed December 21, 1979. Applicant: OIL SERVICE COMPANY, INC., Route 3, Petty Lane, Columbia, TN 38401. Representative: Edward C. Blank II, P.O. Box 1004, 805 South Garden St., Columbia, TN 38401. Sponsors: Alton Boxboard Company of Alton, IL; Klor Kleen, Inc. of Cincinnati, OH; Wiseman Oil Company, Inc., of Pittsburgh, PA; Clark Oil Company, Division of Pitt Oil, Inc. of Dayton, OH; George W. Whitesides Company, of Louisville, KY; Estech Oil Company, of Flint, MI; and Seaboard Industries, Inc. of Doraville, GA. Commodities: Waste Products.

P–17–79 (special certificate—waste products), filed December 17, 1979. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, 810 25th Ave. N., Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (address same as applicant). Sponsors: Golper Supply Co., Inc. of Appleton, WI; and Lehigh Waste Materials Co. of Philadelphia, PA. Commodities: Waste Products.

P–1–80 (special certificate—waste products), filed January 3, 1980. Applicant: MANUFACTURERS EXPRESS, INC., 294 Kimberly Ave., New Haven, CT 06516. Representative: Gerald A. Joseloff, 80 State St., Hartford, CT 06103. Sponsor: Dichello Distributors, Inc. of West Haven, Ct. Commodities: Waste Products.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–3691 Filed 2–4–80; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29156]

McHugh Bros. Heavy Hauling, Inc.—Control—New Hope & Ivyland Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: McHugh Brothers Heavy Hauling, Inc. (McHugh) intends to purchase the capital stock of the New Hope and Ivyland Railroad Company (New Hope). Under 49 U.S.C. 10505 (b) the Commission has decided to initiate on its own motion the process of determining whether to exempt McHugh from the requirement that prior Commission review of the transaction is necessary before it may purchase the capital stock of New Hope.

DATE: Comments must be received on or before March 6, 1980.

ADDRESS: Send comments to Interstate Commerce Commission, 12th St. and Constitution Ave., N.W., Washington, D.C. 20423. All written statements will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: The Commission, on its own motion under 49 U.S.C. 10505 (b) has decided to initiate proceedings regarding the possibility of exempting the transaction whereby McHugh seeks to control New Hope through acquisition of capital stock.

The Parties

Although McHugh is not now a common carrier regulated under the Interstate Commerce Act, it is affiliated with Bucks County Construction Company, a motor common carrier holding operating authority in Certificate No. MC–126034 and sub numbered proceedings. This certificate authorizes operations as a motor common carrier over irregular routes from, to, and between points and places in the States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, West Virginia, Maryland and the District of Columbia. Because of the relationship between McHugh and Bucks County Construction Company, in effect an existing common carrier is seeking to acquire another common carrier, the Commission has jurisdiction over the matter pursuant to 49 U.S.C. 11343. (McHugh is controlled by James C. and Robert McHugh.)

New Hope was reorganized under Section 77 of the Bankruptcy Act. As part of the re-organization, the Bucks County Industrial Development Corporation purchased all of the stock of New Hope and now proposes to sell that stock to McHugh. The track involved extends 16.7 miles generally from New Hope to Ivyland Borough, located entirely in Bucks County, PA.

The Transaction

By decision of the Commission, Division 3, dated March 15, 1977, in Finance Docket No. 27971, McHugh was granted authority to lease and operate New Hope. This transaction was consummated on June 1, 1979.

Under Section 30 of the agreement between McHugh and Bucks County Industrial Development Corporation, McHugh has an option to purchase the New Hope capital stock, and has elected to do so. McHugh is not seeking to change the status quo regarding the shipping public but wishes to change the type of control that it exercise over New Hope from that of lease to control by ownership of its capital stock.

The Exemption

The acquisition of control by a non-carrier, owned by persons who control an existing carrier, of another carrier requires the prior approval of the Commission under 49 U.S.C. 11343. To seek Commission approval, an application must normally be filed in compliance with the *I.C.C. Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedure*, 49 C.F.R. Part III (1978). On October 5, 1979, McHugh filed a petition for waiver of various regulations set forth in the above rules.

We have reviewed McHugh's petition in light of 49 U.S.C. 10505. Under that section, we can exempt a matter related to a rail carrier because of the limited scope of the transaction or service when we find that an application, among other things, "would serve little or no useful public purpose." Under 49 U.S.C.

10505(b), the Commission may begin a proceeding for such exemption on its own motion.

In our decision of March 9, 1977 approving the McHugh lease of New Hope, we found McHugh qualified to be the operator of a railroad. The Application that would be filed here would merely report the change of control from lease to ownership. It is apparent that no other rail carrier is involved and that no operational or service changes will occur by a change in type of control.

Any exemption, were it granted in this proceeding, would be limited solely to this proceeding. After consummation of the transaction, the Commission would retain full jurisdiction over the carrier involved, among other things, to make such additional findings and impose such terms and conditions with respect to New Hope's employees as may be necessary and lawful. Such action would be taken only after the filing of a petition by the employees, wherein it is shown that the conditions of their employment or any interest has been adversely affected as a result of the consummation of the transaction. Consummation will be considered as acceptance of this reservation of jurisdiction.

Before granting an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the exemption of the proposed transaction is that opportunity. All comments filed in response to this notice will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505, and pursuant to 4 U.S.C. 553, 559.

This notice is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

Dated: January 4, 1980.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Chairman O'Neal not participating. Vice Chairman Stafford dissenting in part. Commissioner Christian absent and not participating.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford, dissenting in part:

While I have no objection to allowing public comment on the proposed exemption, I have serious reservations as to whether a blanket use of 49 U.S.C. § 10505 is appropriate. That section appears to contemplate a discretionary approach. Moreover, since the acquisition at issue would be a permanent purchase (not a temporary measure), the use of the exemption would seem to be at odds with that purpose since the exemption may be revoked in the future.

Nonetheless, since the Commission has opted to use the exemption procedures, there are a number of matters that should be clarified in the public comment period.

1. The annual report filed by New Hope and Ivyland Railroad Company for the year ending December 31, 1978 still shows the carrier in receivership with a trustee. If the receivership has been terminated, that factor should be fully documented.

2. Section 11344 of 49 U.S.C. Subtitle IV requires the Commission to consider the interest of carrier employees affected by the proposed transaction. The use of the exemption provisions of Section 10505 appears to nullify the protection afforded railroad employees.

3. The Commission, at times, has imposed an "auxiliary to, or supplemental of" condition in finance dockets. See, *Burlington Truck Lines, Inc.—Purchase—Pirnie*, 85 M.C.C. 363, footnote 2. Whether a similar condition should be imposed here should be discussed.

[FR Doc. 80-3736 Filed 2-4-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

[AAG/A Order No. 44-80]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Office of Professional Responsibility. Further, in the Proposed Rules Section of today's **Federal Register**, the Office of Professional Responsibility proposes to exempt the system from certain provisions of the Privacy Act (5 U.S.C. 552a). The purposes of the exemptions are to, first, maintain the confidentiality and security of information compiled for purposes of criminal investigation or civil or regulatory law enforcement or of reports compiled at any stage of the law enforcement process and, second, to maintain the confidentiality and security of information classified pursuant to Executive Order 12065 which the Office may receive during review of misconduct allegations.

The Office of Professional Responsibility Record Index (JUSTICE/OPR-001) is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.**

5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibility under the provisions of the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before April 7, 1980, the system will be implemented without further notice in the **Federal Register,** except that the final rule exempting the system will be published after 60 days. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: January 23, 1980.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

JUSTICE/OPR-001

SYSTEM NAME:

Office of Professional Responsibility Record Index.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Department of Justice employees who are the subjects of inquiries or complaints directed to, or investigations conducted by, the Office of Professional Responsibility; (2) individuals (complainants) who write to the Office of Professional Responsibility; (3) individuals (complainants) who write to the Attorney General or other officials of the Department and whose letters are referred to the Office of Professional Responsibility; (4) employees of agencies of the Federal government, other than the Department of Justice, about whom information indicating possible criminals or administrative misconduct has been developed during the course of routine investigations by components of the Department of Justice, when such information is furnished to the Office of Professional Responsibility for referral—if warranted—to an appropriate investigative component of the

Department of Justice, or to another government agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

This systems of records consists of complaints filed against Departmental employees, the results of investigations into those complaints, and actions taken after completion of the investigations. This system also includes all records developed pursuant to special assignments given to the Office of Professional Responsibility by the Attorney General, as well as records containing information indicating possible misconduct by employees of the Federal government, other than the Department of Justice, which have been furnished to the Office of Professional Responsibility for referral, if warranted, to the appropriate investigative authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 et seq. and 28 CFR 0.39 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or a potential violation of law, whether civil, criminal, or regulatory in nature, and arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with the enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violations, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established consititutional, substantive or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance or the reporting of an investigation of an employee; (6) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (7) release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; (8) a record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets.

RETRIEVABILITY:

Information is retrieved in some instances by the name of the complainant and in some instances by the name of the employee who is the subject of the complaint.

SAFEGUARDS:

The information is stored in safes and locked filing cabinets in a limited access area and is maintained according to applicable Departmental security regulations.

RETENTION AND DISPOSAL:

Records in this system are retained and disposed of in accordance with the General Records Schedule, Federal Property Management Regulations 101–11.4.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel on Professional Responsibility, Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the system manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), (k)(2) or (k)(5). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to their information sought.

RECORD SOURCE CATEGORIES:

Department officers and employees, and other federal, state, local, and foreign law enforecement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1), (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 80-3499 Filed 2-4-80; 8:45 am]

BILLING CODE 4410-01-M

Law Enforcement Assistance Administration

Solicitation Regarding Competitive Long-Term Research Program to Increase Knowledge and Understanding of Organized Crime Problem in United States

The National Institute of Justice announces a competitive long-term research program to increase our knowledge and understanding of the organized crime problem in the United States. The grant or cooperative agreement will be funded under the Institute's "Research Agreements Program," which provides initial support for two years of work; a maximum of $600,000 will be provided for the two-year period. Support for subsequent years is possible, contingent upon satisfactory project performance and progress. The RAP format is much less precisely defined than other Institute project solicitations and respondents have greater freedom to propose their own research priorities and designs. However, program plans should be guided by: (1) The long-term goals of the overall program (which include conceptual, measurement and methodology development; data-collection; evaluation of current criminal justice standards and practices; and recommendations for future policy, procedure and research) and (2) the complex, multi-issue nature of the research topic (which suggests an inter-disciplinary research team "consortium" with the range of expertise required to carry out an integrated series of subprojects within the larger program framework).

The solicitation requests submission of preliminary proposals and requires that submitting organizations have experience in and resource capabilities for designing and conducting research on social issues. Additional qualifications include a knowledge of the substantive issues relevant to a study of the organized crime problem (preferably with an inter-disciplinary approach to these subject areas) and experience in the interpretation and utilization of criminal justice data. To maximize the competition for this award, both profit-making and non-profit making organizations with the aforementioned qualifictions are eligible to submit proposals.

In order to be considered for funding, all proposals must be postmarked no later than April 4, 1980.

Copies of the solicitation and additional information may be obtained by sending a mailing label to: Organized Crime Program, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: January 11, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-3675 Filed 2-4-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Business of Labor Statistics

Business Research Advisory Council Committees; Meetings and Agenda

The winter meetings of committees of the Bureau Research Advisory Council will be held on February 19, 20, and 21, 1980.

The meetings of the Committees on Employing and Unemployment, Price Indexes, and Economic Growth will be held in room 4454, General Accounting Office Building, 441 G Street, NW., Washington, D.C. Occupational Safety and Health will hold its Committee meeting in room S4215 A & B, and Productivity-Foreign Labor in room N4437 A & B of the New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Tuesday, February 19

9:30 a.m.—Committee on Employment and Unemployment

1. Description and Discussion of the Redesign of the 790 (Current Employment Statistics) Program.
2. The Response of the Secretary of Labor to Recommendations of the Levitan Commission (NCEUS).
3. Recent Developments:
(a) Job Vacancy Program,
(b) Local Area Unemployment Statistical Program.

Tuesday, February 19

10:00 a.m.—Committee on Occupational Safety and Health

1. Annual Survey:
(a) Results of 1978 Survey,
(b) Fatality Survey,
(c) Plans for 1979 and 1980.
2. Impact of Congressional Action
(a) Amendment to the 1980 Labor-HEW Appropriations Bill,
(b) Proposed Amendment to the Occupational Safety and Health Act.
3. The National Safety Council's Technical Projects Committee and the Information Exchange Projects Committee Work.
4. New Initiatives in the Occupational Health Area.
5. Status of OSHS Statistical Grants.
6. Status of the Work Injury Reports Survey Program.
7. Recordkeeping:
(a) Discussion of Efforts to Maintain Recordkeeping Reliability,
(b) Presentation of Slide-Sound Show.
8. Supplementary Data System:
(a) Discussion of the new data element—Associated Object or Substance (AOS)—which should enrich the value of SDS data.
(b) Discussion of the January Monthly Labor Review article on cost vs. frequency for indentifying targets for safety prevention efforts.

Tuesday, February 19

1:30 p.m.—Committee on Productivity-Foreign Labor

1. A report of the work of the office in areas of:
(a) Productivity research, including a discussion of additional analysis for the productivity slowdown.
(b) Industry Productivity Measures.
(c) Technology Studies.
(d) International Comparisions of Hourly Compensation.
(e) Trade Monitoring System.

Tuesday, February 20

2:00 p.m.—Committee on Price Indexes

1. Status Report CPI Homeownership Component.
2. Status Report on Family Budget Program.

Thursday, February 21

9:30 p.m.—Committee on Economic Growth

1. Recent reorganization in BLS affecting Economic Growth.
2. Purpose and principal users of the BLS projections.
3. Relationship of BLS projections to other long range efforts.
4. Schedule, and discussion of the assumptions for next set of BLS projections.
5. Alternatives for the next set of projections and discussion of types of alternatives which best meet BLS objectives.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C. this 25th day of January 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80-3652 Filed 2-4-80; 8:45 am]

BILLING CODE 4510-24-M

Business Research Advisory Council; Meeting

The regular winter meeting of the Business Research Advisory Council will be held at 9:30 a.m., February 20,

1980, at the New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C., room N4437 A, B, & C. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.
3. Committee Reports:
(a) Occupational Safety and Health,
(b) Employment and Unemployment,
(c) Productivity-Foreign Labor.
4. Committee Advance Comments:
(a) Price Indexes,
(b) Economic Growth.
5. Other Business.
6. Chairman's Closing Remarks.

This meeting is open to the public. it is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523–1559.

Signed at Washington, D.C. this 25th day of January 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80-3653 Filed 2-4-80; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-79-274-C]

Pontiki Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Pontiki Coal Corporation, P.O. Box 57, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Pontiki No. 1 & Pontiki No. 2 Mines located in Martin County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

The substance of the petition follows:

1. Petitioner is mining coal seams that vary from 34 to 100 inches, with irregularities in top and bottom.

2. Petitioner states that results of geological survey indicate that 70 percent of coal seam is 42" or less. Roof height is lessened even more due to necessary additional roof support.

3. After installation of machine-mounted illumination, a drastic drop in mining height necessitated its removal.

4. Stationary illumination is not feasible due to daily encounters with adverse conditions of the roof. Entry widths are narrowed from time to time, and cribs and headers are set, restricting entry widths.

5. Petitioner states glare from stationary lighting systems presents a problem causing temporary blindness when employees enter and exit the working places.

6. Petitioner proposes as an alternative method to continue to maintain the factory mounted headlights in excellent operating condition.

Request for Comments

Persons interested in this petition may furnish written comments on or before March 6, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: January 29, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-3715 Filed 2-4-80; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-6209]

Singer Co. Controls Division, Wauwatosa, Wis.; Termination of Investigation: Correction

In **Federal Register** Doc. 79–39220 appearing on page 75753 in the **Federal Register** of December 21, 1979, the 2nd paragraph should be corrected to read as follows:

"The petitioning group of workers was certified as eligible to apply for adjustment assistance in a revised determination issued on December 14, 1979, (TA–W–5430). Since workers of the Wauwatosa plant of Singer Company, Controls Division newly separated, totally or partially, from employment on or after September 1, 1978, (impact date) and before July 17, 1981, (expiration date of revised certification) are covered by an existing determination, a new investigation would serve no purpose. Consequently, the investigation has been terminated."

Signed at Washington, D.C., this 29th day of January 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-3654 Filed 2-4-80; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

January 30, 1980.

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on Thursday and Friday, February 14–15, 1980. The Committee will meet in Room 1202 of the Dirksen Senate Office Bldg. on February 14, and on February 15, in the Penthouse in the Page Building Number 1, 2001 Wisconsin Avenue, NW., Washington, D.C. The sessions will convene at 9:00 a.m. on February 14 and 8:00 a.m. on February 15 and will be open to the public. The Thursday session will adjourn at 4:30 p.m., and the session on Friday will adjourn at 4:00 p.m.

The Committee, consisting of 18 non-Federal members, appointed by the President from State and local government, industry, academia, and other appropriate areas, was established by Public Law 95–63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; (3) submit an annual report to the President and to Congress commenting on marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The general agenda includes the following topics:

February 14, 1980—Dirksen Senate Office Bldg. (Room 1202), Washington, D.C.
9:00 a.m.–12:30 noon—Briefing on an Organic Act for the National Oceanic and Atmospheric Administration (NOAA)
12:30–2:00 p.m.—Lunch
2:00 p.m.–4:30 p.m.—Briefing on an Organic Act for NOAA
4:30 p.m.—Adjourn

February 15, 1980—Penthouse, Page Building 1, 2001 Wisconsin Avenue, Washington, D.C.
8:00 a.m.—9:45 p.m.—Organic Act Panel
9:45 a.m.—10:00 a.m.—Coffee Break
10:00 a.m.–11:00 a.m.—Plenary Session—Speaker: Michael Glazer, Assistant Administrator for Coastal Zone Management
11:00 a.m.–12:00 noon—Oil Spills Panel—Atmospheric Affairs Panel, Room 416, Page 1
12:00 noon–1:30 p.m.—Lunch—Steering Committee Meeting
1:30 p.m.–2:30 p.m.—Decade of Ocean Resource Use and Management Panel
2:30 p.m.–2:45 p.m.—Break
2:45 p.m.–4:00 p.m.—Plenary Session—Panel Reports
4:00 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the

Chairman in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Mr. Steven N. Anastasion, whose mailing address is: National Advisory Committee on oceans and Atmosphere, 3300 Whitehaven Street, NW (Suite 438, Page Building No. 1), Washington, DC 20235. The telephone number is (202) 653–7818.

Samuel H. Walinsky,

Executive Officer.

[FR Doc. 80–3637 Filed 2–4–80; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee Behavioral and Neural Sciences; Subcommittee on Neurobiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Neurobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 20, 21, & 22, 1980: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 338, February 20 & 21, and Room 628, February 22, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. A. O. Dennis Willows, Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/634–4036.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80–3635 Filed 2–4–80; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Behavioral and Neural Sciences; Subcommittee on Memory and Cognitive Processes; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee of Memory and Cognitive Processes of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 25 and 26, 1980, 9:00 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G Street, N.W., Room 338, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 634–1583.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80–3631 Filed 2–4–80; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Behavioral and Neural Sciences; Subcommittee on Social and Developmental Psychology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Social and Developmental Psychology of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 21–22, 1980: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G Street, N.W. Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert A. Baron, Program Director, Social and Developmental Psychology, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202–632–5714).

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Social and Developmental Psychology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80–3632 Filed 2–4–80; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: February 21, 22, and 23rd, 1980—9 a.m. to 5 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, N.W. Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Mary E. Clutter, Program Director, Developmental Biology Program, Room 326. National Science Foundation, Washington, D.C. 20550, telephone 202/632–4314.

Purpose of subcommittee: To provide advice and recommendations concerning support of research in developmental biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Acting Director, NSF, on July 2, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80-3634 Filed 2-4-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: February 27, 28, 29, 1980 (8:30 a.m. to 5:00 p.m.)
Place: Conference Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact of person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology Room 333, National Science Foundation, Washington, D.C. 20550, Telephone (202) 632–4298.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in regulatory biology.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reasons for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This documentation was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80-3630 Filed 2-4-80; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular, and Molecular biology; Subcommittee on Molecular biology, Group B; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular and Molecular Biology.
Date and time: February 21 and 22, 1980; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, DC 20550.
Type of meeting: Closed.
Contact person: Dr. Donald M. Green, Program Director, Biochemistry Program, Room 300, National Science Foundation, Washington, DC 20550, Telephone: 202/632–4260.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 30, 1980.

[FR Doc. 80-3633 Filed 2-4-80; 8:45 am]

BILLING CODE 7555-01-M

25-Meter, Millimeter Wave Telescope Project; Preparation of Environmental Impact Statement

Notice is hereby given that, in accordance with the National Environmental Policy Act of 1969, the National Science Foundation will prepare a draft environmental impact statement (EIS) on the proposed Mauna Kea, Hawaii, site for the National Radio Astronomy Observatory (NRAO) 25-meter, millimeter wave telescope. This proposed project envisions the installation of a 25-meter diameter steerable radio telescope in an astrodome to be located at the Mauna Kea, Hawaii, Science Reserve. Science requirements strongly dictate the qualities of the Mauna Kea site. The proposed telescope site is 3,000 feet west northwest of the Mauna Kea summit and at an elevation of 13,400 feet, some 400 feet below the summit. The design of the telescope is such that it would take advantage of radio reception in the millimeter-wavelength region of electromagnetic spectrum. Installation is planned during the early to mid 1980's, with scientific observational use following completion of the telescope.

Possible alternatives to the proposed action are: no millimeter wave telescope project; continued use to the extent possible of existing telescope facilities; delay in the installation of the telescope; or change to a different site on Mauna Kea.

At this time, the design of a telescope is complete that meets the requirements of the scientific users for a fully steerable, high resolution, high sensitivity radio telescope usable in receiving wavelengths as short as 1 mm. Major considerations now to be considered are: actual and/or potential environmental impacts and ways to prevent or mitigate such impacts; agreement with the University and State of Hawaii over the use of the site; testing of the subsurface conditions of the site; and planning of off site support facilities.

The Mauna Kea summit ridge has been the subject of two previous Environmental Impact Statements: The Canada-France-Hawaii Telescope facility, and the Infrared Telescope Facility and United Kingdom Observatory. The information and studies done in the preparation of the two existing EIS's has been made available and will be useful in preparing the EIS described in this notice. Expertise, both in the Federal and private sectors, including those having special knowledge of the Mauna Kea area will be utilized in preparation of the draft EIS.

The contact point within NSF for information on the proposed project and EIS is Mr. Lawrence K. Randall, Project Officer, NRAO, Division of Astronomical Sciences, National Science Foundation, 1800 "G" Street,

NW, Washington, D.C. 20550, Telephone (202) 632–7880.

All interested agencies, organizations or persons desiring to submit comments or suggestions for consideration during the preparation of the draft EIS should contact Mr. Randall by March 31, 1980.

For the National Science Foundation.

Francis S. Johnson,

Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences.

January 30, 1980.

[FR Doc. 80-3636 Filed 2-4-80; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Plant Arrangements; Meeting

The ACRS Subcommittee on Plant Arrangements will hold a meeting February 20–21, 1980 in Room 1046, 1717 H St., NW, Washington, DC 20555. Notice of this meeting was published January 22, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, it consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Wednesday, February 20, 1980—11:00 a.m. until the conclusion of business.* The Subcommittee will discuss with the NRC Staff and their contractor, Sandia Laboratories, the recently completed "Final Report (Draft) on Phase I of Generic Task No. A–17, Systems Interaction in Nuclear Power Plants." *Thursday, February 21, 1980—8:30 a.m. until the conclusion of business.* The Subcommittee will discuss the status of various generic items contained in the ACRS March 21, 1979 report, "Status of Generic Items Relating to Light-Water Reactors: Report No. 7."

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634–3265) between 8:15 a.m. ad 5:00 p.m., EST.

Dated: January 30, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-3645 Filed 2-4-80; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Briefing the Governors on Structure and Functions of the Commission

February 1, 1980.

Notice is hereby given that the Postal Rate Commission will brief the governors of the U.S. Postal Service on the structure and functions of the Commission. The briefing will be at 6:00 p.m., on Tuesday, February 5, 1980, in the Commission's Hearing Room, 2000 L Street NW., Room 500, Washington, D.C.

David F. Harris,

Secretary.

[FR Doc. 80-3826 Filed 2-4-80; 8:45 am]

BILLING CODE 7715-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Midas Series 2000 Motorhomes; Public Meeting Cancelled

A public proceeding scheduled for 10 a.m., February 5, 1980, in Room 2230, Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590, with respect to an initial determination of noncompliance with Federal Motor Vehicle Safety Standards Nos. 207, 208, and 210 in Series 2000 Motorhomes manufactured by Midas-International Corp. is cancelled. The company has announced its intent to file a Noncompliance Report pursuant to 49 CFR Part 573 not later than February 8, 1980.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 1, 1980.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 80-3794 Filed 2-1-80; 2:59 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 7-80]

Treasury Bonds of 2005–2010; Auction

January 31, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated Treasury Bonds of 2005–2010 (CUSIP No. 912810 CM 8). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1 The securities will be dated February 15, 1980, and will bear interest from that date, payable on a semiannual basis on August 15, 1980, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature February 15, 2010, but may be redeemed at the option of the United States on and after February 15, 2005, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

2.2 The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. the securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3 The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4 Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchange of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5 The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, February 7, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 6, 1980.

3.2 Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3 All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements and certifications as tenders submitted directly by bidders for their own accounts.

3.4 Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5 Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6 Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundered, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7 Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1 The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made or completed on or before Friday, February 15, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 11, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 8, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and

other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or require of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2 In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5 Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1 As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2 The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmetal procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-3799 Filed 2-1-80; 3:18 pm]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series—No. 5-80]

Treasury Notes of August 15, 1983, Series J-1983; Auction

January 31, 1980.

1. Invitation for Tenders

1.1 The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of August 15, 1983, Series J-1983 (CUSIP No. 912827 KJ 0). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1 The securities will be dated February 15, 1980, and will bear interest from that date, payable on a semiannual basis on August 15, 1980, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature August 15, 1983, and will not be subject to call for redemption prior to maturity.

2.2 The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3 The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4 Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be availabe to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5 The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 5, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 4, 1980.

3.2 Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3 All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4 Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5 Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6 Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one perent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7 Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1 The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made or completed on or before Friday, February 15, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received as such institution no later than:

(a) Monday, February 11, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 8, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they ar payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social; security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2 In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignments should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank

or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5 Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1 As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2 The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable so such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-3800 Filed 2-1-80; 3:18 pm]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 6-80]

Treasury Notes of May 15, 1987, Series C-1987; Auction

January 31, 1980.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities designated Treasury Notes of May 15, 1987, Series C-1987 (CUSIP No. 912827 KK 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated February 15, 1980, and will bear interest from that date, payable on a semiannual basis on November 15, 1980, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1987, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4 Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 6, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 5, 1980.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3 All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commerical banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield

will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7 Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1 The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made or completed on or before Friday, February 15, 1980, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 11, 1980, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 8, 1980, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2 In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrended. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5 Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1 As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2 The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-3801 Filed 2-1-80; 3:18 pm]

BILLING CODE 4810-40-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Consolidated Bahweting Ojibwa and Mackinac Tribes; Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

January 25, 1980.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 54.8(a) notice is hereby given that the Consolidated Bahweting Ojibwa and Mackinac Tribe, c/o Mr. Michael J. Wright, Post Office Box 697, Sault Ste. Marie, Michigan

49783, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on December 4, 1979. The petition was forwarded and signed by Mr. Michael J. Wright.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 54.8(d) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20242.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-3672 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Lands Advisory Council will meet Friday and Saturday, March 7 and 8, 1980. The meeting will be held in room 5160 of the Main Interior Building, 18th and C Streets, NW., Washington, D.C. The meeting hours will be 9:00 a.m. to 4:15 p.m. each day. The proposed agenda is: (1) Discussion and consideration of the four-year authorization for the Bureau of Land Management (BLM) for fiscal years 1982–85, and related matters; (2) Continuation of the Council's internal organization, including the election of Council officers and establishment of working committees, and (3) Determination of agenda, time, and location for the Council's next meeting.

DATES: March 7 and 8, 1980—Council Meeting; March 7, 1980—Public Statements.

ADDRESS: Copies of such statements may be mailed in advance of the meeting to: National Public Lands Advisory Council, c/o Director (660), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Lee Laitala or Bill Duddleson, Office of Cooperative Relations, (202) 343–8947, or (202) 343–5629.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, as to regulations, policies, plans, and programs of national scope relating to public lands and resources under the jurisdiction of the Bureau.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make brief oral statements to the Council, regarding matters on the meeting agenda, on Friday, March 7, from 2 p.m. to 4 p.m.

Oral statements to the Council by members of the public at this meeting should not exceed 10 minutes and should address specific national public lands issues related to the matters on the agenda. Such statements are to be submitted in writing and at least two copies filed with the Council Chairperson at the meeting. In addition, written statements alone may be filed with the Council. Early filing or mailing of such statements is encouraged to facilitate consideration by the members of the Council.

Dated: January 31, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-3682 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-84-M

Wetland-Riparian Area Protection and Management; Policy and Protection Procedures; Final Guidelines

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final guidelines.

SUMMARY: This notice provides the Bureau of Land Management's (BLM) policy and final internal procedures to implement Executive Order (EO) 11990, Protection of Wetlands. These guidelines are intended to improve the protection and management of wetland and riparian areas on BLM-administered lands.

EFFECTIVE DATE: These procedures are part of the BLM Manual Section 6740 and were effective as of October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Crawford, Bureau of Land Management (240), 18th and C Streets, NW., Washington, D.C. 20240 202/343–4340 or 6188.

PRINCIPAL AUTHORS: BLM Manual Section 6740 was written by the following persons while stationed with the BLM at the following locations: John E. Crawford, Washington, D.C.; Paul E. Cuplin, Denver, Colorado; C. William Hoeft, Washington, D.C.; and William B. Krohn, Washington, D.C.

SUPPLEMENTARY INFORMATION: The BLM administers over 450 million acres of pulic land, of which less than two percent is wetland-riparian. These areas are especially important because they are biologically diverse, relatively fragile, and limited in supply. The intense use of wetland/riparian areas for recreation, timber harvest, livestock grazing, wildlife habitat, and other uses make them a focal point for resource conflicts. These final guidelines establish the policy and procedures for the identification, protection, maintenance, enhancement, and management of these fresh, brackish, and saline water wetland areas.

A notice of availability of the BLM's interim wetland-riparian guidelines was published in the **Federal Register** on November 8, 1978, to invite public review and comment (43 FR 52179). A total of 200 requests for copies of the guidelines were received. One hundred and thirty-two requests came from the private sector, primarily from legal firms, environmental consultants, and oil companies. The remaining sixty-eight requests were from county and State offices (42), and Federal agencies other than BLM (26).

Six reviews were received on the proposed policy and procedures to protect and manage wetland-riparian areas. These responses were from Federal agencies (2), oil and gas companies (2), and environmental consultants (2). No substantive objections to the proposed BLM Manual Section were raised. The environmental consultants were complimentary regarding the draft BLM Manual Section's overall content. There was general agreement by the reviewers that wetland and riparian areas have a wide variety of resource values and, hence, deserve special consideration in land-use planning and management.

One reviewer felt that the proposed guidelines were too specific. While it is recognized that BLM managers face a broad array of conditions and situations in regard to wetland and riparian areas, specificity was retained in the guidelines due to the relatively specific nature of the EO.

Another reviewer felt that the process for obtaining permits required for

certain water projects should be included in BLM Manual Section 6740. The permitting requirements for water projects will be handled in a Manual Section distinct from 6740, but the contents of the two Manual Sections will be fully coordinated in their implementation.

Another reviewer suggested that available alternatives consider economic, environmental, and other pertinent factors as stated in the EO 11990 (Protection of Wetlands). This suggestion has been incorporated into these guidelines in BLM Manual Section 6740.13A, Impact Assessment, Available Alternatives. In addition, this comment recommended deletion of the requirement under BLM Manual Section 6740.3, Development, Construction, and Maintenance Activities, requiring that a BLM official remain onsite to ensure protective and mitigative stipulations are met. This requirement has been retained in the Manual Section, but has been modified to permit periodic inspection where continuous monitoring is unrealistic or not needed. Another reviewer recommended that "irreparable damage" under BLM Manual Section 6740.06C, Policy, be changed to "significant, long-term ecological damage." This recommendation is accepted and the section has been amended accordingly.

These final BLM guidelines meet the requirements of the President's EO 11990, which was issued in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), and are consistent with Department of the Interior procedures to implement EO 11990 (44 FR 36119).

Frank Gregg,

Director.

6740—WETLAND–RIPARIAN AREA PROTECTION AND MANAGEMENT

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H. Stream Gradient
I. Lined Channels
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Glossary of Terms
Appendices
1. Condition Classes for Streambanks and Shorelines

.01 *Purpose.* This Manual Section establishes policy and procedures for the identification, protection, maintenance, enhancement, and management of fresh, brackish, and saline water wetland areas. It applies to all Bureau of Land Management (BLM) programs and actions. These areas include, but are not limited to, areas adjacent to waterways (whether waters are surface, subsurface, or ephemeral), potholes, wet meadows, sloughs, marshes, swamps, bogs, and muskegs, flood plains, lakes, reservoirs, springs, and estuarine areas administered by BLM. Riparian areas which presently or potentially support broad-leaf vegetation in arid and semi-arid ecosystems are of special management concern.

.02 *Objectives.* The objectives are to:

A. Implement a management system to protect, maintain, and enhance all wetland-riparian areas administered by BLM.

B. Set forth policy for the identification and inventory of all BLM-administered wetland-riparian areas using appropriate methods.

C. Ensure that all wetland-riparian areas, their unique characteristics, and their ecological requirements (biological, chemical, and physical) are managed in accordance with legislative, Executive, Departmental, and Secretarial directions. Such direction include, but are not limited to, those concerning land-use classification, resource management, development, regulation, and licensing activities.

.03 *Authority.* A. *Federal Land Policy and Management Act (FLPMA) of 1976* (43 U.S.C. 1701).

B. *Endangered Species Act (ESA) of 1973* (87 Stat. 884; 16 U.S.C. 1531 et seq.).

C. *Executive Order (EO) 11990, Protection of Wetlands* (42 FR 26961; May 24, 1977).

D. *Executive Order 11988, Floodplain Management* (42 FR 26951; May 25, 1977).

E. *Sikes Act,* Title II (16 U.S.C. 679 et seq.)

F. *National Environmental Policy Act (NEPA) of 1969,* as amended (42 U.S.C. 4321, et seq.).

G. *Surface Mining Control and Reclamation Act of 1977* (91 Stat. 445).

H. *Federal Water Pollution Control Act, as amended* (86 Stat. 816; 33 U.S.C. 1251).

I. *Clean Water Act of 1977* (33 U.S.C. 446 et seq.).

J. *Public Rangelands Improvement Act of 1978* (92 Stat. 1803).

.04 *Responsibility.* A. *The Director and Associate Director* are responsible for overall wetland-riparian protection and its interaction with all other bureau programs. This responsibility is exercised through the Deputy Directors.

B. *Deputy Director, Lands and Resources,* within his/her assigned areas of responsibility, is responsible for the overall coordination and integration of wetland-riparian area policies and procedures. He/she provides policy and program interpretations, direction, leadership, and line management to assure consistency of field implementation of policies and procedures to enhance, protect, maintain, or develop wetland-riparian areas.

C. *Assistant Director, Renewable Resources,* is responsible for developing and implementing policy and programs to protect and manage wetland-riparian areas. He/she identifies, addresses, and reconciles wetland-riparian issues and conflicts within and between programs under his/her responsibility and provides direction and managment for wetland-riparian programs.

D. *Chief, Office of Budget,* is responsible for ensuring that requests for new authorization or appropriations transmitted to the Office of Management and Budget (OMB) indicate whether an action to be proposed will be located in a wetland-riparian area and whether the

proposed actions is in accord with Executive Order 11990.

E. *Assistant Director, Lands and Rights of Way,* is responsible for developing procedures to ensure that when public land wetland-riparian areas, or portions thereof, are proposed for lease, easement, or right-of-way within his/her area of responsbility, or for disposal to non-Federal public or private parties, the BLM does the following:

1. Cites in the conveyance those uses that are restricted under Federal, State, or local wetland regulations.

2. Attaches other appropriate restrictions to the uses of properties by the grantee or purchaser, and any successor, except prohibited by law.

3. Withholds such properties from disposal when the procedures are not met.

4. Retains ownership of wetland and riparian habitats where appropriate (see .06E).

F. *Chief, Division of Rangeland Management,* is responsible for developing and issuing guidelines for the inventory, analysis, and management of soil, water, and vegetation on rangelands. This Chief is also responsible for issuing guidelines on rangeland management activities in such a way as to minimize negative impacts on wetland-riparian vegetation resources; and water resources which do, or could, support wetland-riparian areas.

G. *Chief, Division of Wildlife and Endangered Species,* is responsible for:

1. Developing fish and wildlife habitat management policy, procedures, and technical guidance relating to wetland-riparian protection.

2. Ensuring the wetland-riparian protection procedures are incorporated into all Bureau programs.

3. Evaluating the effectiveness of wetland-riparian habitat protection and management procedures and programs.

4. Developing the guidance for the preparation of plans to protect, maintain, and restore wetland-riparian habitats to the desired condition.

5. Systematically reviewing rules, regulations, procedures, and proposed legislation to establish and update the Bureau's efforts to protect wetland-riparian areas in compliance with Executive Order 11990.

H. *Other Division and Office Chiefs* are responsible for:

1. Ensuring the incorporation of wetland-riparian habitat protection policy and procedures into their program areas.

2. Evaluating and reviewing their own programs for compliance with these objectives.

I. *Service Center Director* is responsible for:

1. Assisting in the development and coordination of wetland-riparian inventories.

J. *State Directors* are responsible for:

1. Ensuring compliance with the procedures for wetland-riparian habitat protection and management.

2. Providing technical assistance on wetland-riparian habitat protection and management.

3. Providing guidance or services to the District Managers to implement wetland-riparian protection and management procedures.

4. Conducting evaluations and monitoring wetland-riparian habitat protection and management.

K. *District Managers* are responsible for:

1. Implementing the procedures and guidance for wetland-riparian habitat protection and management.

2. Inventorying wetland-riparian habitats, including the analysis of protection and development opportunities; and formulating management decisions for the protection, development, and management of wetland-riparian resources.

3. Ensuring that wetland-riparian functions and needs are considered and coordinated during the preparation of land-use plans through the Bureau Planning System (BPS).

4. Monitoring habitat and water quantity and quality characteristics associated with wetland-riparian habitats.

.05 *Definitions.* (See Glossary of Terms.)

.06 *Policy.* In meeting Bureau responsibilities for the management, acquisition, and disposal of the public lands, it is Bureau policy to:

A. Avoid the long- and short-term adverse impacts associated with the destruction, loss, or degradation of wetland-riparian areas.

B. Avoid construction in wetland-riparian areas whenever there is a practical alternative.

C. Preserve and enhance the natural and beneficial values of wetland-riparian areas which may include constraining or excluding those uses that cause significant, long-term ecological damage.

D. Include practical measures to minimize harm in all actions causing adverse impacts to wetland-riparian areas.

E. Retain under BLM administration and ownership all wetlands and riparian habitats except:

1. If Federal, State, public and private institutions, and parties have demonstrated the ability to maintain, restore, and protect wetlands and riparian habitats on a continuous basis.

2. If transfer of public lands, minerals, and subsurface estates is mandated by legislation or Presidential order.

.07 *Background.* Wetland-riparian areas values are especially important because they are a critical source of biological diversity. Wetland-riparian areas are popular recreation areas, excellent sources of rock and aggregate, preferred grazing areas, productive timber sites, road construction sites, and provide scenic variety. The majority of this country's wildlife either depend on wetland-riparian areas or use them proportionally more than any other habitat type. Wetland-riparian areas are fragile and comprise an extremely small percentage of the public lands administered by the BLM. Many have been destroyed or degraded. This degradation is influencing water quality and quantity; flood frequency and severity; pollution; commercial, recreational, and subsistence fisheries; area aesthetics; and a wide range of fish and wildlife, including many endangered, threatened, and sensitive species.

.1 *Wetland-Riparian Habitat Protection and Enhancement.* The need for wetland and riparian habitats, and the impacts of various land-uses and management proposals on such habitats, are initially considered in the Bureau's Planning System (BPS). (See BLM Manual Sections 1601 through 1609.) This system includes environmental analyses as required by the NEPA. Subsequent actions are given more detailed analysis in response to NEPA-related regulations (40 CFR 1500), and related Departmental and Bureau guidance. The following portion of .1 refers to current Bureau planning and environmental analysis procedures. Since both procedures are undergoing substantial modification in response to recent legislation and regulations, the wording of Section .1 below will soon be out of date. Thus, this Section will be reissued when new guidance is developed for BLM planning and environmental analysis procedures.

.11 *Location of the Proposed Action.* Determine if the proposed action will occur within a location, onsite or offsite, that will affect or impact wetland-riparian habitats. This determination is necessary to evaluate the impacts of the proposed action during the planning and environmental assessment processes.

A. *Inventory.* Wetland-riparian areas are identified and mapped as set forth in the Bureau's Soil-Vegetation Inventory Method (See BLM Manual Section 4412.14) or other appropriate methods.

Vegetation conditions of wetland-riparian habitats are recorded during inventory in terms of successional stages, plant composition, and plant cover. Habitat conditions are assessed in terms of streambank-shoreline classes 1–4 (See Appendix 1) during fisheries and/or water resource inventories (See BLM Manual Section 6671).

B. *Unit Resource Analysis (URA).* Inventory data and the subsequent analysis of the location and condition of wetland-riparian habitat will be documented in Step 3 of the wildlife and other appropriate URA sections. These data are recorded according to procedures defined in BLM Manual Section 1605. In the event the URA process has already been completed, required inventories for wetland-riparian areas to be impacted by land management activities or authorizations are conducted prior to environmental assessment records (EAR), environmental impact statements (EIS), or development of habitat management plans (HMP). Adequate URA data relating to wetland-riparian areas are essential to support future management framework plan (MFP) recommendations.

C. *MFP.* Identified wetland-riparian areas are shown on the Step 1, MFP overlay so that possible impacts arising from BLM programs or actions can be identified and analyzed in the wildlife and other appropriate sections of MFP Step 2. MFP considerations for wetland-riparian habitats may be missing, inappropriate, or incomplete when newly initiated activities are under consideration or when new environmental assessments are made. In these cases data must be gathered, analyzed, and used to develop suitable management considerations prior to activity plan initiation.

.12 *Public Participation.* Always involve the public in the planning process for all actions affecting wetlands-riparian habitats. Public involvement, regarding wetland-riparian areas located within the 100 year floodplain, must follow the procedures in BLM Manual Section 7221. The type, amount, time, and kinds of public participation during the evaluation of proposals varies depending upon the action proposed. Public participation occurs through the Bureau environmental assessment and planning processes, and is guided by a public participation plan. BLM Manual Section 1127 provides guidance for preparing such a plan. Notify the public as early as possible that an action may occur within a wetland-riparian area. (See BLM Manual Section 1790.) Issue this notice before site and alternative site identification and analysis begins. Seek public help in the process of alternative site identification. Indicate if the action may result in hazards to public safety and welfare, property, or natural and benefical functions, if this is known. Notification must take place as part of the Bureau's normal planning and environmental processes and wetland-riparian issues must be explicitly discussed.

.13 *Impact Assessment.* The guidance for analyzing the impacts of the proposed action is found in the Bureau's environmental assessment process (See BLM Manual Sections 1791 and 1792) and planning system (See BLM Manual Sections 1601 through 1609). As a minimum, the conditions of wetland and riparian areas must be assessed in terms of: successional stages of plants, plant cover and composition, and streambank-shoreline classes where important fisheries values are involved. Other types of data which may be collected include water flows, water quality, and water needs.

A. *Available Alternatives.* These include the proposed action. In addition to addressing the alternatives in the procedure outlined in BLM Manual Sections 1791 and 1792, and the MFP of th BPS (BLM Manual Section 1608), for each proposed action, identify and evaluate locations outside the wetland-riparian area. If an environmentally acceptable alternative location would satisfactorily accomplish the same purpose, do not locate the action in the wetland-riparian area. Analyze alternative sites or methods as thoroughly as the proposed action itself has been analyzed, fully considering economic, environmental, and other pertinent factors.

B. *Impacts of the Alternatives.* Identify and discuss the possible impacts as described in BLM Manual Section 1791 or 1792 for all alternative sites or methods being contemplated. Also evaluate the impacts of an action outside the wetland-riparian area but affecting this habitat. Include the analysis and documentation of impacts in the same document used for environmental analysis. In the analysis, consider secondary impacts resulting from the proposal.

C. *Mitigating and Restoring Measures.* During the environmental assessment process, identify and describe the special means to reduce adverse impacts and/or restore the existing environment (BLM Manual Sections 1791 and 1792). As a part of wetland-riparian management, consider all measures to *minimize* the damage and to *preserve* and *restore* the area. If there are alternative proposals for actions, each action must be complete with its own mitigating and restoring measures. These measures must be:

1. Possible and practical.
2. Consistent with Bureau, State and local governments', and other agencies' plans.
3. Incapable of causing additional adverse impacts to wetland-riparian habitat.
4. Supported by management.
5. Enforceable.

.14 *Steps in the Decision Process.* The decision process contains three steps to ensure that all considerations are part of the final decision.

A. *Selecting the Desired Action.* Analyze the total impact and mitigating and restoring measures of the proposed action and alternatives. After this analysis, make a tentative decision to use the proposed or an alternative action that will cause the least amount of degradation to the total environment.

B. *Reevaluating the Selected Action.* Reevaluate the selected action after receiving public comments (see .12B). Incorporate those comments of value into plans for the selected action. In some cases, a different action may be chosen because the public comments have provided information that was unknown or not available when the tentative selection was made. Issue a decision document or notice to the public explaining the final decision.

C. *Implementing the Decision.* Immediately after issuing the decision document, prepare other documents such as contract or land-use authorization. Monitor and record all actions that affect wetland-riparian habitats according to the appropriate BLM Manual Sections. The monitoring action ensures that:

1. Mitigating and restoring measures become a part of any construction documents or land-use authorization terms and conditions.
2. Terms and conditions of a contract or land-use authorization are satisfactorily completed.

.2 *Wetland-Riparian Habitat Management.* The Executive Order 11990, Protection of Wetlands, states that all Federal agencies must provide leadership in the management of wetlands. The FLPMA Section 102(a)(8) and (11), requires protection and management of the public lands. This intent is met through the development of wildlife program activity plans for wetland-riparian areas, general management provisions applicable to all Bureau programs and actions, and incorporation of wetland-riparian habitat protection features into other

Bureau programs and activity plans. Cooperative agreements are a major management option the BLM may use to obtain sound wetland-riparian protection and management.

.21 *Wildlife Activity Plans.* Important wetland-riparian habitats are managed through development of HMP's (see BLM Manual Section 6620) commensurate with priorities and decisions made through the BPS.

.22 *Major Management Practices.* A. *Buffer Strips.* Whenever and wherever practical, establish buffer strips to protect wetland-riparian areas from significant disturbance, e.g., road construction, mining, logging, grazing, intensive recreation use, agriculture, fire, insecticide and herbicide application, etc. These buffer strips help to maintain stream temperature regimes, and water quality, and prevent excessive stream sedimentation and stream channel erosion. As land-use plans are developed or revised always give priority to maintaining shoreline-bankside stability and to management practices that remedy human caused bank erosion and sloughing. The need for buffer strips varies with the steepness of the terrain, blowdown conditions, nature of the soil, streamflow, water quality standards, and the sensitivity of the resources being protected. In general, 75 or so feet on each side of a stream or wetland is adequate. Where riparian habitat extends more than 75 feet from water, protect the entire width of the raparian vegetation where possible. Buffer strip widths must be determined on each site and be applicable to special needs.

B. *Areas of Critical Environmental Concern (ACEC).* Section 102(a)(8) and (11) of FLPMA establishes policy for protecting the quality of ecological values, preservation of certain public lands in their natural condition, and requires plans for the protection of ACECs. Important wetland-riparian areas may be designated as ACEC through the Bureau planning process. Critial environmental values must be protected by special management which, as appropriate, constrains or excludes other uses causing irreparable damage.

C. *Withdrawals.* Section 204 of FLPMA provides authority for withdrawal of public lands, including lands and interests in land, for resource uses to preserve values when in the public interest.

.23 *Other Program Management Practices.*

A. *Grazing Management.* 1. Design grazing systems and management practices to give riparian vegetation the protection necessary to maintain and restore habitat cover and diversity, shoreline-streambank stability, reduce sedimentation, provides water temperature ranges suitable for desirable aquatic life, and to meet State and Federal water quality standards. BLM Manual Section 4111.32D5c (allowances for wildlife), 4112.11A4a (habitat requirements for small wildlife forms), 4112.1A4b (fish habitat), 4112.11A4e (exclusion from ungulate grazing), and 4412.21F (crucial areas) establish policy and procedures applicable to range management and protection in wetland-riparian habitat. Grazing management procedures may include livestock management practices or protecting fencing to exclude grazing use in riparian areas.

2. Important fisheries (which include water bodies inhabited by important, threatened, endangered, or sensitive aquatic or riparian species) will receive special management consideration according to the classifications in Appendix 1. Management will be adjusted to provide for recovery of raparian habitat to a class II or greater level along shorelines or steambanks (½ mile or more segments) rated in class III or IV.

B. *Forest Management.* 1. Include requirements for removal of slash and stream blockages as an intergral part of all timber sale contracts. This is especially important in anadromous fish spawning waters and other waters where free movement of fish in streams is important.

2. Always prohibit skidding of logs across or down streams or drainageways; also, allow heavy equipment to cross streams only at designated, constructed crossings.

C. *Minerals Management.* 1. Discourage instream or shoreline lease developments whenever possible. To the extent possible, mineral removal must be away from the water's edge or outside the wetland-riparian vegetation zone to protect high quality riparian and/or aquatic resources.

2. Coordinate placer mining activity to prevent destruction of riparian and aquatic habitats and enforce applicable regulations. Design construction of placer mine settling ponds to allow for high waterflows to prevent washouts from seasonal flooding.

D. *Fire Management.* 1. Exercise care in the application of fire retardant chemicals in wetlands-riparian areas. Otherwise, fisheries may be damaged through eutrophication caused by phosphate-based retardants and from particulates in all retardants. As a general rule, do not drop retardants closer than 100 yards to any wetland or riparian area. Make drops parallel to, and not across, drainages. The Area Manager must identify areas in which retardants are prohibited. These are shown as "action modification areas" on the fire planning overlays. Dispatchers and personnel assigned as resource advisors must be aware of these areas. No phosphate retardant may be used in such areas unless authorized by the District Manager.

2. Construct firelines to minimize erosion and sedimentation of wetland-riparian areas. Fire managers should avoid creating chutes into natural drainages. Firelines that are angular or perpendicular to a drainage should be stopped within 300 feet of drainages where the terrain slope could create erosion entering the drainage system. Where slope is minimal or nonexistent, firelines could extend closer to the water body (i.e., stream, lake). Fire crews should use their equipment to rehabilitate firelines before leaving the area. Rehabilitation practices can include water barring of hand and mechanically constructed firelines, falling snags across drainage courses to trap sediment, and seeding of catlines. Revegatation must be considered where natural plant succession would be insufficient to prevent erosion.

3. Consider the use of prescribed fire to enhance wetland-riparian areas. It is a valuable tool in management. Exercise care in using fire for slash disposal, either for regeneration or reduction of hazard in wetland and riparian habitats. Schedule slash burning so as not to interfere with critical periods of habitat use by wildlife species such as waterfowl nesting. Leave buffer areas between stream and burned areas.

4. Require revegetation of streambanks and the watershed and construction of water bars and detention dams to prevent erosion and siltation of streams.

E. *Recreation Management.* 1. Locate recreation visitor-use facilities, including campgrounds, picnic areas, interpretive sites, parking areas, roads and trails, and the control of water sources and sewage disposal to cause minimal or no adverse impact upon the quantity and quality wetland-riparian habitats.

2. Plan visitor management procedures to avoid adverse impacts of concentrated visitor use upon the quality of wetland-riparian habitats and disturbance of wildlife in certain critical seasons. If visitor use causes advers impacts on critical riparian habitat, the facility should be closed or more closely regulated until natural vegetative conditions are restored.

.3 *Development, Construction, and Maintenance Activities.* All construction in wetland-riparian zones must

minimize or prevent disturbance to the natural environment. Schedule maintenance and construction operations to minimize impacts (e.g., during either extended dry or frozen conditions). During actual construction, a BLM official should remain onsite or make regular and timely inspections to ensure that protective and mitigative stipulations are met.

.31 *Road and Trail Construction.* A. *Design and Construction.* Design and construct wetland crossings to maintain the natural surface and subsurface drainage.

B. *Road and Trail Locations.* Locate roads and trails outside of wetland-riparian areas unless all other alternative routes have been reviewed and rejected as being more environmentally damaging, involve prohibitive costs, or if relocation would clearly not be in the best public interest.

C. *Areas of Disturbance.* Limit areas of disturbance to a minimum if construction in wetland-riparian areas is necessary. Consult watershed, range, recreation, and fisheries or wildlife staffs as soon as an apparent need for construction in wetland-riparian areas is identified. With the aid of these specialists, develop and implement appropriate mitigation during and following construction activity.

D. *Revegetation.* Reestablish native vegetation in, or adjacent to, wetland-riparian areas with seedings or seedlings.

E. *Erosion Control.* Install erosion, siltation, and/or sediment control measures such as hydroseeding, brush barriers, straw bails, and vegetative or mineral mulches along the length of the toe(s) of the fill(s) concurrently with construction activities when roads are directly adjacent and parallel to wetland-riparian areas. Barriers are confined to the toe of the fill closest to the affected wetland-riparian area, unless excessive sediment might be transported.

F. *Culverts and Drainage Ditches.* Install culverts and drainage ditches which are constructed to maintain existing riparian and wetland drainage patterns to the maximum extent possible. Improper placement or sizing of culverts can block the movement, migration, and emigration of aquatic species inhabiting waters adjoining wetland-riparian areas if water velocities in the installed culverts increase substantially above normal. Therefore, place culverts in a manner which will not create velocity barriers. Velocities can be reduced by increasing culvert diameter, decreasing culvert gradient, installing baffles, and sometimes by constructing pools immediately below the culvert. Use most cost effective means for maintaining existing stream velocities at both high and low flows. Fills around culvert should be riprapped on both the upstream and downstream sides.

.32 *Channel Modification.* A. *Use of Channelization.* Employ stream channelization for flood control or other purposes only as a last alternative.

B. *Location of Channels.* Channel excavations required for road construction and other purposes must follow the existing stream channel, if at all possible. Design channel modifications to minimize changes in hydraulic gradient and channel length, as well as to minimize changes in ground water discharge rates.

C. *Channel Widening.* Restrict channel widening to one side of the channel only, unless outcroppings or other obstacles would unduly constrict streamflow(s), in a manner to maintain stream depth and gradient.

D. *Channel Banks.* Shape newly cut channel banks as close to the vertical as can be stablilized with plantings of natural vegetation (trees, shrubs, and grasses). On soil banks where vegetation cannot be established, use other protective measures, such as large riprap.

E. *Channel Shaping and Vegetation Removal.* Generally, do not shape or remove vegetation on the unwidened side of the streambank. Maintain the side of the channel best shading the affected stream section at midafternoon hours of summer sunlight. If both streambanks provide comparable shading, select then the side of channel nearest construction activities.

F. *Vegetation Clearing.* Keep vegetation clearing to the minimum required for project accomplishment. Confine clearance of trees and other wetland-riparian vegetation to the channel area during excavation activities, unless special circumstances necessitate additional clearance.

G. *Floodflow Design.* Hold floodflow capacity of the new channel to that of adjacent upstream and/or dowstream areas rather than designing for a hypothetical floodflow capacity such as the 100-year floodflow or for the minimal flow necessary for protecting bridges and other installations.

H. *Stream Gradient.* Use drop structures and instream improvement structures to return stream gradient to the original grade if significant channel shortening is necessary. Drop structures must not be so abrupt as to create migration barriers to fish life at high or low flows.

I. *Lined Channels.* Avoid lined channels constructed of impermeable materials, such as concrete which prevents the natural interchange of streamflow and ground water, unless no other alternative exists, or if resource management benefit can be documented.

J. *Minimizing Sedimentation.* Excavate channels "in the dry," i.e., by maintaining *plugs* of earth at the upstream and downstream ends. This minimizes sediment damage to wetland-riparian and aquatic areas.

.33 Spring Development and Maintenance. Develop and maintain springs so as to protect their natural functioning. This includes maintaining or restoring the natural vegetative community and maintaining existing ground and surface water elevations. Use fencing to protect spring sites from overuse by grazing animals or other conflicting uses. Pipe water required for livestock use to water troughs outside and away from the fenced area.

.34 *Reservoir Construction and Maintenance.* Construct and maintain reservoirs in a manner, where possible, to expand and maintain downstreams wetland and riparian habitat. Closely coordinate *all* water development and maintenance plans with wildlife, fisheries, and watershed specialists to maximize protection and enhancement opportunities. Protective fencing to maintain vegetation for wildlife food and cover, and soil stability should receive strong consideration as a viable component of the project.

.35 *Land Treatment.* Exclude and protect riparian and wetland areas from site conversion projects, unless the conversion is specifically for the protection and/or enhancement of wetland-riparian or aquatic habitats. Closely coordinate all vegetation and other conversion operations potentially affecting riparian-wetland or aquatic habitats with the wildlife biologist, fisheries biologist, archeologist, landscape architect, watershed specialist, and the State wildlife agency during the planning stages. Land treatments include, but are not limited to, spraying, plowing, chaining, seeding, and prescribed burning.

Glossary of Terms

A

anadromous: fish which migrate from the sea to spawn in rivers, streams, or lakes.

B

bog: a poorly drained, usually acid area rich in plant residues frequently surrounding a body of open water often containing wet, spongy ground and

having a characteristic flora (such as sedges, heaths, and sphagnum).

D

diversity: a measure of the variety of species in a community that takes into account the relative abundance of each species.

E

ephemeral: short-lived or transitory.

eutrophication: successional process promoted in aquatic systems when increases in available nutrients result in increased oxygen consumption (respiration) and increased biomass which, in turn, lead the aquatic system away from its original condition.

F

facility: any building, recreation site, structure, land, public work, equipment, aircraft, vessel, or other vehicle.

fragile: sensitive to external stimuli which may disturb the existing balance of conditions and properties, especially in an irreversible direction.

H

habitat: place where an animal or plant normally lives for a substantial part of its life, often characterized by dominant plant forms and/or physical characteristic (i.e., the stream habitat, the forest habitat).

M

monitoring: the actual collection of qualitative and quantitative data relating to the physical, chemical, and bilolgical status, either at one point in time or on a continuous basis, of a total environmental system or portion thereof (i.e., water, air, aquatic life cycles, etc.).

P

pollution: the alteration of the chemical, physical, biological, and radiological integrity of terrestrial and/or aquatic habitats made by humans or induced by them.

R

riparian habitat: a specialized form of wetland restricted to areas along, adjacent to, or contiguous with perennially and intermittently flowing rivers and streams, also, periodically, flooded lake and reservoir shore area, as well as lakes with stable water levels with characteristic vegetation. This habitat is transitional between true bottom land wetlands and upland terrestrial habitats and, while associated with water courses, may extend inland for considerable distances. Soils of the riparian habitat may not exhibit typical wet soil characteristics of other wetlands. If not, wet soil characteristics will exist close enough to the surface for the water to be used directly by vegetation. This vegetation may range from water-loving hydrophytes (such as pond weeds) through terrestrial forms (such as sycamores, cottonwoods, and willows).

S

stability: resistance to change.

W

wetland or wetland habitat: permanently wet or intermittently flooded areas where the water table (fresh, saline, or brackish) is at, near, or above the soil surface for extended intervals, where hydric wet soil conditions are normally exhibited, and where water depths generally do not exceed 2 meters. Vegetation is generally comprised of emergent water-loving forms (hydrophytes) which require at least a periodically saturated soil condition for growth and reproduction. In certain instances vegetation may be completely lacking. Marshes, shallows, swamps, muskegs, lake bogs, and wet meadows are examples of wetlands.

wet meadows: areas where grasses predominate and the soil usually is without standing water during most of the growing season, but is normally waterlogged within a few inches of the ground surface.

Condition Classes for Streambanks and Shorelines

1. *Class I, Excellent*—No negligible use/damage; well-rooted vegetation (primarily grasses, sedges, and forbs); sod intact; very little, if any erosion from vegetation areas, less than 5 percent bare soil showing along shoreline.

2. *Class II, Good*—Some use/damage; vegetation generally well-rooted; sod mostly intact; soil showing in places (6 percent to 15 percent bare soil showing overall); some surface erosion evident.

3. *Class III, Fair*—Use or damage close to sod; vegetation shallow-rooted; moderate surface erosion (16 percent to 25 percent bare soil showing overall).

4. *Class IV, Poor*—Heavy to severe use/damage; vegetation generally grazed down to the soil; considerable soil showing (over 25 percent) with sod damage serious; active surface erosion a serious problem.

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Fish and Wildlife Service

Notice of Intent To Prepare Environmental Impact Statements and Supplements

AGENCY: U.S. Fish and Wildlife Service, Interior Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the U.S. Fish and Wildlife Service will prepare an Environmental Impact Statement for a proposal to conserve the fish, wildlife and habitat values of the Alaska Peninsula, Alaska through designation of an Alaska Peninsula National Wildlife Refuge. The Service also will prepare a supplement to the 1974 Department of Interior Environmental Impact Statement for designation of an Iliamna National Resource Range in Alaska. For consistency, these two documents will examine alternatives of the scope and nature of analyses of previously completed Environmental Statements for similar Alaska refuge proposals including Executive Branch actions which would withdraw the area as a national wildlife refuge or as a national monument.

The Heritage Conservation and Recreation Service will prepare an Environmental Impact Statement and Supplement for proposals to protect the natural environment within a 4 mile corridor along 11 rivers in Alaska. This statement will examine alternatives including congressional designation of seven rivers as components of the National Wild and Scenic Rivers System and authorization for study for this potential purpose for the additional four rivers and Executive Branch action which would withdraw these corridors from entry and appropriation for up to 20 years under Section 204(c) of the Federal Land Policy and Management Act of 1976.

This notice solicits public comment regarding the preparation of these three environmental impact documents. Further public comment will be sought on the draft NEPA documents through a later **Federal Register** notice.

DATES: Comments must be received by February 25, 1989.

ADDRESS: Send written comments to: William C. Reffalt, Chief, ANCSA Staff, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

National Wildlife Refuge Proposals—William C. Reffalt, Chief, ANCSA Staff, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 343-7533.

Wild and Scenic Rivers— John Haubert, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20240, (202) 343–4793.

SUPPLEMENTARY INFORMATION: The actions described in all three of these documents are part of the current congressional consideration for designating new or additions to the existing National Parks, Wildlife Refuges, Forest and Wild and Scenic Rivers Systems in Alaska pursuant to the Alaska National Interest Lands Conservation bills before Congress. The documents describe alternatives available to the Executive Branch which could approximate the natural resources protection that would be afforded under legislative proposals. The 1979 recommendations by the House of Representatives and the Senate Committee on Energy and Natural Resources are:

Alaska Peninsula—Would be designated as a national wildlife refuge by both houses.

Iliamna—The House would permit State of Alaska selection for its ownership if the area was legislatively designated for protection of watershed and fisheries; otherwise one or more national wildlife refuges would be created. The Senate would convey the area to the State.

Rivers—Alagnak, Birch Creek, Delta, Fortymile, Gulkana and Unalakleet, would be designated as wild and scenic rivers by both houses.

Kisaralik—Would be designated a wild river by the House; study would be authorized by the Senate.

Melozitna—Study would be authorized by both houses.

Koyuk, Nuyakuk and Susitna—Study would be authorized by the House; not referenced by the Senate.

The designation of the so-called "Alaska National Interest Lands" including the above-proposed areas has received broad local, State and national scrutiny from 1973 to the present. For the purpose of scoping, as required by the current CEQ regulations, a large body of public comment and other background documents were available. The similarity of the proposed actions to other National Interest Lands proposals for which NEPA compliance has been completed and the extensive public review which has already been afforded the present proposals suggests that a specific scoping meeting to determine the identification of major issues to be addressed in the current documents would not produce any new issues. However, this opportunity is being afforded for the public to raise any significant issues not outlined below.

The major documents reviewed for determination of significant issues include: the 28 volumes of the 1974 Department of Interior Environmental Impact Statement for proposed National Parks, Wildlife Refuges, Forests and Wild and Scenic Rivers in Alaska; the 1978 DOI Environmental Supplement to the 1974 EIS which analyzed the impacts of Executive Branch alternatives to congressional designation of these National Interest Lands; the following publications of reports and hearing records of the House of Representatives and the Senate (House no. 95–16 in 16 volumes; no. 95–23 in 2 volumes; no. 95–34; no. 95–1045 in 2 volumes; no. 96–97, parts I and II; no. 96–4 in 2 parts; Senate no. 95–153 in 3 parts; no. 95–64, parts I and II; no. 95–1300; and no. 96–413); State of Alaska Land Selection Program (Alaska Department of Natural Resources, 1978); and the Summary of Major Land Issues in Alaska (Joint Federal State Land Use Planning Commission for Alaska, 1979).

Additionally, twelve hearings were conducted by the Department of the Interior in April-June 1979 on possible administrative withdrawals of National Interest Lands under Section 204(c) of Pub. L. 94–579 including these proposals. These hearings were held in Washington, D.C., Denver, San Francisco, Anchorage, Fairbanks and several villages in rural Alaska. Written and oral comments on the proposals provided further evidence of public concern and a review of key issues. These written comments referred to are available for review in the Fish and Wildlife Service offices at 1101 E. Tudor Road, Anchorage, Alaska, 99503 and the ANCSA Office, 18th and C Streets, N.W., Washington, D.C. 20240.

Examination of the various documents indicates that the major issues that government agencies and the public consider important and necessary to address are:

Alaska Peninsula Proposal

The possible effects of the proposal and alternatives on:

1. The management emphasis and protection that would be afforded the outstanding fish and wildlife populations and habitats of the Peninsula:

2. The protection of cultural, historic, scientific and wilderness values of the area;

3. Maintaining the quality and quantity of water resources of the Peninsula.

4. The opportunity for continuation of the subsistence lifestyle of local rural residents;

5. The commercial and sport fish and wildlife harvests and other recreational uses of the area;

6. Other elements of the local economy;

7. Oil and gas exploration and development;

8. Mineral exploration and development;

9. Potential geothermal development;

10. The expansion and/or development of transportation systems;

11. Public access to and across the area; and

12. Reclassification of federal lands for State selection or other disposal.

Other issues, such as impacts on the development of agriculture or forest resources, are of importance for some regions of the State but by comparison are not of major concern on the Alaska Peninsula which lacks potential for development of such resources. However, these issues will be addressed.

Iliamna Proposal

The possible effects of the Executive Branch alternatives on:

1. The management and protection of fish (particularly salmon) and wildlife populations and habitats of the area;

2. The protection of cultural, historic, scientific and wilderness values of the area;

3. Maintaining the quality and quantity of water resources of the area;

4. The opportunity for continuation of the subsistence lifestyle of local rural residents;

5. Commercial and sport fish and wildlife harvests and other recreational uses of the area economy;

6. Other elements of the local economy;

7. Mineral exploration and development;

8. Expansion and/or development of transportation systems;

9. Public access to and across the area;

10. Development of small scale hydroelectric projects; and

11. Reclassification of federal lands for State selection or other disposal.

Other issues, such as impacts on the development of agriculture, oil, gas and forest resources, are of importance for some regions of the State but by comparison are not of major concern in the Iliamna area which has only low to moderate potential for development of such resources. However, these issues will be addressed.

Wild and Scenic Rivers Proposal

The possible affects of the proposal and alternatives on:

1. The preservation in a free-flowing condition of some of Alaska's most outstanding rivers in terms of their opportunities, scenic beauty, fish and

wildlife resources and historic, cultural and geologic values;

2. Recreational and subsistence uses of fish and wildlife resources;

3. The protection of the natural and cultural resources of the corridors;

4. Mining and oil and gas exploration and development;

5. Water resources development projects, particularly on the Susitna River;

6. Use of the river corridors for transportation or pipeline development;

7. Public access to and across the corridors;

8. Private, State and Native corporate land holdings within corridors, and

9. Reclassification of federal lands for State selection or other disposal.

Interested parties are encouraged to review the referenced background documents and to submit any additional substantive issues relative to the proposals not addressed in this notice.

The DEIS will be released after comments have been received from this notice. The availability of the DEIS will be announced in the **Federal Register.**

The primary author of this notice is Christine Enright, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: January 31, 1980.

Robert Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-3711 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-03-M

Geological Survey

Known Recoverable Coal Resource Area; Bennie Peer, N. Dak.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemental by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1976 (Pub. L. 94-377, August 4, 1976, as amended by Pub. L. 95-554, October 30, 1978), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) North Dakota

Bennie Peer (North Dakota) Known Recoverable Coal Resource Area; March 6, 1979; 162,233.74 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: January 28, 1980.

H. William Menard,

Director.

[FR Doc. 80-3674 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-31-M

Known Recoverable Coal Resource Area; Book Cliffs, Colo.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of Feburary 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1976 (Pub. L. 94-377, August 4, 1976, as amended by Pub. L. 95-554, October 30, 1978), Federal lands within the State of Colorado have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of Feburary 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(6) Colorado

Book Cliffs (Colorado) Known Recoverable Coal Resource Area; June 1, 1979; 440,293 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: January 28, 1980.

H. William Menard,

Director.

[FR Doc. 80-3673 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before January 25, 1980. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by February 15, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALABAMA

Jefferson County

Birmingham, *Birmingham, Railway, Light and Power Building,* 2100 1st Ave., North.
Birmingham, *First Christian Church Education Building,* 2100 7th Ave. N.
Birmingham, *Waters Building,* 209-211 N. 22nd St.

HAWAII

Honolulu County

Honolulu, *Canavarro, Georges de S., House,* 2756 Rooke Ave.
Honolulu, *Linekona School,* Victoria and Beretania Sts.

KENTUCKY

Newell, Beaty, James and Owens Family Buildings Thematic Resources. Reference—see individual listings under Pulaski County.

Bullitt County

Shepherdsville vicinity, *Brooks, Solomon Neill, House,* NE of Shepherdsville at Hebron Lane and KY 61.

Daviess County

Yelvington vicinity, *Riley, Amos, Plantation Site (Home of Josiah Henson)* 2 mi. N of Yelvington on U.S. 60.

Fayette County

Lexington, *Battle Row,* 159-177 N. Limestone St.
Lexington, *Lexington City National Bank Building,* 259-265 W. Main St.
Lexington, *Miller Brothers Building,* 359-361 W. Main St.

Hart County

Munfordville, *Munfordville Multiple Resource Area (Partial Inventory).* This area includes: *Barrett, Dr. Lewis, House,* 2nd and Caldwell Sts.; *Chapline Building,* Main St.; *Cox, Alvey, House,* 1st and Washington Sts.; *Hart County Courthouse,* Town Sq.; *Hart County Deposit Bank and Trust Company Building,* Main St.; *Munford Inn,* 109 Washington St.; *Munford, Richard, House,* West and 1st Sts.; *Munford, Thomas Bolin, House,* 3rd and Washington Sts.; *Munfordville Baptist Church,* 313 S. 5th St.; *Munfordville Presbyterian Church and Green,* 3rd and Washington Sts.; *Munfordville School (Williams House)* 3rd and Washington Sts.; *Smith, F. A., House,* 204 N. Washington St.; *Wood, Gen. George T., House,* 2nd and Caldwell Sts.

Marion County

Nerinx, *Loretto Motherhouse*, Off KY 152.

Mercer County

Harrodsburg, *Daughters' College*, 638 Beaumont Dr.

Oldham County

Ballardsville vicinity, *Spring Hill*, S of Ballardsville of KY 53.

Pulaski County

Bronston, *Bronston Post Office (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off KY 90.
Bronston, *Newell House (Newell, Beaty, James, and Owens Family Buildings Thematic Resources)*.
Bronston vicinity, *Alexander Chapel Methodist Church (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off KY 90.
Bronston vicinity, *Newell, William O., House (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off KY 90.
Somerset vicinity, *James-Hansford House (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* KY 80.
Somerset vicinity, *James-Owens House (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off KY 80.
Somerset vicinity, *Pisgah Presbyterian Church (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off U.S. 27.
Somerset vicinity, *Saunders, George W., House (Newell, Beaty, James and Owens Family Buildings Thematic Resources)* Off U.S. 27.

Simpson County

Franklin, *Simpson County Courthouse*, KY 73.
Franklin vicinity, *Octagon Hall*, NE of Franklin on KY 31W.

Trigg County

Canton, *Brick Inn (Canton Hotel)* Off KY 80.

MARYLAND

Baltimore (independent city)
Benson Building, 4 E. Franklin St.
Odd Fellows Hall, 300 Cathedral St.

Talbot County

St. Michaels, *Old Inn, The*, Talbot and Mulberry Sts.

Worcester County

Berlin, *Berlin Commercial District*, Main, Broad, Williams, Bay, Pitts, and Commerce Sts.

MISSOURI

Jackson County

Kansas City, *Bellerive Hotel*, 214 E. Armour Blvd.
Kansas City, *Westminster Congregational Church*, 3600 Walnut St.
St. Louis (independent city)
Convent of the Sisters of St. Joseph of Carondelet, 6400 Minnesota Ave.

Saline County

Arrow Rock, *ARROW ROCK MULTIPLE RESOURCE AREA (Partial Inventory)*. This area includes: *Arrow Rock Historic District;* Arrow Rock vicinity, *Barger, Edwin, House*, Off MO 41; *Cole, Bill, House*, 1st St.; *Eddy, Kenneth, House*, Off MO 41; *Green, Elmer, House*, MO TT; *Hogge House*, Off MO TT; *Moseley House*, MO 41; *Murphy, Pat, House*, MO 41; *Ozias, Art, House*, Off MO 41; *Spring*, Off MO 41; *Stith, Bob, House*, Off MO 41; *Thompson House*, MO 41; *Van Winter House*, Off MO 41 and MO TT.

MONTANA

Yellowstone County

Billings, *Fire House No. 2*, 201 S. 30th St.

NEBRASKA

Buffalo County

Kearney, *Thomas, Dr. A. O., House*, 2222 9th Ave.

Sheridan County

Ellsworth vicinity, *Spade Ranch* (also in Cherry County).

NEVADA

Washoe County

Reno, *Rainier Brewing Company Bottling Plant*, 310 Spokane St.
Verdi vicinity, *1872 California-Nevada State Boundary Marker*, On California-Nevada border.

NEW YORK

Dutchess County

Fishkill vicinity, *Stony Kill Farm*, W of Fishkill on NY 9D.

New York County

New York, *East 78th Street Houses*, 157–165 E. 78th St.
New York, *East 80th Street Houses*, 116–130 E. 80th St.

Otsego County

Oneonta vicinity, *Stonehouse Farm*, E of Oneonta on NY 7.

NORTH DAKOTA

Grand Forks County

Northwood, *Linwell, Martin V., House*, 316 S. Raymond St.

OKLAHOMA

Oklahoma County

Oklahoma City, *India Temple Shrine Building*, 621 N. Robinson St.
Oklahoma City, *Oklahoma Gas and Electric Company Building*, 321 N. Harvey St.
Oklahoma City, *Ramsey Tower*, 204 N. Robinson St.
Oklahoma City, *Snyder's Super Service Station*, 1325 N. Broadway Ave.

PENNSYLVANIA

Lancaster County

Lancaster, *Lancaster County House of Employment (Old County Hospital)* 900 E. King St.

RHODE ISLAND

Providence County

Cranston, *Furnace Hill Brook Historic and Archeological District*, Phenix Ave. and Hope Rd.
Providence, *Cappelli, A. F., Block*, 263–265 Atwells Ave.

TENNESSEE

Shelby County

Memphis, *Maxwelton*, 3105 Southern Ave.

UTAH

Grand County

Moab, *Taylor, Arthur, House*, U.S. 163

Salt Lake County

Salt Lake City, *Liberty Park*, Bounded by 5th, 7th E., 9th and 13th S. Sts.
Salt Lake City, *South Temple Historic District*, S. Temple St.

Wasatch County

Heber City, *Murdoch, John, House*, 261 N. 400 West St.

VIRGINIA

Campbell County

Brookneal vicinity, *Cat Rock Sluice of the Roanoke Navigation*, W of Brookneal (also in Halifax County).

Charles City County

Rustic vicinity, *Rowe, The*, 3 mi. SW of Rustic.

Essex County

Millers Tavern vicinity, *Woodlawn*, 2.1 mi. NE of Millers Tavern.

Fairfax County

Alexandria vicinity, *Fort Hunt*, Mount Vernon Memorial Hwy.

Frederick County

Clear Brook vicinity, *Hopewell Friends Meetinghouse*, W of Clear Brook off VA 672.

Mathews County

Moon vicinity, *Billups House (Milford)* E of Moon.

Middlesex County

Urbanna, *Wormeley Cottage*, Virginia St.
Petersburg (independent city)
Folly Castle Historic District, Perry and W. Washington Sts.

Roanoke County

Roanoke vicinity, *Old Tombstone*, N of Roanoke.

Rockbridge County

Brownsburg vicinity, *New Providence Presbyterian Church*, NE of Brownsburg.

Surry County

Cabin Point vicinity, *Montpelier*, 1.4 mi. SW of Cabin Point.

Wythe County

Rural Retreat vicinity, *Kimberling Lutheran Cemetery*, NW of Rural Retreat.

WEST VIRGINIA

Fayette County

Gauley Bridge, *Gauley Bridge Railroad Station*, Off WV 16/39.

[FR Doc. 80-3495 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-03-M

National Register of Historic Places; Annual Listing of Historic Properties

The Annual Listing of Historic Properties on the National Register of Historic Places, that would ordinarily appear here today, February 5, 1980, will be published in the **Federal Register** March 18, 1980.

Ronald M. Greenberg,

Acting Chief, National Register of Historic Places.

[FR Doc. 80-3739 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

Assessment Policy Committee, National Assessment of Educational Progress; Meeting

Notice is hereby given that the Assessment Policy Committee of the National Assessment of Educational Progress (NAEP) will meet on February 8–9, 1980 at the Plaza Cosmopolitan Hotel, Broadway Arms Conference Room, 1780 Broadway, Denver, Colorado, 80202. The session on February 8 will commence at 8:30 a.m. and terminate at 4:30 p.m.; and the session on February 9 will commence at 8:30 a.m. and terminate at 12:00 noon.

The Assessment Policy Committee is established under section 405 (k)(2)(A) of the General Education Provisions Act, as amended by section 1242 of the Education Amendments Act of 1978. The Policy Committee is responsible for the design of NAEP, including the selection of the learning areas to be assessed, the development and selection of goal statements and assessments items, the assessment methodology, the form and content of the reporting and dissemination of results, and studies to evaluate and improve the form and utilization of NAEP.

NAEP is a periodic survey of the knowledge, skills, understandings, and attitudes of young Americans. During the meeting, the Policy Committee will review and discuss the NIE grant award for the continuation of the National Assessment and special provisions, future assessment cycles, and policy, management and other administration matters.

The entire meeting will be open to the public. Interested persons are invited to attend the meeting. In order to assure adequate seating arrangements, persons likely to attend the meeting may contact the following person: Mr. Dunlop Scott, National Assessment of Educational Progress, 1860 Lincoln Street, Denver, Colorado 80295 (303) 861–4917.

Dated: February 4, 1980.

Jeff Schiller,

Assistant Director, Testing, Assessment and Evaluation.

[FR Doc. 80-3886 Filed 2-4-80; 11:56 am]

BILLING CODE 4110-39-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Correction

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

ACTION: Correction.

SUMMARY: This document corrects the Public Disclosure of Comments Received from Federal Agencies on the Texas Permanent Regulatory Program Submission that begins on page 7319 of the **Federal Register** of Friday, February 1, 1980.

EFFECTIVE DATE: February 5, 1980.

ADDRESS: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, 202–343–4225.

SUPPLEMENTARY INFORMATION: This document corrects errors that appeared in the February 1, 1980 **Federal Register.** The following instructions will aid the user in locating referenced corrections:

page—indicates the page number that appears in the upper margin.
column—indicates the column number where the error is found.
line—indicates the number of lines down from the referenced paragraph.

Dated: February 1, 1980.

Carl C. Close,

Assistant Director, State and Federal Programs.

The following correction is made:

On page 7319, column 2, SUMMARY, lines 1–3:

"Before the Secretary of Interior may approve the Surface Mining Control and Reclamation Act of 1977," is corrected to read "Before the Secretary of the Interior may approve a State program under the Surface Mining Control and Reclamation Act of 1977,".

[FR Doc. 80-3842 Filed 2-4-80; 8:45 am]

BILLING CODE 4310-05-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 25
Tuesday, February 5, 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).

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1

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Thursday, January 31, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Emergency closed meeting.

MATTERS TO BE CONSIDERED:

Internal Personnel Matters

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 632-7260.

Issued: February 1, 1980.

[S-226-80 Filed 2-1-80; 1:50 pm]

BILLING CODE 6712-01-M

2

FEDERAL ELECTION COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 5, 1980.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel, Audit Policy—Threshold Audits.

TIME AND DATE: 10 a.m., Wednesday, February 6, 1980.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Special meeting for discussion of regulations.

TIME AND DATE: 10 a.m., Thursday, February 7, 1980.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.
Advisory Opinions: Draft AO 1979-81—Larry Winn, Jr. (Member of Congress) and Draft AO 1979-82—Ronald M. Mottl (Member of Congress).
1980 Election and related matters.
Impact of H.R. 5010.
Interim enforcement procedures.
Appropriations and Budget—November Management Report.
Pending legislation.
Classification actions.
Routine administrative matters.
Discussion of regulations (continued).

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-219-80 Filed 2-1-80; 9:59 am]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 6686, January 29, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: January 30, 1980, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number and Company

EL80-9, *Operation Overcharge Complainant* v. *Virginia Electric & Power Co.*, Respondent

Kenneth F. Plumb,

Secretary.

[S-216-80 Filed 1-31-80; 4:57 pm]

BILLING CODE 6450-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION. Meeting.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: Approximately 12 noon, January 31, 1980.

PLACE: Room 9306, B25 North Capital Street, NE., Washington, D.C. 20426.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

The following members of the Commission voted that agency business requires the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis.
Commissioner Sheldon.
Commissioner Holden.

Kenneth F. Plumb,

Secretary.

[S-217-80 Filed 1-31-80; 4:57 pm]

BILLING CODE 6450-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published February 4, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 6, 1980.

Item Number, Docket Number, and Company

CP-3. CP77-363, Columbia Gas Transmission Corporation and National Fuel Gas Corporation.

Kenneth F. Plumb,

Secretary.

[S-225-80 Filed 2-1-80; 1:09 pm]

BILLING CODE 6450-01-M

6

January 30, 1980.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 6, 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. Ottawa Silica Company, WILK 79-69-PM (Petition for Discretionary Review; issues include interpretation and application of 30 CFR § 56.12-68)

2. Davis Coal Company, HOPE 78-627-P, etc., HOPE 79-195-P, HOPE 79-233-P, etc., WEVA 79-25, WEVA 79-130, etc. (Issues include whether certain proposed penalty settlements were appropriately approved.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen 202–653–5632.

[S–218–80 Filed 2–1–80; 9:53 am]

BILLING CODE 6820–12–M

7

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 10 a.m., Thursday, February 7, 1980.

PLACE: Board room, seventh floor, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.
2. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.
3. Report of actions taken under delegated authorities.

CONTACT PERSON FOR MORE INFORMATION: Beatrix Fields, Acting Secretary of the Board, telephone (202) 357–1030.

[S–220–80 Filed 2–1–80; 11:21 am]

BILLING CODE 7535–01–M

8

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 2 p.m., Friday, February 8, 1980.

PLACE: Board room, seventh floor, 1776 G Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act in order to prevent their closing. Closed pursuant to exemption (8) and (9)(A)(ii).
2. Administrative Actions under Section 120 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
3. Special Reserve Actions Under Sections 116 of the Federal Credit Union Act. Closed pursuant to exemptions (8), and (9)(A)(ii).
4. Merger. Closed pursuant to exemptions (8), and (9)(A)(ii).
5. Final order to place a Federal credit union into liquidation under Section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), and (9)(A)(ii).
6. Personnel Actions. Closed pursuant to exemptions (2) and (6).

CONTACT PERSON FOR MORE INFORMATION: Beatrix Fields, Acting Secretary of the Board, telephone (202) 357–1030.

[S–227–80 Filed 2–1–80; 2:43 pm]

BILLING CODE 7535–01–M

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: February 7, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Thursday, February 7

2 p.m.

1. Briefing on Impact of Special Inquiry Group Report on Action Plan (approx. 2 hours, public meeting).
2. Affirmation Session (approx. 5 minutes, public meeting) (items are tentative):
   a. Protection of Individuals Providing Information to NRC.
   b. Access Controls to Power Plant Vital Areas.
   c. Re-appointment of ACRS Member.
   d. CEQ–NEPA Regulations.
   e. Revisions to Part 20.

CONTACT PERSON FOR MORE INFORMATION: Roger Tweed (202) 634–1410.

Roger M. Tweed,

Office of the Secretary.

January 31, 1980.

[S–221–80 Filed 2–1–80; 1:03 pm]

BILLING CODE 7590–01–M

10

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION:

TIME AND DATE: 1 p.m., February 7, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: February 1, 1980.

[S–222–80 Filed 2–1–80; 1:03 pm]

BILLING CODE 7600–01–M

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[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 13, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: February 1, 1980.

[S–223–80 Filed 2–1–80; 1:03 pm]

BILLING CODE 7600–01–M

12

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 21, 1980.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Ms. Patricia Bausell (202) 634–4015.

Dated: February 1, 1980.

[S–224–80 Filed 2–1–80; 1:03 pm]

BILLING CODE 7600–01–M

federal register

Tuesday
February 5, 1980

Part II

Department of Health, Education, and Welfare

Food and Drug Administration

Cardiovascular Devices; Classification and Development of General Provisions

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

21 CFR Part 870

[Docket No. 78N-1406]

Cardiovascular Devices; General Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule regarding general provisions applicable to the classification of cardiovascular devices. The preamble to this rule responds to general comments received on the proposals regarding classification of cardiovascular devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 9, 1979 (44 FR 13284), FDA published a proposed regulation containing general provisions applicable to the classification of cardiovascular devices. The preamble to the regulation described the development of the proposed regulations classifying cardiovascular devices and the activities of the Cardiovascular Device Classification Panel, an FDA advisory committee that makes recommendations to FDA concerning the classification of cardiovascular devices. FDA also published in that issue of the **Federal Register** individual proposed regulations to classify 141 cardiovascular devices. FDA provided a period of 60 days for interested persons to submit written comments on these proposals.

Comments on Classification Proposals

Elsewhere in this issue of the **Federal Register**, FDA is issuing final regulations classifying 138 individual cardiovascular devices. FDA is responding to specific comments regarding the classification of individual cardiovascular devices in the final regulations for these devices.

No written comments were received on proposed § 870.1 (21 CFR 870.1), which concerns general provisions for all cardiovascular devices. Accordingly, FDA is promulgating § 870.1 with one change: The agency is adding an explanation that references in Part 870 to other regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 of the Code of Federal Regulations, unless otherwise noted.

FDA received one general comment regarding classification proposals for cardiovascular devices. The comment asked whether a manufacturer of a device with more than one use, one or more of which would require it to be placed in class III, and one or more of which would require it to be subject to class II controls, could, by astute device listing, avoid complying with the requirements of class III. The comment referred to a cardiac monitor with arrhythmia detection capability as an example of a device that could present a manufacturer with such an opportunity.

If a device performs the functions of two or more generic types of devices, each with a different classification, the manufacturer of that device is subject to the controls applicable to all of the generic types of devices involved. In the example given, a cardiac monitor device with arrhythmia detection capability is required to conform to any performance standard applicable to a class II cardiac monitor device, and the manufacturer of the device is also subject to the premarket approval requirements applicable to a class III arrhythmia detector device.

Changes in Classification Proposals

FDA is continuing its efforts to consolidate panel recommendations concerning similar devices. FDA has attempted to identify these devices before publication of classification proposals and to ensure that each panel's recommendation is considered and published for comment before FDA promulgates final classification regulations for devices reviewed by more than one panel. In the **Federal Register** of March 6, 1979 (44 FR 12269), FDA published a notice of the availability of an index of classification regulations for medical devices. The index may be used by interested persons to determine the specific classification regulation for a device that was classified by more than one classification panel and to determine with which panel's classification regulations it will be published.

With respect to several cardiovascular device classification proposals, FDA has made minor changes in nomenclature and grammar to clarify the regulation, change the device's name from plural to singular, correct spelling, etc. In several proposals, FDA has changed the identification or name of the device to make clear that the regulation applies only to the cardiovascular uses of the device. The devices are: Catheter introducers (Docket No. 78N-1427), impedance plethysmographs (Docket No. 78N-1466), vascular clips (Docket No. 78N-1479), and arterial embolization devices (Docket No. 78N-1481).

FDA is not publishing the final regulation for electrocardiograph conducting media (Docket No. 78N-1455) and pH catheter probes (Docket No. 78N-1419) because these devices were found to be similar to other devices classified by other panels. Electrocardiograph conducting media were classified in the regulation classifying electroconductive media (Docket No. 78N-1005), published with the final classification regulations for neurological devices in the **Federal Register** of September 4, 1979 (44 FR 51726). The pH catheter probes will be classified by the final regulation based on the proposal to classify indwelling blood hydrogen ion concentration (pH) analyzer (Docket No. 78N-1659), published with the proposed classification regulations for anesthesiology devices in the **Federal Register** of November 2, 1979 (44 FR 63292).

In response to a comment, FDA has determined that catheter guide holders (Docket No. 78N-1425) are not sold separately for use in resterilization of catheter guide wires and are designed to serve only as protective packaging. FDA has determined that catheter guide holders are not devices; and, therefore, the agency is not publishing a final regulation for catheter guide holders.

Based on the comments received and on additional consideration of the information before the agency, FDA has placed several devices in different classes from those originally proposed. Changes in classification were made in each of the following regulations with respect to all or some devices subject to the regulation: Cardiopulmonary bypass accessory equipment (Docket No. 78N-1509), cardiovascular surgical instruments (Docket No. 78N-1535), and DC defibrillator (including paddles) (Docket No. 78N-1543). FDA does not believe that it is necessary to issue a new proposal concerning these decisions. The purpose of publishing a proposal and soliciting comments is to enable the agency to determine whether its proposed classification of a device was correct. After reviewing the comments submitted on a proposal, the agency may be persuaded that its proposed classification is incorrect. Persons interested in the classification process should therefore anticipate that in a final regulation a device may be

placed in a class different from the one originally proposed. This possibility was specifically identified in the proposed general regulation on cardiovascular devices (see 44 FR 13286). Persons who disagree with a final classification for a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860).

List of Cardiovascular Devices

The following is a list of cardiovascular devices being classified in final regulations published elsewhere in this issue of the **Federal Register.** The list shows the section in the Code of Federal Regulations under which the regulation classifying the device is being codified, the docket number of the classification regulation, and the classification of each device.

Section	Device	Docket No.	Class
	Subpart B—Cardiovascular Diagnostic Devices		
870.1025	Arrhythmia detector and alarm	78N-1407	III
870.1100	Blood pressure alarm	78N-1408	II
870.1110	Blood pressure computer	78N-1409	II
870.1120	Blood pressure cuff	78N-1410	II
870.1130	Noninvasive blood pressure measurement system	78N-1411	II
870.1140	Venous blood pressure manometer	78N-1412	II
870.1200	Diagnostic intravascular catheter	78N-1413	II
870.1210	Continuous flush catheter	78N-1414	II
870.1220	Electrode recording catheter or electrode recording probe	78N-1415	II
870.1230	Fiberoptic oximeter catheter	78N-1416	II
870.1240	Flow-directed catheter	78N-1417	II
870.1250	Percutaneous catheter	78N-1418	II
870.1270	Intracavitary phonocatheter system	78N-1420	II
870.1280	Steerable catheter	78N-1421	II
870.1290	Steerable catheter control system	78N-1422	II
870.1300	Catheter cannula	78N-1423	II
870.1310	Vessel dilator for percutaneous catheterization	78N-1424	II
870.1330	Catheter guide wire	78N-1426	II
870.1340	Catheter introducer	78N-1427	II
870.1350	Catheter balloon repair kit	78N-1428	III
870.1360	Trace microsphere	78N-1429	III
870.1370	Catheter tip occluder	78N-1430	II
870.1380	Catheter stylet	78N-1431	II
870.1390	Trocar	78N-1432	II
870.1425	Programmable diagnostic computer	78N-1433	II
870.1435	Single-function, preprogrammed diagnostic computer	78N-1434	II
870.1450	Densitometer	78N-1435	II
870.1650	Angiographic injector and syringe	78N-1436	II
870.1660	Indicator injector	78N-1437	II
870.1670	Syringe actuator for an injector	78N-1438	II
870.1750	External programmable pacemaker pulse generator	78N-1439	II
870.1800	Withdrawal-infusion pump	78N-1440	II
870.1875	Stethoscope	78N-1441	I, II
870.1915	Thermodilution probe	78N-1442	II
	Subpart C—Cardiovascular Monitoring Devices		
870.2050	Biopotential amplifier and signal conditioner	78N-1443	II
870.2060	Transducer signal amplifier and signal conditioner	78N-1444	II
870.2100	Cardiovascular blood flowmeter	78N-1445	II
870.2120	Extravascular blood flow probe	78N-1446	II
870.2300	Cardiac monitor (including cardiotachometer and rate alarm)	78N-1447	II
870.2310	Apex cardiograph (vibrocardiograph)	78N-1448	II
870.2320	Ballistocardiograph	78N-1449	II
870.2330	Echocardiograph	78N-1450	II
870.2340	Electrocardiograph	78N-1451	II
870.2350	Electrocardiograph lead switching adaptor	78N-1452	II
870.2360	Electrocardiograph electrode	78N-1453	II
870.2370	Electrocardiograph surface electrode tester	78N-1454	II
870.2390	Phonocardiograph	78N-1456	II
870.2400	Vectorcardiograph	78N-1457	II
870.2450	Medical cathode-ray tube display	78N-1458	II
870.2600	Signal isolation system	78N-1459	II
870.2620	Line isolation monitor	78N-1460	II
870.2640	Portable leakage current alarm	78N-1461	II
870.2675	Oscillometer	78N-1462	II
870.2700	Oximeter	78N-1463	II
870.2710	Ear oximeter	78N-1464	II
870.2750	Impedance phlebograph	78N-1465	II
870.2770	Impedance plethysmograph	78N-1466	II
870.2780	Hydraulic, pneumatic, or photoelectric plethysmograph	78N-1467	II
870.2800	Medical magnetic tape recorder	78N-1468	II
870.2810	Paper chart recorder	78N-1469	II
870.2840	Apex cardiographic transducer	78N-1470	II
870.2850	Extravascular blood pressure transducer	78N-1471	II
870.2860	Heart sound transducer	78N-1472	II
870.2870	Catheter tip pressure transducer	78N-1473	II
870.2880	Ultrasonic transducer	78N-1474	II
870.2890	Vessel occlusion transducer	78N-1475	II
870.2900	Patient transducer and electrode cable (including connector)	78N-1476	II
870.2910	Radiofrequency physiological signal transmitters and receivers	78N-1477	II
870.2920	Telephone electrocardiograph transmitters and receivers	78N-1478	II

Section	Device	Docket No.	Class
	Subpart D—Cardiovascular Prosthetic Devices		
870.3250	Vascular clip	78N-1479	II
870.3260	Vena cava clip	78N-1480	II
870.3300	Arterial embolization device	78N-1481	III
870.3375	Cardiovascular intravascular filter	78N-1482	III
870.3450	Vascular graft prosthesis of less than 6 mm diameter	78N-1483	III
870.3460	Vascular graft prosthesis of 6 mm and greater diameter	78N-1484	II
870.3470	Intracardiac patch or pledget made of polypropylene, polyethylene terephthalate, or polytetrafluoroethylene.	78N-1485	II
870.3535	Intra-aortic balloon and control system	78N-1487	III
870.3545	Ventricular bypass (assist) devices	78N-1488	III
870.3600	External pacemaker pulse generator	78N-1489	III
870.3610	Implantable pacemaker pulse generator	78N-1490	III
870.3620	Pacemaker lead adaptor	78N-1491	III
870.3630	Pacemaker generator function analyzer	78N-1492	II
870.3640	Indirect pacemaker generator function analyzer	78N-1493	II
870.3650	Pacemaker polymeric mesh bag	78N-1494	II
870.3670	Pacemaker charger	78N-1496	II
870.3680	Permanent and temporary pacemaker electrode	78N-1497	II, III
870.3690	Pacemaker test magnet	78N-1498	II
870.3700	Pacemaker programmer	78N-1499	III
870.3710	Pacemaker repair or replacement materials	78N-1500	III
870.3720	Pacemaker electrode function tester	78N-1501	II
870.3730	Pacemaker service tools	78N-1502	I
870.3800	Annuloplasty ring	78N-1503	III
870.3850	Carotid sinus nerve stimulator	78N-1504	III
870.3925	Replacement heart valve	78N-1505	III
870.3935	Prosthesis heart valve holder	78N-1506	II
870.3945	Prosthesis heart valve sizer	78N-1507	II
	Subpart E—Cardiovascular Surgical Devices		
870.4075	Endomyocardial biopsy device	78N-1508	II
870.4200	Cardiopulmonary bypass accessory equipment	78N-1509	I
870.4205	Cardiopulmonary bypass bubble detector	78N-1378	II
870.4210	Cardiopulmonary bypass vascular catheter, cannula, or tubing	78N-1510	II
870.4220	Cardiopulmonary bypass heart-lung machine console	78N-1511	II
870.4230	Cardiopulmonary bypass defoamer	78N-1512	III
870.4240	Cardiopulmonary bypass heat exchanger	78N-1513	II
870.4250	Cardiopulmonary bypass temperature controller	78N-1514	II
870.4260	Cardiopulmonary bypass arterial line blood filter	78N-1515	III
870.4270	Cardiopulmonary bypass cardiotomy suction line blood filter	78N-1516	II
870.4280	Cardiopulmonary pre-bypass filter	78N-1517	II
870.4290	Cardiopulmonary bypass fitting, manifold, stopcock and adaptor	78N-1518	II
870.4300	Cardiopulmonary bypass gas control unit	78N-1519	II
870.4310	Cardiopulmonary bypass coronary pressure gauge	78N-1520	II
870.4320	Cardiopulmonary bypass pulsatile flow generator	78N-1521	III
870.4330	Cardiopulmonary bypass on-line blood gas monitor	78N-1522	II
870.4340	Cardiopulmonary bypass level sensing monitor and/or control	78N-1523	II
870.4350	Cardiopulmonary bypass oxygenator	78N-1524	III
870.4360	Nonroller type cardiopulmonary bypass blood pump	78N-1525	III
870.4370	Roller-type cardiopulmonary bypass blood pump	78N-1526	II
870.4380	Cardiopulmonary bypass pump speed control	78N-1527	II
870.4390	Cardiopulmonary bypass pump tubing	78N-1528	II
870.4400	Cardiopulmonary bypass blood reservoir	78N-1529	II
870.4410	Cardiopulmonary bypass in-line blood gas sensor	78N-1530	II
870.4420	Cardiopulmonary bypass cardiotomy return sucker	78N-1531	II
870.4430	Cardiopulmonary bypass intracardiac suction control	78N-1532	II
870.4450	Vascular clamp	78N-1533	II
870.4475	Surgical vessel dilator	78N-1534	II
870.4500	Cardiovascular surgical instruments	78N-1535	I
870.4875	Intraluminal artery stripper	78N-1536	II
870.4885	External vein stripper	78N-1537	II
	Subpart F—Cardiovascular Therapeutic Devices		
870.5050	Patient care suction apparatus	78N-1538	II
870.5150	Embolectomy catheter	78N-1539	II
870.5175	Septostomy catheter	78N-1540	II
870.5200	External cardiac compressor	78N-1541	III
870.5225	External counter-pulsating device	78N-1542	III
870.5300	DC-defibrillator (including paddles)	78N-1543	II, III
870.5325	Defibrillator tester	78N-1544	II
870.5550	External transcutaneous cardiac pacemaker (noninvasive)	78N-1545	III
870.5800	Compressible limb sleeve	78N-1546	II
870.5900	Thermal regulating system	78N-1547	II
870.5925	Automatic rotating tourniquet	78N-1548	II

Patient Information

FDA is considering requiring the development and dissemination of information for patients and consumers about the uses, benefits, and risks of medical devices. For example, patient information has already been required or approved by FDA for intrauterine devices and hearing aids. In addition, the Bureau of Radiological Health is conducting a consumer education program on x-rays that includes posters on the effects of radiation during pregnancy and the distribution of x-ray record cards.

FDA believes that patient information is needed if: (1) There is a choice among alternatives of which the patient should be aware; (2) there are substantial risks or discomforts associated with the product; (3) the cost of the product is significant; (4) there is a need for the patient to strictly adhere to a specific treatment regimen; or (5) there is substantial public or professional controversy about the device or its related procedures.

FDA can require that manufacturers make medical device information available to providers for their use and the use of their patients through the premarket approval or standards-setting processes as well as the general control provisions of the Federal Food, Drug, and Cosmetic Act. The mechanisms available to FDA to provide patient information for devices include: (1) Labeling for restricted and nonrestricted devices; (2) patient package inserts and provider information; and (3) consumer and patient education programs.

FDA has tentatively identified several cardiovascular devices for which patient information may be required. Other cardiovascular devices may be identified in the future, after the criteria for selection of devices needing patient information have been further refined. The devices that have been identified so far are listed below:

1. Home-use devices in these categories: blood pressure cuffs (Docket No. 78N–1410), noninvasive blood pressure measurement systems (Docket No. 78N–1411), stethoscopes (Docket No. 78N–1441).

2. Monitoring equipment for home use, in the following categories: Arrhythmia detectors and alarms (Docket No. 78N–1407), electrocardiographs (Docket No. 78N–1451), electrocardiograph electrodes (Docket No. 78N–1453), medical magnetic tape recorders (Docket No. 78N–1468).

3. Home-use heart rate monitors in one of the following categories: Cardiac monitors (including cardiotachometers and rate alarms) (Docket No. 78N–1447), impedance plethysmographs (Docket No. 78N–1466), hydraulic, pneumatic, or photoelectric plethysmographs (Docket No. 78N–1467).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs amends Chapter I of Title 21 of the Code of Federal Regulations by adding new Part 870, Subpart A, to read as follows:

PART 870—CARDIOVASCULAR DEVICES

Subpart A—General Provisions

Sec.

870.1 Scope.

Authority: Secs. 513 and 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 701(a)).

Subpart A—General Provisions

§ 870.1 Scope.

(a) This part sets forth the classification of cardiovascular devices intended for human use.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 may not show merely that the device is accurately described by the section title and identification provision of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) To avoid duplicative listings, a cardiovascular device that has two or more types of uses (e.g., used both as a diagnostic device and as a therapeutic device) is listed in the subpart representing one use of the device, rather than in two or more subparts.

(d) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

Effective date. This regulation is effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. (360c, 371(a))))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3205 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N–1407]

Cardiovascular Devices; Classification of Arrhythmia Detectors and Alarms

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying arrhythmia detectors and alarms into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning the safety and effectiveness tests of the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the Federal Register (44 FR 13291) a proposed regulation to classify arrhythmia detectors and alarms into class III (premarket approval). A period of 60 days was provided for interested persons to submit written coments to FDA.

One comment was received regarding arrhythmia detectors and alarms. The comment suggested that the device should be in class II rather than class III as proposed. The comment said that "standards do exist and that determinations of effectiveness are available and recognized." The comment provided information showing one institution's purchasing specifications indicating the accuracy level and types of algorithm considered acceptable by that institution. The comment also presented data showing the means for comparison of accuracy of detection programs (Ref. 1).

FDA is aware of standardization efforts relating to arrhythmia detectors. To date, those efforts have not produced adequate performance data on which to base a standard. Although the reference (Ref. 1) cited in the comment reviewed studies of the accuracy of these devices, it noted that "the methods for evaluating an arrhythmia monitoring system or determining the accuracy of a monitoring program were not consistent." The reference also states, "If the clinical efficacy of an arrhythmia monitoring system is to be determined, it can only be accomplished as a result of continuous, long-term, on-site clinical testing using unadulterated ECG data." FDA believes that the comment presented insufficient information on which to base a performance standard and that there is a lack of progress toward establishing a performance standard. Therefore, FDA believes the device should remain in class III and is adopting the proposed regulation without change.

Reference

1."Arrhythmia Monitoring Systems," American Society for Hospital Engineering of the American Hospital Association, Chicago, IL, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 by adding new Subpart B including new § 870.1025, to read as follows:

Subpart B—Cardiovascular Diagnostic Devices

§ 870.1025 Arrhythmia detector and alarm.

(a) *Identification.* An arrhythmia detector and alarm is a system that monitors the electrocardiogram and is designed to produce a visible or audible signal or alarm when an atrial or ventricular arrhythmia, such as a premature contraction or ventricular fibrillation, exists.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3206 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1408]

Cardiovascular Devices; Classification of Blood Pressure Alarms

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying blood pressure alarms into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13292) a proposed regulation to classify blood pressure alarms into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1100, to read as follows:

§ 870.1100 Blood pressure alarm.

(a) *Identification.* A blood pressure alarm is a device that accepts the signal from a blood pressure transducer amplifier, processes the signal, and emits an alarm when the blood pressure falls outside a pre-set upper or lower limit.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3207 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1409]

Cardiovascular Devices; Classification of Blood Pressure Computers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying blood pressure computers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13293) a proposed regulation to classify blood pressure computers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1110, to read as follows:

§ 870.1110 Blood pressure computer.

(a) *Identification.* A blood pressure computer is a device that accepts the electrical signal from a blood pressure transducer amplifier and indicates the systolic, diastolic, or mean pressure based on the input signal.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3208 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1410]

Cardiovascular Devices; Classification of Blood Pressure Cuffs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying blood pressure cuffs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13294) a proposed regulation to classify blood pressure cuffs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1120, to read as follows:

§ 870.1120 Blood pressure cuff.

(a) *Identification.* A blood pressure cuff is a device that has an inflatable bladder in an inelastic sleeve (cuff) with a mechanism for inflating and deflating the bladder. The cuff is used in conjunction with another device to determine a subject's blood pressure.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3209 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1411]

Cardiovascular Devices; Classification of Noninvasive Blood Pressure Measurement Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying noninvasive blood pressure measurement systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13295) a proposed regulation to classify noninvasive blood pressure measurement systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1130, to read as follows:

§ 870.1130 Noninvasive blood pressure measurement system.

(a) *Identification.* A noninvasive blood pressure measurement system is a device that provides a signal from which systolic, diastolic, mean, or any combination of the three pressures can be derived through the use of tranducers placed on the surface of the body.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3210 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1412]

Cardiovascular Devices; Classification of Venous Blood Pressure Manometers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying venous blood pressure manometers into class II (performance

standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HKF–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13296) a proposed regulation to classify venous blood pressure manometers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1140, to read as follows:

§ 870.1140 Venous blood pressure manometer.

(a) *Identification.* A venous blood pressure manometer is a device attached to a venous catheter to indicate manometrically the central or peripheral venous pressure.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3211 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N–1413]

Cardiovascular Devices; Classification of Diagnostic Intravascular Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying diagnostic intravascular catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13297) a proposed regulation to classify diagnostic intravascular catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1200, to read as follows:

§ 870.1200 Diagnostic intravascular catheter.

(a) *Identification.* An intravascular diagnostic catheter is a device used to record intracardiac pressures, to sample blood, and to introduce substances into the heart and vessels. Included in this generic device are right-heart catheters, left-heart catheters, and angiographic catheters, among others.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3212 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N–1414]

Cardiovascular Devices; Classification of Continuous Flush Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying continuous flush catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HKF–450), Food and Drug Administration Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13298) a proposed regulation to classify continuous flush catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1210, to read as follows:

§ 870.1210 Continuous flush catheter.

(a) *Identification.* A continuous flush catheter is an attachment to a catheter-transducer system that permits continuous intravascular flushing at a slow infusion rate for the purpose of eliminating clotting, back-leakage, and waveform damping.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3213 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1415]

Cardiovascular Devices; Classification of Electrode Recording Catheters or Electrode Recording Probes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electrode recording catheters or electrode recording probes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13299) a proposed regulation to classify electrode recording catheters or electrode recording probes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1220, to read as follows:

§ 870.1220 Electrode recording catheter or electrode recording probe.

(a) *Identification.* An electrode recording catheter or an electrode recording probe is a device used to detect an intracardiac electrocardiogram, or to detect cardiac output or left-to-right heart shunts. The device may be unipolar or multipolar for electrocardiogram detection, or may be a platinum-tipped catheter which senses the presence of a special indicator for cardiac output or left-to-right heart shunt determinations.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3214 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1416]

Cardiovascular Devices; Classification of Fiberoptic Oximeter Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying fiberoptic oximeter catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13300) a proposed regulation to classify fiberoptic oximeter catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1230, to read as follows:

§ 870.1230 Fiberoptic oximeter catheter.

(a) *Identification.* A fiberoptic oximeter catheter is a device used to estimate the oxygen saturation of the blood. It consists of two fiberoptic bundles that conduct light at a desired wavelength through blood and detect the reflected and scattered light at the distal end of the catheter.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3215 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1417]

Cardiovascular Devices; Classification of Flow-Directed Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying flow-directed catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13301) a proposed regulation to classify flow-directed catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1240, to read as follows:

§ 870.1240 Flow-directed catheter.

(a) *Identification.* A flow-directed catheter is a device that incorporates a gas-filled balloon to help direct the catheter to the desired position.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3216 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1418]

Cardiovascular Devices; Classification of Percutaneous Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying percutaneous catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13302) a proposed regulation to classify percutaneous catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1250, to read as follows:

§ 870.1250 Percutaneous catheter.

(a) *Identification.* A percutaneous catheter is a device that is introduced into a vein or artery through the skin using a dilator and a sheath (introducer) or guide wire.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3217 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1420]

Cardiovascular Devices; Classification of Intracavitary Phonocatheter Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intracavitary phonocatheter systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13304) a proposed regulation to classify intracavitary phonocatheter systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed

regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1270, to read as follows:

§ 870.1270 Intracavitary phonocatheter system.

(a) *Identification.* An intracavitary phonocatheter system is a system that includes a catheter with an acoustic transducer and the associated device that processes the signal from the transducer; this device records bioacoustic phenomena from a transducer placed within the heart, blood vessels, or body cavities.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3218 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1421]

Cardiovascular Devices; Classification of Steerable Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying steerable catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13305) a proposed regulation to classify steerable catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1280, to read as follows:

§ 870.1280 Steerable catheter.

(a) *Identification.* A steerable catheter is a catheter used for diagnostic and monitoring purposes whose movements are directed by a steering control unit.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3219 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1422]

Cardiovascular Devices; Classification of Steerable Catheter Control Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying steerable catheter control systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13306) a proposed regulation to classify steerable catheter control systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1290, to read as follows:

§ 870.1290 Steerable catheter control system.

(a) *Identification.* A steerable catheter control system is a device that is connected to the proximal end of a steerable guide wire that controls the motion of the steerable catheter.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3220 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1423]

Cardiovascular Devices; Classification of Catheter Cannulas

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter cannulas into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13307) a proposed regulation to classify catheter cannulas into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1300, to read as follows:

§ 870.1300 Catheter cannula.

(a) *Identification.* A catheter cannula is a hollow tube which is inserted into a vessel or cavity; this device provides a rigid or semirigid structure which can be connected to a tube or connector.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3221 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1424]

Cardiovascular Devices; Classification of Vessel Dilators for Percutaneous Catheterization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vessel dilators for percutaneous catheterization into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13308) a proposed regulation to classify vessel dilators for percutaneous catheterization into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1310, to read as follows:

§ 870.1310 Vessel dilator for percutaneous catheterization.

(a) *Identification.* A vessel dilator for percutaneous catheterization is a device which is placed over the guide wire to enlarge the opening in the vessel, and which is then removed before sliding the catheter over the guide wire.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3222 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1426]

Cardiovascular Devices; Classification of Catheter Guide Wires

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter guide wires into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HKF–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13309) a proposed regulation to classify catheter guide wires into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed

regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1330, to read as follows:

§ 870.1330 Catheter guide wire.

(a) *Identification.* A catheter guide wire is a coiled wire that is designed to fit inside a percutaneous catheter for the purpose of directing the catheter through a blood vessel.

(b) *Classification.* Class II (performance standards).

Effective date: This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3223 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1427]

Cardiovascular Devices; Classification of Catheter Introducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter introducers into class II (performances standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13310) a proposed regulation to classify catheter percutaneous introducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA is making a change in the name of the device, however, to clarify that the regulation applies to all catheter introducers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1340, to read as follows:

§ 870.1340 Catheter introducer.

(a) *Identification.* A catheter introducer is a sheath used to facilitate placing a catheter through the skin into a vein or artery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3224 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1428]

Cardiovascular Devices; Classification of Catheter Balloon Repair Kits

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter balloon repair kits into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13311) a proposed regulation to classify catheter balloon repair kits into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1350, to read as follows:

§ 870.1350 Catheter balloon repair kit.

(a) *Identification.* A catheter balloon repair kit is a device used to repair or replace the balloon of a balloon catheter. The kit contains the materials, such as glue and balloons, necessary to effect the repair or replacement.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3225 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1429]

Cardiovascular Devices; Classification of Trace Microspheres

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying trace microspheres into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaning the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13312) a proposed regulation to classify trace microspheres into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1360, to read as follows:

§ 870.1360 Trace microsphere.

(a) *Identification.* A trace microsphere is a radioactively tagged nonbiodegradable particle that is intended to be injected into an artery or vein and trapped in the capillary bed for the purpose of studying blood flow within or to an organ.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3226 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1430]

Cardiovascular Devices; Classification of Catheter Tip Occluders

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY The Food and Drug Administration (FDA) is issuing a final rule classifying catheter tip occluders into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13313) a proposed regulation to classify catheter tip occluders into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart.B by adding new § 870.1370, to read as follows:

§ 870.1370 Catheter tip occluder.

(a) *Identification.* A catheter tip occluder is a device that is inserted into certain catheters to prevent flow through one or more orifices.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3227 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1431]

Cardiovascular Devices; Classification of Catheter Stylets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter stylets into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13314) a proposed regulation to

classify catheter stylets into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1380, to read as follows:

§ 870.1380 Catheter stylet.

(a) *Identification.* A catheter stylet is a wire that is run through a catheter or cannula to render it stiff.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3228 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1432]

Cardiovascular Devices; Classification of Trocars

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying trocars into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13315) a proposed regulation to classify trocars into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1390, to read as follows:

§ 870.1390 Trocar.

(a) *Identification.* A trocar is a sharp-pointed instrument used with a cannula for piercing a vessel or chamber to facilitate insertion of the cannula.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3229 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1433]

Cardiovascular Devices; Classification of Programmable Diagnostic Computers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying programmable diagnostic computers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA publiched in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13316) a proposed regulation to classify programmable diagnostic computers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1425, to read as follows:

§ 870.1425 Programmable diagnostic computer.

(a) *Identification.* A programmable diagnostic computer is a device that can be programmed to compute various physiologic or blood flow parameters based on the output from one or more electrodes, transducers, or measuring devices; this device includes any associated commercially supplied programs.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3230 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1434]

Cardiovascular Devices; Classification of Single-Function, Preprogrammed Diagnostic Computers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying single-function, preprogrammed diagnostic computers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13317) a proposed regulation to classify single-function, preprogrammed diagnostic computers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1435, to read as follows:

§ 870.1435 Single-function, preprogrammed diagnostic computer.

(a) *Identification.* A single-function, preprogrammed diagnostic computer is a hard-wired computer that calculates a specific physiological or blood-flow parameter based on information obtained from one or more electrodes, transducers, or measuring devices.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3231 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1435]

Cardiovascular Devices; Classification of Densitometers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying densitometers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13318) a proposed regulation to classify densitometers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1450, to read as follows:

§ 870.1450 Densitometer.

(a) *Identification.* A densitometer is a device used to measure the transmission of light through an indicator in a sample of blood.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3232 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1436]

Cardiovascular Devices; Classification of Angiographic Injectors and Syringes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying angiographic injectors and syringes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13319) a proposed regulation to classify angiographic injectors and syringes into class II (performance

standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1650, to read as follows:

§ 870.1650 Angiographic injector and syringe.

(a) *Identification.* An angiographic injector and syringe is a device that consists of a syringe and a high-pressure injector which are used to inject contrast material into the heart, great vessels, and coronary arteries to study the heart and vessels by x-ray photography.

(b) *Classification.* Class II (performance standards).

Effective Date. This regulation shall be effective March, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3233 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1437]

Cardiovascular Devices; Classification of Indicator Injectors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying indicator injectors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13319) a proposed regulation to classify indicator injectors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1660, to read as follows:

§ 870.1660 Indicator injector.

(a) *Identification.* An indicator injector is an electrically or gas-powered device designed to inject accurately an indicator solution into the blood stream. This device may be used in conjuction with a densitometer or thermodilution device to determine cardiac output.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3234 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1438]

Cardiovascular Devices; Classification of Syringe Actuators for an Injector

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying syringe actuators for an injector into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13320) a proposed regulation to classify syringe actuators for an injector into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1670, to read as follows:

§ 870.1670 Syringe actuator for an injector.

(a) *Identification.* A syringe actuator for an injector is an electrical device that controls the timing of an injection by an angiographic or indicator injector and synchronizes the injection with the electrocardiograph signal.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3235 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1439]

Cardiovascular Devices; Classification of External Programmable Pacemaker Pulse Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external programmable pacemaker pulse generators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13321) a proposed regulation to classify external programmable pacemaker pulse generators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1750, to read as follows:

§ 870.1750 External programmable pacemaker pulse generator.

(a) *Identification.* An external programmable pacemaker pulse generators is a device that can be programmed to produce one or more pulses at preselected intervals; this device is used in electrophysiological studies.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3236 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1440]

Cardiovascular Devices; Classification of Withdrawal-Infusion Pumps

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying withdrawal-infusion pumps into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13322) a proposed regulation to classify withdrawal-infusion pumps into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1800, to read as follows:

§ 870.1800 Withdrawal-infusion pump.

(a) *Identification.* A withdrawal-infusion pump is a device designed to inject accurately drugs into the bloodstream and to withdraw blood samples for use in determining cardiac output.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3237 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1441]

Cardiovascular Devices; Classification of Stethoscopes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying manual stethoscopes into class I (general controls) and electronic stethoscopes into class II (performance standards). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the

activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13323) a proposed regulation to classify stethoscopes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding this device. The comment suggested that stethoscopes should be classified into class I rather than class II as proposed. The comment stated that efforts to relate the frequency response of a stethoscope to its performance have been unsuccessful and that the performance of a stethoscope is very subjective, depending largely on the individual user's perceptions. The comment stated further that it did not believe "that the Classification Panel was aware of all the varied technical parameters that provide for quality stethoscopic performance and singled out a popular notion that frequency response control would contribute to improved performance." The comment also disagreed with the agency's statement that the device's most common use is in the cardiovascular field. Finally, the comment argued that the added control requirements of class II would add to the cost of the device without improving the quality of stethoscopes commonly used in the medical community.

FDA and the Circulatory Systems Devices Panel, the advisory committee that now is responsible for cardiovascular devices, agree with the comment as it applies to manual stethoscopes. FDA believes that general controls are sufficient to ensure the safety and effectiveness of manual stethoscopes. For electronic stethoscopes, however, FDA believes it is necessary to develop performance standards addressing electrical safety and frequency response. Accordingly, the proposed regulation is being changed to classify manual stethoscopes into class I and electronic stethoscopes into class II. Stethoscopes are being classified with the cardiovascular devices because accuracy is most important for these uses. Other uses of the device were considered during the classification process, and are included in this classification, and the identifications for the device were revised to show other uses for the device. For the reasons stated in the general regulation on cardiovascular devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1875, to read as follows:

§ 870.1875 Stethoscope.

(a) *Manual stethoscope*—(1) *Identification.* A manual stethoscope is a mechanical device used to project the sounds associated with the heart, arteries, and veins and other internal organs.

(2) *Classification.* Class I (general controls).

(b) *Electronic stethoscope*—(1) *Identification.* An electronic stethoscope is an electrically amplified device used to project the sounds associated with the heart, arteries, and veins and other internal organs.

(2) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3238 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1442]

Cardiovascular Devices; Classification of Thermodilution Probes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying thermodilution probes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13324) a proposed regulation to classify thermodilution probes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.1915, to read as follows:

§ 870.1915 Thermodilution probe.

(a) *Identification.* A thermodilution probe is a device that monitors cardiac output by use of thermodilution techniques; this device is commonly attached to a catheter that may have one or more probes.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3239 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1443]

Cardiovascular Devices; Classification of Biopotential Amplifiers and Signal Conditioners

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying biopotential amplifiers and signal conditioners into class II (performance standards). The effect of classifying a device into class II is to

provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13325) a proposed regulation to classify biopotential amplifiers and signal conditioners into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 by adding new Subpart C and new § 870.2050, to read as follows:

Subpart C—Cardiovascular Monitoring Devices

§ 870.2050 Biopotential amplifier and signal conditioner.

(a) *Identification.* A biopotential amplifier and signal conditioner is a device used to amplify or condition an electrical signal of biologic origin.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3240 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1444]

Cardiovascular Devices; Classification of Transducer Signal Amplifiers and Conditioners

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying transducer signal amplifiers and conditioners into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13326) a proposed regulation to classify transducer signal amplifiers and conditioners into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2060, to read as follows:

§ 870.2060 Transducer signal amplifier and conditioner.

(a) *Identification.* A transducer signal amplifier and conditioner is a device used to provide the excitation energy for the transducer and to amplify or condition the signal emitted by the transducer.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3241 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1445]

Cardiovascular Devices; Classification of Cardiovascular Blood Flowmeters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiovascular blood flowmeters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13327) a proposed regulation to classify cardiovascular blood flowmeters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21

U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2100, to read as follows:

§ 870.2100 Cardiovascular blood flowmeter.

(a) *Identification.* A cardiovascular blood flowmeter is a device that is connected to a flow transducer that energizes the transducer and processes and displays the blood flow signal.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3242 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1446]

Cardiovascular Devices; Classification of Extravascular Blood Flow Probes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying extravascular blood flow probes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13328) a proposed regulation to classify extravascular blood flow probes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2120, to read as follows:

§ 870.2120 Extravascular blood flow probe.

(a) *Identification.* An extravascular blood flow probe is an extravascular ultrasonic or electromagnetic probe used in conjunction with a blood flowmeter to measure blood flow in a chamber or vessel.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3243 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1447]

Cardiovascular Devices; Classification of Cardiac Monitors (including Cardiotachometers and Rate Alarms)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiac monitors (including cardiotachometers and rate alarms) into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980

FOR FURTHER INFORMATION CONTACT: John. L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13329) a proposed regulation to classify cardiac monitors (including cardiotachometers and rate alarms) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2300, to read as follows:

§ 870.2300 Cardiac monitor (including cardiotachometer and rate alarm).

(a) *Identification.* A cardiac monitor (including cardiotachometer and rate alarm) is a device used to measure the heart rate from an analog signal produced by an electrocardiograph, vectorcardiograph, or blood pressure monitor. This device may sound an alarm when the heart rate falls outside preset upper and lower limits.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3244 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1448]

Cardiovascular Devices; Classification of Apex Cardiographs (Vibrocardiographs)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying apex cardiographs (vibrocardiographs) into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13330) a proposed regulation to classify apex cardiographs (vibrocardiographs) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2310, to read as follows:

§ 870.2310 Apex cardiograph (vibrocardiograph).

(a) *Identification.* An apex cardiograph (vibrocardiograph) is a device used to amplify or condition the signal from an apex cardiographic transducer and to produce a visual display of the motion of the heart; this device also provides any excitation energy required by the transducer.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3245 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N–1449]

Cardiovascular Devices; Classification of Ballistocardiographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ballistocardiographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13331) a proposed regulation to classify ballistocardiographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2320, to read as follows:

§ 870.2320 Ballistocardiograph.

(a) *Identification.* A ballistocardiograph is a device, including a supporting structure on which the patient is placed, that moves in response to blood ejection from the heart. The device often provides a visual display.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3246 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N–1450]

Cardiovascular Devices; Classification of Echocardiographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying echocardiographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13332) a proposed regulation to classify echocardiographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device.

Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2330, to read as follows:

§ 870.2330 Echocardiograph.

(a) *Identification.* An echocardiograph is a device that uses ultrasonic energy to create images of cardiovascular structures. It includes phased arrays and two-dimensional scanners.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3247 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1451]

Cardiovascular Devices; Classification of Electrocardiographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electrocardiographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979, (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13333) a proposed regulation to classify electrocardiographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2340, to read as follows:

§ 870.2340 Electrocardiograph.

(a) *Identification.* An electrocardiograph is a device used to process the electrical signal transmitted through two or more electrocardiograph electrodes and to produce a visual display of the electrical signal produced by the heart.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3248 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1452]

Cardiovascular Devices; Classification of Electrocardiograph Lead Switching Adaptors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electrocardiograph lead switching adaptors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13334) a proposed regulation to classify electrocardiograph lead switching adaptors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2350, to read as follows:

§ 870.2350 Electrocardiograph lead switching adaptor.

(a) *Identification.* An electrocardiograph lead switching adaptor is a passive switching device to which electrocardiograph limb and chest leads may be attached. This device is used to connect various combinations of limb and chest leads to the output terminals in order to create standard lead combinations such as leads I, II, and III.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3249 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1453]

Cardiovascular Devices; Classification of Electrocardiograph Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electrocardiograph electrodes into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13335) a proposed regulation to classify electrocardiograph electrodes into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2360, to read as follows:

§ 870.2360 Electrocardiograph electrode.

(a) *Identification.* An electrocardiograph electrode is the electrical conductor which is applied to the surface of the body to transmit the electrical signal at the body surface to a processor that produces an electrocardiogram or vectorcardiogram.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3250 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1454]

Cardiovascular Devices; Classification of Electrocardiograph Surface Electrode Testers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying electrocardiograph surface electrode testers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13336) a proposed regulation to classify electrocardiograph surface electrode testers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2370, to read as follows:

§ 870.2370 Electrocardiograph surface electrode tester.

(a) *Identification.* An electrocardiograph surface electrode tester is a device used to test the function and application of electrocardiograph electrodes.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3251 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1456]

Cardiovascular Devices; Classification of Phonocardiographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying phonocardiographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the Federal Register (44 FR 13338) a proposed regulation to

classify phonocardiographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2390, to read as follows:

§ 870.2390 Phonocardiograph

(a) *Identification.* A phonocardiograph is a device used to amplify or condition the signal from a heart sound transducer. This device furnishes the excitation energy for the transducer and provides a visual or audible display of the heart sounds.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3252 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1457]

Cardiovascular Devices; Classification of Vectorcardiographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vectorcardiographs into class II (performance standards). The effect of classsifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13339) a proposed regulation to classify vectorcardiographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2400, to read as follows:

§ 870.2400 Vectorcardiograph.

(a) *Identification.* A vectorcardiograph is a device used to process the electrical signal transmitted through electrocardiograph electrodes and to produce a visual display of the magnitude and direction of the electrical signal produced by the heart.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3253 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1458]

Cardiovascular Devices; Classification of Medical Cathode-Ray Tube Displays

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying medical cathode-ray tube displays into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13340) a proposed regulation to classify medical cathode-ray tube displays into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2450, to read as follows:

§ 870.2450 Medical cathode-ray tube display.

(a) *Identification.* A medical cathode-ray tube display is a device designed primarily to display selected biological signals. This device often incorporates special display features unique to a specific biological signal.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3254 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1459]

Cardiovascular Devices; Classification of Signal Isolation Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying signal isolation systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13341) a proposed regulation to classify signal isolation systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2600, to read as follows:

§ 870.2600 Signal isolation system.

(a) *Identification.* A signal isolation system is a device that electrically isolates the patient from equipment connected to the commercial power supply received from a utility company. This isolation may be accomplished, for example, by transformer coupling, acoustic coupling, or optical coupling.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3255 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1460]

Cardiovascular Devices; Classification of Line Isolation Monitors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying line isolation monitors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13342) a proposed regulation to classify line isolation monitors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2620, to read as follows:

§ 870.2620 Line isolation monitor.

(a) *Identification.* A line isolation monitor is a device used to monitor the electrical leakage current from a power supply electrically isolated from the commercial power supply received from a utility company.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3256 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1461]

Cardiovascular Devices; Classification of Portable Leakage Current Alarms

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying portable leakage current alarms into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FUTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13343) a proposed regulation to classify portable leakage current alarms into class II (performance standards). A period of 60 days was provided for

interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2640, to read as follows:

§ 870.2640 Portable leakage current alarm.

(a) *Identification.* A portable leakage current alarm is a device used to measure the electrical leakage current between any two points of an electrical system and to sound an alarm if the current exceeds a certain threshold.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3257 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1462]

Cardiovascular Devices; Classification of Oscillometers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying oscillometers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13344) a proposed regulation to classify oscillometers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2675, to read as follows:

§ 870.2675 Oscillometer.

(a) *Identification.* An oscillometer is a device used to measure physiological oscillations of any kind, e.g., changes in the volume of arteries.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3258 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1463]

Cardiovascular Devices; Classification of Oximeters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying oximeters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13345) a proposed regulation to classify oximeters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2700, to read as follows:

§ 870.2700 Oximeter.

(a) *Identification.* An oximeter is a device used to transmit radiation at a known wavelength(s) through blood and to measure the blood oxygen saturation based on the amount of reflected or scattered radiation. It may be used alone or in conjunction with a fiberoptic oximeter catheter.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3259 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1464]

Cardiovascular Devices; Classification of Ear Oximeters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Adminstration (FDA) is issuing a final rule classifying ear oximeters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13346) a proposed regulation to classify ear oximeters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2710, to read as follows:

§ 870.2710 Ear oximeter.

(a) *Identification.* An ear oximeter is an extravascular device used to transmit light at a known wavelength(s) through blood in the ear. The amount of reflected or scattered light as indicated by this device is used to measure the blood oxygen saturation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3260 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1465]

Cardiovascular Devices; Classification of Impedance Phlebographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying impedance phlebographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13347) a proposed regulation to classify impedance phlebographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2750, to read as follows:

§ 870.2750 Impedance phlebograph.

(a) *Identification.* An impedance phlebograph is a device used to provide a visual display of the venous pulse or drainage by measuring electrical impedance changes in a region of the body.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3261 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1466]

Cardiovascular Devices; Classification of Impedance Plethysmographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying impedance plethysmographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13347) a proposed regulation to classify impedance plethysmographs into class II (performance standards). A

period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA is making changes in the identification of the device, however, to clarify the uses of the device and to distinguish it from the ocular plethysmograph and the rheoencephalograph, classified as neurological devices in the **Federal Register** of September 4, 1979 (44 FR 51741 and 51742).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2770, to read as follows:

§ 870.2770 Impedance plethysmograph.

(a) *Identification.* An impedance plethysmograph is a device used to estimate peripheral blood flow by measuring electrical impedance changes in a region of the body such as the arms and legs.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3262 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1467]

Cardiovascular Devices; Classification of Hydraulic, Pneumatic, or Photoelectric Plethysmographs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying hydraulic, pneumatic, or photoelectric plethysmographs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13348) a proposed regulation to classify hydraulic, pneumatic, or photoelectric plethysmographs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2780, to read as follows:

§ 870.2780 Hydraulic, pneumatic, or photoelectric plethysmographs.

(a) *Identifcation.* A hydraulic, pneumatic, or photoelectric plethysmograph is a device used to estimate blood flow in a region of the body using hydraulic, pneumatic, or photoelectric measurement techniques.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3263 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1468]

Cardiovascular Devices; Classification of Medical Magnetic Tape Recorders

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying medical magnetic tape recorders into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13349) a proposed regulation to classify medical magnetic tape recorders into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2800, to read as follows:

§ 870.2800 Medical magnetic tape recorder.

(a) *Identification.* A medical magnetic tape recorder is a device used to record and play back signals from, for example, physiological amplifiers, signal conditioners, or computers.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3264 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1469]

Cardiovascular Devices; Classification of Paper Chart Recorders

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying paper chart recorders into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13350) a proposed regulation to classify paper chart recorders into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2810, to read as follows:

§ 870.2810 Paper chart recorder.

(a) *Identification.* A paper chart recorder is a device used to print on paper, and create a permanent record of the signal from, for example, a physiological amplifier, signal conditioner, or computer.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3265 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1470]

Cardiovascular Devices; Classification of Apex Cardiographic Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying apex cardiographic transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13351) a proposed regulation to classify apex cardiographic transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2840, to read as follows:

§ 870.2840 Apex cardiographic transducer.

(a) *Identification.* An apex cardiographic transducer is a device used to detect motion of the heart (acceleration, velocity, or displacement) by changes in the mechanical or electrical properties of the device.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3266 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1471]

Cardiovascular Devices; Classification of Extravascular Blood Pressure Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying extravascular blood pressure transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development

of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13352) a proposed regulation to classify extravascular blood pressure transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2850, to read as follows:

§ 870.2850 Extravascular blood pressure transducer.

(a) *Identification.* An extravascular blood pressure transducer is a device used to measure blood pressure by changes in the mechanical or electrical properties of the device. The proximal end of the transducer is connected to a pressure monitor that produces an analog or digital electrical signal related to the electrical or mechanical changes produced in the transducer.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–548 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3267 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1472]

Cardiovascular Devices; Classification of Heart Sound Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying heart sound transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13353) a proposed regulation to classify heart sound transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2860, to read as follows:

§ 870.2860 Heart sound transducer.

(a) *Identification.* A heart sound transducer is an external transducer that exhibits a change in mechanical or electrical properties in relation to sounds produced by the heart. This device may be used in conjunction with a phonocardiograph to record heart sounds.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3268 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1473]

Cardiovascular Devices; Classification of Catheter Tip Pressure Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying catheter tip pressure transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13354) a proposed regulation to classify catheter tip pressure transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2870, to read as follows:

§ 870.2870 Catheter tip pressure transducer.

(a) *Identification.* A catheter tip pressure transducer is a device incorporated into the distal end of a catheter. When placed in the bloodstream, its mechanical or electrical properties change in relation to changes in blood pressure. These changes are

transmitted to accessory equipment for processing.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3269 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1474]

Cardiovascular Devices; Classification of Ultrasonic Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ultrasonic transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13355) a proposed regulation to classify ultrasonic transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2880, to read as follows:

§ 870.2880 Ultrasonic transducer.

(a) *Identification.* An ultrasonic transducer is a device applied to the skin to transmit and receive ultrasonic energy that is used in conjunction with an echocardiograph to provide imaging of cardiovascular structures. This device includes phased arrays and two-dimensional scanning transducers.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3270 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1475]

Cardiovascular Devices; Classification of Vessel Occlusion Transducers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vessel occlusion transducers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13356) a proposed regulation to classify vessel occlusion transducers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2890, to read as follows:

§ 870.2890 Vessel occlusion transducer.

(a) *Identification.* A vessel occlusion transducer is a device used to provide an electrical signal corresponding to sounds produced in a partially occluded vessel. This device includes motion, sound, and ultrasonic transducers.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3271 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1476]

Cardiovascular Devices; Classification of Patient Transducer and Electrode Cables (Including Connector)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying patient transducer and electrode cables (including connector) into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug

Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13357) a proposed regulation to classify patient transducer and electrode cables (including connector) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2900, to read as follows:

§ 870.2900 Patient transducer and electrode cable (including connector).

(a) *Identification.* A patient transducer and electrode cable (including connector) is an electrical conductor used to transmit signals from, or power or excitation signals to, patient-connected electrodes or transducers.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3272 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1477]

Cardiovascular Devices; Classification of Radiofrequency Physiological Signal Transmitters and Receivers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying radiofrequency physiological signal transmitters and receivers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13358) a proposed regulation to classify radiofrequency physiological signal transmitters and receivers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart C by adding new § 870.2910, to read as follows:

§ 870.2910 Radiofrequency physiological signal transmitter and receiver.

(a) *Identification.* A radiofrequency physiological signal transmitter and receiver is a device used to condition a physiological signal so that it can be transmitted via radiofrequency from one location to another, e.g., a central monitoring station. The received signal is reconditioned by the device into its original format so that it can be displayed.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3273 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1478]

Cardiovascular Devices; Classification of Telephone Electrocardiograph Transmitters and Receivers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying telephone electrocardiograph transmitters and receivers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13359) a proposed regulation to classify telephone electrocardiograph transmitters and receivers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commission of Food and Drugs is

amending Part 870 in Subpart C by adding new § 870.2920, to read as follows:

§ 870.2920 Telephone electrocardiograph transmitter and receiver.

(a) *Identification.* A telephone electrocardiograph transmitter and receiver is a device used to condition an electrocardiograph signal so that it can be transmitted via a telephone line to another location. This device also includes a receiver that reconditions the received signal into its original format so that it can be displayed. The device includes devices used to transmit and receive pacemaker signals.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3274 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1479]

Cardiovascular Devices; Classification of Vascular Clips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vascular clips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13360) a proposed regulation to classify vascular clips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No comments have been received regarding the proposed regulation to classify this device. FDA is making a change in the identification of the device, however, to distinguish it from the aneurysm clip, classified as a neurological device in the **Federal Register** of September 4, 1979 (44 FR 51764).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 by adding new Subpart D and new § 870.3250, to read as follows:

Subpart D—Cardiovascular Prosthetic Devices

§ 870.3250 Vascular clip.

(a) *Identification.* A vascular clip is an implanted extravascular device designed to occlude, by compression, blood flow in small blood vessels other than intracranial vessels.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3275 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1480]

Cardiovascular Devices; Classification of Vena Cava Clips

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vena cava clips into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13361) a proposed regulation to classify vena cava clips into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3260, to read as follows:

§ 870.3260 Vena cava clip.

(a) *Identification.* A vena cava clip is an implanted extravascular device designed to occlude partially the vena cava for the purpose of inhibiting the flow of thromboemboli through that vessel.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3276 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1481]

Cardiovascular Devices; Classification of Arterial Embolization Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying arterial embolization devices into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13363) a proposed regulation to classify peripheral arterial embolization devices into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA is making changes in the name and identification of the device, however, to clarify the uses of the device and to distinguish it from the artificial embolization device, classified as a neurological device in the **Federal Register** of September 4, 1979 (44 FR 51777).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3300, to read as follows:

§ 870.3300 Arterial embolization device.

(a) *Identification.* An arterial embolization device is an intravascular implanted device used to control internal hemorrhage or to halt blood flow in arteries supplying blood to certain types of abdominal tumors (e.g., nephroma, hepatoma) and arteriovenous malformations. This device is not used in intracranial arteries.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3277 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1482]

Cardiovascular Devices; Classification of Cardiovascular Intravascular Filters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiovascular intravascular filters into class II (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13364) a proposed regulation to classify cardiovascular intravascular filters into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3375, to read as follows:

§ 870.3375 Cardiovascular intravascular filter.

(a) *Identification.* A cardiovascular intravascular filter is an implant that is placed in the inferior vena cava for the purpose of preventing pulmonary thromboemboli (blood clots generated in the lower limbs and broken loose into the blood stream) from flowing into the right side of the heart and the pulmonary circulation.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3278 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1483]

Cardiovascular Devices; Classification of Vascular Graft Prostheses of Less Than 6 Millimeters Diameter

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vascular graft prostheses of less than 6 millimeters diameter into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket

approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13365) a proposed regulation to classify vascular graft prostheses of less than 6 millimeters diameter into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. FDA is making changes in the identification of the device to distinguish it from vascular grafts of animal origin, including those manufactured from human umbilical cords. The latter device was classified into class III by the transitional provisions in section 520(1) of the act (21 U.S.C. 360(1)) and is therefore now subject to premarket approval requirements. FDA published a notice on the transitional provisions in the **Federal Register** of December 16, 1977 (42 FR 63472). In the future, FDA will publish a final regulation codifying the statutory classification into class III of the vascular graft of animal origin, including those from human umbilical cords.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3450, to read as follows:

§ 870.3450 Vascular graft prosthesis of less than 6 millimeters diameter.

(a) *Identification.* A vascular graft prosthesis of less than 6 millimeters (mm) diameter is a device used to replace sections of small arteries. This prosthesis is commonly constructed of woven or knitted materials such as polyethylene terephthalate and polytetrafluoroethylene and is not made of materials of animal origin, including human umbilical cords.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be efective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3279 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N–1484]

Cardiovascular Devices; Classification of Vascular Graft Prostheses of 6 Millimeters and Greater Diameter

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vascular graft prostheses of 6 millimeters and greater diameter into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13366) a proposed regulation to classify vascular graft prostheses of 6 millimeters and greater diameter into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. For the reasons in the preamble to the regulation classifying vascular graft prostheses of less than 6 millimeters in diameter, FDA is making changes in the identification of the device to distinguish it from the vascular graft of animal origin, including those manufactured from human umbilical cords. The latter device was classified into class III by the transitional provisions in section 520(1) of the act (21 U.S.C. 360(1)) and is therefore now subject to premarket approval requirements. FDA published a notice on the transitional provisions in the **Federal Register** of December 16, 1977 (42 FR 63472). In the future, FDA will publish a final regulation codifying the statutory classification into class III of the vascular graft of animal origin, including those from human umbilical cords.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3460, to read as follows:

§ 870.3460 Vascular graft prosthesis of 6 millimeters and greater diameter.

(a) *Identification.* A vascular graft prosthesis of 6 millimeters (mm) and greater diameter is a device used to replace sections of arteries. This prosthesis is commonly constructed of woven or knitted materials such as polyethylene terephthalate and polytetrafluoroethylene and is not made of materials of animal origin, including human umbilical cords.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3290 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1485]

Cardiovascular Devices; Classification of Intracardiac Patches or Pledgets Made of Polypropylene, Polyethylene Terephthalate, or Polytetrafluoroethylene

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intracardiac patches or pledgets made of polypropylene, polyethylene terephthalate, or polytetrafluoroethylene into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13368) a proposed regulation to classify intracardiac patches or pledgets made of polypropylene, Teflon™ (polytetrafluoroethylene), or Dacron™ (polyethylene terephthalate) into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted as proposed with a clarification of the device name and identification showing the chemical names for the materials used in the device.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3470, to read as follows:

§ 870.3470 Intracardiac patch or pledget made of polypropylene, polyethylene terephthalate, or polytetrafluoroethylene.

(a) *Identification.* An intracardiac patch or pledget made of polypropylene, polyethylene terephthalate, or polytetrafluoroethylene is a fabric device placed in the heart that is used to repair septal defects, for patch grafting, to repair tissue, and to buttress sutures.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3281 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1487]

Cardiovascular Devices; Classification of Intra-Aortic Balloons and Control Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intra-aortic balloon and control systems into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13369) a proposed regulation to classify intra-aortic balloons and control systems into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3535, to read as follows:

§ 870.3535 Intra-aortic balloon and control system

(a) *Identification.* A intra-aortic balloon and control system is a device that consists of an inflatable balloon, which is placed in the aorta to improve cardiovascular functioning during certain life-threatening emergencies, and a control system for regulating the inflation and deflation of the balloon. The control system, which monitors and is synchronized with the electrocardiogram, provides a means for setting the inflation and deflation of the balloon with the cardiac cycle.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3282 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1488]

Cardiovascular Devices; Classification of Ventricular Bypass (Assist) Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying ventricular bypass (assist) devices into class III (premarket

approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13370) a proposed regulation to classify ventricular bypass (assist) devices into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3545, to read as follows:

§ 870.3545 Ventricular bypass (assist) device.

(a) *Identification.* A ventricular bypass (assist) device is a device that assists the left or right ventricle in maintaining circulatory blood flow. The device is either totally or partially implanted in the body.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3283 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1489]

Cardiovascular Devices; Classification of External Pacemaker Pulse Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external pacemaker pulse generators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FUTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13372) a proposed regulation to classify external pacemaker pulse generators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3600, to read as follows:

§ 870.3600 External pacemaker pulse generator.

(a) *Identification.* An external pacemaker pulse generator is a device that has a power supply and electronic circuits that produce a periodic electrical pulse to stimulate the heart. This device, which is used outside the body, is used as a temporary substitute for the heart's intrinsic pacing sytem until a permanent pacemaker can be implanted, or to control irregular heartbeats in patients following cardiac surgery or a myocardial infarction. The device may have adjustments for impulse strength, duration, R-wave sensitivity, and other pacing variables.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Association Commissioner for Regulatory Affairs.

[FR Doc. 80–3284 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1490]

Cardiovascular Devices; Classification of Implantable Pacemaker Pulse Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying implantable pacemaker pulse generators into class III (premarket approvals). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13373) a proposed regulation to classify implantable pacemaker pulse generators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3610, to read as follows:

§ 870.3610 Implantable pacemaker pulse generator.

(a) *Identification.* An implantable pacemaker pulse generator is a device that has a power supply and electronic circuits that produce a periodic electrical pulse to stimulate the heart. This device is used as a substitute for the heart's intrinsic pacing system to correct both intermittent and continuous cardiac rhythm disorders. This device includes triggered, inhibited, and asynchronous devices implanted in the human body.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3285 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1491]

Cardiovascular Devices; Classification of Pacemaker Lead Adaptors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker lead adaptors into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13374) a proposed regulation to classify pacemaker lead adaptors into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3620, to read as follows:

§ 870.3620 Pacemaker lead adaptor.

(a) *Identification.* A pacemaker lead adaptor is a device used to adapt a pacemaker lead so that it can be connected to a pacemaker pulse generator produced by a different manufacturer.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3286 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1492]

Cardiovascular Devices; Classification of Pacemaker Generator Function Analyzers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker generator function analyzers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13375) a proposed regulation to classify pacemaker generator function analyzers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3630, to read as follows:

§ 870.3630 Pacemaker generator function analyzer.

(a) *Identification.* A pacemaker generator function analyzer is a device that is connected to a pacemaker pulse generator to test any or all of the generator's parameters, including pulse duration, pulse amplitude, pulse rate, and sensing threshold.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3287 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1493]

Cardiovascular Devices; Classification of Indirect Pacemaker Generator Function Analyzers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying indirect pacemaker generator function analyzers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13375) a proposed regulation to classify indirect pacemaker generator function analyzers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3640, to read as follows:

§ 870.3640 Indirect pacemaker generator function analyzers.

(a) *Identification.* An indirect pacemaker generator function analyzer is an electrically powered device that is used to determine pacemaker function or pacemaker battery function by periodically monitoring an implanted pacemaker's pulse rate and pulse width. The device is noninvasive, and it detects pacemaker pulse rate and width via external electrodes in contact with the patient's skin.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3288 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1494]

Cardiovascular Devices; Classification of Pacemaker Polymeric Mesh Bags

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker polymeric mesh bags into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13376) a proposed regulation to classify pacemaker polymeric mesh bags into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3650, to read as follows:

§ 870.3650 Pacemaker polymeric mesh bag.

(a) *Identification.* A pacemaker polymeric mesh bag is an implanted device used to hold a pacemaker pulse generator. The bag is designed to create a stable implant environment for the pulse generator.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3289 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1496]

Cardiovascular Devices; Classification of Pacemaker Chargers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker chargers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13378) a proposed regulation to classify pacemaker chargers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3670, to read as follows:

§ 870.3670 Pacemaker chargers.

(a) *Identification.* A pacemaker charger is a device used transcutaneously to recharge the batteries of a rechargeable pacemaker.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3290 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1497]

Cardiovascular Devices; Classification of Cardiovascular Permanent or Temporary Pacemaker Electrodes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying temporary pacemaker electrodes into class II (performance standards) and permanent pacemaker electrodes into class III (premarket approval). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application for premarket approval for the permanent pacemaker electrodes must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13379) a proposed regulation to classify permanent and temporary pacemaker electrodes into class III (premarket approval). A period of 60 days was provided for interested persons to submit comments to FDA.

Two comments suggested that temporary pacemaker electrodes be classified into class II, while permanent pacemaker electrodes be classified into class III.

One of the comments reviewed the hazards associated with pacemaker electrodes and explained that the hazards listed in the proposed regulation relate to permanent pacemaker electrodes and not to temporary pacemaker electrodes.

The second comment stated that lead breakage, although possible, is not a hazard presented by temporary pacemaker electrodes. The comment cited a failure rate of 0.0005 percent for one manufacturer. The comment also stated that electrode displacement and diaphragmatic contractions are not hazards presented by temporary pacemaker electrodes. The comment assented that "exit block" is a complication occuring only with the use of permanent pacemaker electrodes. The comment stated that, for temporary pacemaker electrodes, thrombosis and arrhythmia are insignificant hazards, corrosion does not occur because of the short duration of use, and perforation is caused by medical technique, not by the device itself.

Both comments asserted that performance standards are sufficient to ensure the safety and effectiveness of temporary pacemaker electrodes and that sufficient data exist to establish such a standard.

FDA and the Circulatory System Devices Panel (the present name of the advisory committee responsible for cardiovascular devices) reviewed the comments, including additional published literature submitted with one of the comments and additional data provided by several noted physicians. The agency also discussed the classification of temporary electrodes in detail at the August 17, 1979, Panel meeting (Ref. 1).

FDA's review of the literature reveals that the following are hazards presented by temporary pacemaker electrodes (Refs. 2 through 20):

1. Loss of stimulation, either through electrode malposition or displacement, or loss of "capture" with a sensing electrode.

2. Cardiac perforation.
3. Thromboembolic complications, including thrombophlebitis.
4. Lead breakage or shorting and catheter knotting.
5. Cardiac arrhythmias, including ectopic beats and ventricular fibrillation.
6. Infection.

The most common complication is loss of stimulation through some type of placement difficulty. In Tancredi's study, this complication occurred in 25 percent of the cases; 1.8 percent of the cases required insertion of a new electrode; all other incidents were corrected by repositioning the electrode (Ref. 6). The literature indicates that the occurrence of these hazards becomes less common with time and growing experience (Refs. 4, 5, 15, 16).

Temporary pacemaker electrodes are available in many types, including unipolar and bipolar, endocardial, and myocardial. The type most commonly used is a bipolar endocardial electrode placed via one of several percutaneous venous routes. Myocardial electrodes are sometimes used in surgery and in "blind" transthoracic punctures, which are associated with hazards in addition to those listed above.

Most investigators have found bipolar catheter electrodes to be the most satisfactory for temporary pacing because, with these electrodes, there is a lower rate of loss of stimulation or sensing than has been observed with use of unipolar catheter electrodes. Temporary electrodes have been used in some patients for over 30 days. Cheng reported use for 310 days (Ref. 14), and Tancredi reported use for 54 days (Ref. 6). More often, the device is used for a short period ranging from a few hours to about two weeks. It is generally not current practice to use temporary electrodes for longer periods.

Properties of electrode catheters that Escher mentions as important are: (1) roentgenographic opacity, (2) stiffness, (3) a noncorrosive electrode, (4) a highly conductive and flexible core to withstand rythmic motion, (5) a blood-compatible catheter sheath (of nonwetting material), and (6) properly designed connectors able to withstand motion and handling (Ref. 2).

In a letter to the agency (Ref. 21), Parsonnet, Director of Surgery, Newark Beth Israel Medical Center, made the following observations:

> Not being designed for permanent implantation, temporary electrodes do not present concerns regarding long term wire fractures, perforations, thrombus formation, and displacement are of the same critical nature as they are presented by permanent electrodes.

Transvenous positioning of a temporary electrode is quite simple with the present techniques, and capture of the vedntricle is reliable because of the bipolar configuration. When both electrodes lie in the ventricle intimate contact with the endocardium is not required, and pacing stability is assured.

Similarly, thrombosis around the electrode is almost unheard of today. Years ago rare cases of thrombosis were seen when electrodes had been left in for long periods, but such models were discontinued from the market long ago, and pacing for more than several weeks with a temporary electrode is rare.

Dangers of producing arrhythmias from anodal stimulation have to do more with the design of the attached pacemaker than they do with the electrode. I can see no relationship between present electrode design and fibrillation potential.

The older-style electrodes were known to produce ventricular perforation, but I have not seen one of these for almost 13 years. Use of adequate surgical techniques and positioning of the electrode in the apex with modern electrodes, which are relatively soft, can be done with little risk of perforation. Again, problems of this sort which may arise are more related to the technique of the surgeon than to the equipment.

Electrode corrosion, another concern with permanent electrodes, will not occur with the temporary models, because, again, corrosion is more a function of the pacemaker than of the electrode. Moreover, corrosion is directly related to the length of time the electrode is in position. A recent personal study on corrosion in permanent electrodes demonstrates, through scanning electron microscopy, that there is no evidence of microscopic corrosion for many months of pacing. This length of service exceeds the intended use of temporary pacemaking electrodes.

In determining the appropriate classification of temporary pacemaker electrodes, FDA considers it important that the state-of-the-art in the manufacturing and design of these devices has stabilized and that few changes are being made or considered by manufacturers or clinicians. In contrast, the manufacturing and design of permanent pacemaker electrodes is in a state of flux in which many changes are being made or considered. Consequently, the agency believes that premarket approval (class III) is necessary for permanent pacemaker electrodes to control the risks to health listed in the proposed regulation.

Based upon the Panel's recommendations and the information submitted with the comments, FDA agrees with the comments and is publishing a final rule classifying temporary pacemaker electrodes into class II and permanent pacemaker electrodes into class III. For the reasons stated in the general regulation on cardiovascular devices published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision.

References

The following information has been placed in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. Summary Minutes of the Circulatory System Devices Panel Meeting, August 17, 1979.

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11. Fort, M. L., J. T. Sharp, "Perforation of the Right Ventricle by Pacing Catheter Electrode," *American Journal of Cardiology*, 16:610–613, 1965.

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13. Preston, T. A., J. D. Yates, "Management of Stimulation and Sensing Problems in Temporary Cardiac Pacing," *Heart and Lung*, 2(4):533–538, 1973.

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15. Escher, D. J. W., S. Furman, N. Solomon, "Transvenous Emergency Cardiac Pacing," *Annals of the New York Academy of Science*, 167(2):582–596, 1969.

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Pacing," *American Heart Journal* 71(3):408–416, 1966.

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18. Goetz, R. H., "Bipolar Catheter Electrode as Temporary Pacemaker in Stokes-Adams Syndrome," *Surgery, Gynecology and Obstetrics*, p. 1–7, June 1963.

19. Roy, O. Z., "The Current Status of Cardiac Pacing," *CRC Critical Reviews in Bioengineering*, 2(3):259–327, 1975.

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21. Letter from Victory Parsonnet, MD, Director of Surgery, Newark Beth Israel Medical Center, to Glenn Rahmoeller, Director, Division of Cardiovascular Devices, August 9, 1979.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3680, to read as follows:

§ 870.3680 Cardiovascular permanent or temporary pacemaker electrode.

(a) *Temporary pacemaker electrode*—(1) *Identification.* A temporary pacemaker electrode is a device consisting of flexible insulated electrical conductors with one end connected to an *external* pacemaker pulse generator and the other end applied to the heart. The device is used to transmit a pacing electrical stimulus from the pulse generator to the heart and/or to transmit the electrical signal of the heart to the pulse generator.

(2) *Classification.* Class II (performance standards).

(b) *Permanent pacemaker electrode*—(1) *Identification.* A permanent pacemaker electrode is a device consisting of flexible insulated electrical conductors with one end connected to an implantable pacemaker pulse generator and the other end applied to the heart. The device is used to transmit a pacing electrical stimulus from the pulse generator to the heart and/or to transmit the electrical signal of the heart to the pulse generator.

(2) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3291 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1498]

Cardiovascular Devices; Classification of Pacemaker Test Magnets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker test magnets into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13381) a proposed regulation to classify pacemaker test magnets into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3690, to read as follows:

§ 870.3690 Pacemaker test magnet.

(a) *Identification.* A pacemaker test magnet is a device used to test an inhibited or triggered type of pacemaker pulse generator and cause an inhibited or triggered generator to revert to asynchronous operation.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3292 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1499]

Cardiovascular Devices; Classification of Pacemaker Programmers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker programmers into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13382) a proposed regulation to classify pacemaker programmers into class III (premarket approval). A period

of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3700, to read as follows:

§ 870.3700 Pacemaker programmers.

(a) *Identification.* A pacemaker programmer is a device used to change noninvasively one or more of the electrical operating characteristics of a pacemaker.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3293 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1500]

Cardiovascular Devices; Classification of Pacemaker Repair or Replacement Materials

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker repair or replacement materials into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13383) a proposed regulation to classify pacemaker repair and replacement materials into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 970 in Subpart D by adding new § 870.3710, to read as follows:

§ 870.3710 Pacemaker repair or replacement material.

(a) *Identification.* A pacemaker repair or replacement material is an adhesive, a sealant, a screw, a crimp, or any other material used to repair a pacemaker lead or to reconnect a pacemaker lead to a pacemaker pulse generator.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3294 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1501]

Cardiovascular Devices; Classification of Pacemaker Electrode Function Testers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker electrode function testers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13384) a proposed regulation to classify pacemaker electrode function testers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3720, to read as follows:

§ 870.3720 Pacemaker electrode function tester.

(a) *Identification.* A pacemaker electrode function tester is a device which is connected to an implanted pacemaker lead that supplies an accurately calibrated, variable pacing pulse for measuring the patient's pacing threshold and intracardiac R-wave potential.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3295 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1502]

Cardiovascular Devices; Classification of Pacemaker Service Tools

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying pacemaker service tools into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13385) a proposed regulation to classify pacemaker service tools into class I (general controls). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3730, to read as follows.

§ 870.3730 Pacemaker service tools.

(a) *Identification.* Pacemaker service tools are devices such as screwdrivers and Allen wrenches, used to repair a pacemaker lead or to reconnect a pacemaker lead to a pacemaker generator

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3296 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1503]

Cardiovascular Devices; Classification of Annuloplasty Rings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying annuloplasty rings into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13385) a proposed regulation to classify annuloplasty rings into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3800, to read as follows:

§ 870.3800 Annuloplasty ring.

(a) *Identification.* An annuloplasty ring is a rigid or flexible ring implanted around the mitral or tricuspid heart valve for reconstructive treatment of valvular insufficiency.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3297 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1504]

Cardiovascular Devices; Classification of Carotid Sinus Nerve Stimulators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying carotid sinus nerve stimulators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices

(HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13386) a proposed regulation to classify carotid sinus nerve stimulators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3850, to read as follows:

§ 870.3850 Carotid sinus nerve stimulator.

(a) *Identification.* A carotid sinus nerve stimulator is an implantable device used to decrease arterial pressure by stimulating Hering's nerve at the carotid sinus.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3298 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1505]

Cardiovascular Devices; Classification of Replacement Heart Valves

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying replacement heart valves into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13387) a proposed regulation to classify replacement heart valves into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3925, to read as follows:

§ 870.3925 Replacement heart valve.

(a) *Identification.* A replacement heart valve is a device intended to perform the function of any of the heart's natural valves. This device includes valves constructed of prosthetic materials, biologic valves (e.g., porcine valves), or valves constructed of a combination of prosthetic and biologic materials.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3299 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1506]

Cardiovascular Devices; Classification of Prosthetic Heart Valve Holders

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying prosthetic heart value holders into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13389) a proposed regulation to classify prosthetic heart valve holders into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without a change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3935, to read as follows:

§ 870.3935 Prosthetic heart valve holder.

(a) *Identification.* A prosthetic heart valve holder is a device used to hold a replacement heart valve while it is being sutured into place.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3300 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1507]

Cardiovascular Devices; Classification of Prosthetic Heart Valve Sizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying prosthetic heart valve sizers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13389) a proposed regulation to classify prosthetic heart valve sizers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart D by adding new § 870.3945, to read as follows:

§ 870.3945 Prosthetic heart valve sizer.

(a) *Identification.* A prosthetic heart valve sizer is a device used to measure the size of the natural valve opening to determine the size of the appropriate replacement heart valve.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3301 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1508]

Cardiovascular Devices; Classification of Endomyocardial Biopsy Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying endomyocardial biopsy devices into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13390) a proposed regulation to classify endomyocardial biopsy devices into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding the classsification of endomyocardial biopsy devices. The comment suggested that the device category be divided into two types. One type would consist of endomyocardial biopsy devices used in surgery where the biopsied tissue can be seen directly. The comment suggested that this type of device be classified into class II. The second type would consist of endomyocardial biopsy devices used in catheterization procedures where the tissue cannot be seen. The comment suggested that this type of device be classified into class III because of potential danger presented by these devices.

FDA believes that the information presented in the proposed classification regulation demonstrates that performance standards can be established for endomyoardial biopsy devices. The first type of biopsy device mentioned in the comment will be published with the General and Plastic Surgery Device Classification Panel's devices. Although the second type of endomyocardial biopsy device that is identified in this regulation has a higher potential for danger than other types of biopsy devices, FDA believes the hazards it presents can be controlled by application of performance standards. Accordingly, the proposed regulation is being adopted without change in classification; however, the identification for the device is being clarified regarding device usage.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 by adding Subpart E and new § 870.4075, to read as follows:

Subpart E—Cardiovascular Surgical Devices

§ 870.4075 Endomyocardial biopsy device.

(a) *Identification.* An endomyocardial biopsy device is a device used in a catheterization procedure to remove samples of tissue from the inner wall of the heart.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissoner for Regulatory Affairs.

[FR Doc. 80-3302 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1509]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Accessory Equipment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass accessory equipment into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13392) a proposed regulation to classify cardiopulmonary bypass accessory equipment into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding cardiopulmonary bypass accessory equipment. The comment suggested that the device be classified into class I rather than class II as proposed. The comment stated that general controls, including adherence by manufacturers to the good manufacturing practice regulation (21 CFR Part 820) would be sufficient to ensure the safety and effectiveness of the device. The comment stated that the adequacy of the design of the device is immediately apparent when the user assembles the cardiopulmonary bypass circuit and that the requirement of a performance standard for these devices "seems to be overkill."

One of the criteria that FDA uses to decide whether a device may be classified into class I is whether a user may immediately determine performance adequacy of the device upon visual inspection. FDA agrees that the adequacy of the performance of this device is readily discernible at the time the bypass circuit is assembled and that the device does not present a direct hazard to the patient. Therefore, FDA, agrees with the comment and is issuing the final regulation classifying the device into class I (general controls) with no exemptions. For the reasons stated in the general regulation on cardiovascular devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4200, to read as follows:

§ 870.4200 Cardiopulmonary bypass accessory equipment.

(a) *Identification.* Cardiopulmonary bypass accessory equipment are devices that have no contact with blood and that are used in the cardiopulmonary bypass circuit to support, adjoin, or connect components, or to aid in the setup of the extracorporeal line, e.g., an oxygenator mounting bracket or system-priming equipment.

(b) *Classification.* Class I (general controls).

Effective Date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3303 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1378]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Bubble Detectors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass bubble detectors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13393) a proposed regulation to classify cardiopulmonary bypass bubble detectors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4205, to read as follows:

§ 870.4205 Cardiopulmonary bypass bubble detector.

(a) *Identification.* A cardiopulmonary bypass bubble detector is a device used to detect bubbles in the arterial return line of the cardiopulmonary bypass circuit.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3304 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1510]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Vascular Catheters, Cannulas, or Tubing

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass vascular catheters, cannulas, or tubing into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13394) a proposed regulation to classify cardiopulmonary bypass vascular catheters, cannulas, and tubing into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4210, to read as follows:

§ 870.4210 Cardiopulmonary bypass vascular catheter, cannula, or tubing.

(a) *Identification.* A cardiopulmonary bypass vascular catheter, cannula, or tubing is a device used in cardiopulmonary surgery to cannulate the vessels, perfuse the coronary arteries, and to interconnect the catheters and cannulas with an oxygenator. The device includes accessory bypass equipment.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3305 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1511]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Heart-Lung Machine Consoles

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass heart-lung machine consoles into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13394) a proposed regulation to classify cardiopulmonary bypass heart-lung machine consoles into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4220 , to read as follows:

§ 870.4220 Cardiopulmonary bypass heart-lung machine console.

(a) *Identification.* A cardiopulmonary bypass heart-lung machine console is a device that consists of a control panel and the electrical power and control circuitry for a heart-lung machine. The console is designed to interface with the basic units used in a gas exchange system, including the pumps, oxygenator, and heat exchanger.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3306 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1512]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Defoamers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass defoamers into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the devide to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before

September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA publiched in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13395) a proposed regulation to classify cardiopulmonary bypass defoamers into clas III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding cardiopulmonary bypass defoamers. The comment suggested that the device be classified into class II rather than class III. The comment argued that the state-of-the-art of in-line gas bubble removal and detection is advanced sufficiently that adequate test methods exist that can be standardized. The comment provided a reference showing that ultrasonic methods for counting in-line gaseous microemboli exist and that commercial equipment is available for this purpose (Ref. 1). The comment contended that this equipment could be used and would allow users to evaluate the device's defoaming ability. Finally, the comment stated: "With the test methodology already available, determination of limits for bubble removal would not be difficult to establish."

Although the state-of-the-art in defoaming of blood in cardiopulmonary bypass systems has advanced during the past several years, FDA disagrees that it has advanced sufficiently to allow the development of performance standards that would ensure the safety and effectiveness of defoamers. The test method used at Rhode Island Hospital (Ref. 1), which represents a significant advance in in-line microemboli detection, is still under development and has not been validated by other laboratories. From the information available to FDA, device systems for accurately counting gaseous microemboli in a flowing blood stream are not generally available to all device users. Therefore, FDA believes that cardiovascular bypass defoamers should be classified into class III, and the proposed regulation is being adopted without change.

Reference

1. Abts, L. R., R. T. Beyer, P. M. Galletti, P. D. Richardson, D. Karon, R. Massimino, K. E. Karlson, "Computerized Discrimination of Microemboli in Extracorporeal Circuits," *American Journal of Surgery*, 135(4): 535–538, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4230, to read as follows:

§ 870.4230 Cardiopulmonary bypass defoamer.

(a) *Identification.* A cardiopulmonary bypass defoamer is a device used in conjunction with an oxygenator during cardiopulmonary bypass surgery to remove gas bubbles from the blood.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3307 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1513]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Heat Exchangers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass heat exchangers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13396) a proposed regulation to classify cardiopulmonary bypass heat exchangers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4240, to read as follows:

§ 870.4240 Cardiovascular bypass heat exchanger.

(a) *Identification.* A cardiopulmonary bypass heat exchanger is a device, consisting of a heat exchange system used in extracorporeal circulation to warm or cool the blood or perfusion fluid flowing through the device.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3308 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1514]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Temperature Controllers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass temperature controllers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13397) a proposed regulation to classify cardiopulmonary bypass temperature controllers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4250, to read as follows:

§ 870.4250 Cardiopulmonary bypass temperature controller.

(a) *Identification.* A cardiopulmonary bypass temperature controller is a device used to control the temperature of the fluid entering and leaving a heat exchanger.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3309 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 870

[Docket No. 78N–1515]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Arterial Line Blood Filters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass arterial line blood filters into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13398) a proposed regulation to classify cardiopulmonary bypass arterial line blood filters into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding cardiopulmonary bypass arterial line blood filters. The comment suggested that the device be classified into class II rather than class III. The comment also suggested several corrections in and clarifications of the data presented in the proposed regulation.

First, the comment suggested that the following statement in the summary of reasons for the recommendation should be omitted because of subsequent contradictory statements: "In addition, it has not been clearly established that adverse physiological effects follow when the device is absent from the circuit".

FDA agrees that the quoted statement needs explanation. The point the agency intended to convey in that statement is that some clinicians operate the cardiopulmonary bypass system without the use of an arterial line filter, and report no difference in the outcome of their surgery that could be attributed to the presence or absence of a filter, bringing into question either the value of the device in the bypass circuit or the effectiveness of the device in filtering particles from the blood. One recent article (Ref. 1) reported an increase in the number of particles down line from an arterial line filter when it was tested in a simple ex vivo circuit consisting only of arterial and venous cannulae, ultrasonic detection chambers, and an arterial line filter. The same reference indicated that in a more complex circuit the arterial line filter was effective for larger particles (greater than 86 microns) but allowed smaller emboli to pass.

Second, the comment questioned the use of the term "accuracy" in describing the performance characteristics of blood filters. The comment suggested "filter rating" and "filter efficiency" as more precise terms to describe performance characteristics of blood filters.

FDA agrees that "accuracy" does not properly describe the performance of blood filters and adopts "filtration efficiency" as a clearer description of this performance.

Third, the comment insisted that statements made in the proposal concerning the potential risks presented by the device were misleading because of omission of data regarding clinical experience with the device indicating that these risks have not been observed in actual practice. The comment cited references supporting this position. The comment stated that "it is improper to withhold or ignore what actual experience to date has revealed".

FDA disagrees with the comment. FDA and the Cardiovascular Device Classification Panel did consider clinical experience with blood filters in determining how they should be classified. Although the proposal's description of risks to health presented by the device is accurate, this description did not provide information on the expected or observed frequency

of occurrence of these risks. It is true that FDA does not have reports of injuries due to the risks to health described in the proposal. However, it is also true that FDA is not certain that such injuries have not occurred. Section 513(a)(1)(C)(ii)(II) of the act authorizes a device to be classified into class III if it "presents a potential unreasonable risk of illness or injury". Agency documentation that injuries have actually occurred is not a prerequisite to classification of a device into class III. Moreover, FDA's proposal to classify blood filters into class III was based not only on the risk presented by the device, but also on the fact that the device is purported as represented to be for a use in removing emboli from the blood in the cardiopulmonary bypass circuit, which is of substantial importance in preventing impairment to human health. The basis for classifying the device into class III is founded upon an independent criterion for class III in section 513(a)(1)(C)(ii)(I) of the act that does not depend upon a finding of risk.

Finally, the comment stated that sufficient data now exist to develop performance standards for the device. The comment stated that test methods exist to evaluate the thromboembolic effect of the device, pressure gradients across the device, and embolic complications related to the device, and cited references to those test methods.

FDA agrees that many test methods relating to safe and effective design and performance have been developed to evaluate the characteristics and properties of cardiopulmonary bypass arterial line blood filters. However, there is little or no agreement as to which method is most valuable or what property values are acceptable. To establish a performance standard, it is necessary to have not only test methodology, but also agreed upon limits for the values of the properties of the device.

FDA therefore disagrees with the comment suggesting classification of cardiopulmonary bypass arterial line blood filters into class II. Accordingly, the proposed regulation is being adopted without change.

Reference

1. Abts, L. R., R. T. Beyer, P. M. Galletti, K. E. Karlson, D. Karon, R. Massimino, P. D. Richardson, "Computerized Discrimination of Microemboli in Extracorporeal Circuits," *American Journal of Surgery*, 135:4 (535–538), April 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4260, to read as follows:

§ 870.4260 Cardiopulmonary bypass arterial line blood filter.

(a) *Identification.* A cardiopulmonary bypass arterial line blood filter is a device used as part of a gas exchange (oxygenator) system to filter nonbiologic particles and emboli (blood clots or pieces of foreign material flowing in the bloodstream which will obstruct circulation by blocking a vessel) out of the blood. It is used in the arterial return line.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3310 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1516]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Cardiotomy Suction Line Blood Filters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass cardiotomy suction line blood filters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13400) a proposed regulation to classify cardiopulmonary bypass cardiotomy suction line blood filters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding this device. The comment presented additions and corrections to the supplementary information in the proposed regulation, but did not suggest a change in classification.

The comment noted a transposition of references 5 and 6. FDA appreciates the information and has corrected that error.

The comment also questioned the use of the term "accuracy" in describing the performance characteristics of blood filters, and suggested "filter rating" and "filter efficiency" as more precise terms to describe the performance characteristics of blood filters.

FDA agrees that "accuracy" does not properly describe the performance of blood filters and adopts "filtration efficiency" as a clearer description of this performance.

The comment protested the description of cardiotomy suction line blood filters as "potentially hazardous to life or health" and the statement that the hazard of particle embolism may lead "to potentially debilitating or fatal emboli." The comment stated that "the cardiotomy line filter is never life-threatening" and that these statements should be modified to read: "Inability of the device to properly filter particles can lead to embolic complications."

FDA did state in the proposed regulation that problems associated with the use of the device are not usually life threatening. FDA believes, however, that any embolic complication has the potential of being hazardous to life or health and therefore disagrees with this point of the comment.

Finally, the comment stated that there were some inaccuracies in the information presented in the proposal on large-pore filters, such as that the references cited deal with blood transfusion filters rather than with cardiopulmonary bypass filters, that the problems of pressure extrusion and passage of microaggregates through the filter are not real problems with cardiopulmonary bypass microfilters, and that currently marketed filters compromise neither capacity nor smaller pore size.

FDA cited references in the proposal concerning transfusion filters because it believes that the performance characteristics, properties, and risks to

health involving transfusion filters, along with other relevant matters, should be considered in the development of a standard for cardiotomy suction line blood filters. The statement in the proposal that, "Filters currently on the market compromise either capacity or small pore size" would have been more accurate if it stated that a compromise is made in the design of filters to make the filter fit its purpose. FDA realizes that tradeoffs are made between pore size, number of pores, and other filter characteristics in order to design properly a filter for a given use. It is obvious that the properties of a cardiotomy filter, a transfusion filter, or an arterial line filter must differ depending upon the requirements of the function the filter is designed to perform. FDA agrees with this portion of the comment.

No comments have been received challenging the proposed classification of the device into class II. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4270, to read as follows:

§ 870.4270 Cardiopulmonary bypass cardiotomy suction line blood filter.

(a) *Identification.* A cardiopulmonary bypass cardiotomy suction line blood filter is a device used as part of a gas exchange (oxygenator) system to filter nonbiologic particles and emboli (a blood clot or a piece of foreign material flowing in the bloodstream which will obstruct circulation by blocking a vessel) out of the blood. This device is intended for use in the cardiotomy suction line.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3311 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1517]

Cardiovascular Devices; Classification of Cardiopulmonary Prebypass Filters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary prebypass filters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13402) a proposed regulation to classify cardiopulmonary prebypass filters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4280, to read as follows:

§ 870.4280 Cardiopulmonary prebypass filter.

(a) *Identification.* A cardiopulmonary prebypass filter is a device used during priming of the oxygenator circuit to remove particulates or other debris from the circuit prior to initiating bypass. The device is not used to filter blood.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3312 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1518]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Adaptors, Stopcocks, Manifolds, or Fittings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass adaptors, stopcocks, manifolds, or fittings into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13402) a proposed regulation to classify cardiopulmonary bypass adaptors, stopcocks, manifolds, or fittings into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513,

701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4290, to read as follows:

§ 870.4290 Cardiopulmonary bypass adaptor, stopcock, manifold, or fitting.

(a) *Identification.* A cardiopulmonary bypass adaptor, stopcock, manifold, or fitting is a device used in cardiovascular diagnostic, surgical, and therapeutic applications to interconnect tubing, catheters, or other devices.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3313 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1519]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Gas Control Units

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass gas control units into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** FR (44 13403) a proposed regulation to classify cardipulmonary bypass gas control units into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart B by adding new § 870.4300, to read as follows:

§ 870.4300 Cardiopulmonary bypass gas control unit.

(a) *Identification.* A cardiopulmonary bypass gas control unit is a device used to control and measure the flow of gas into the oxygenator. The device is calibrated for a specific gas.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3314 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1520]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Coronary Pressure Gauges

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass coronary pressure gauges into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13404) a proposed regulation to classify cardiopulmonary bypass coronary pressure gauges into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4310, to read as follows:

§ 870.4310 Cardiopulmonary bypass coronary pressure gauge.

(a) *Identification.* A cardiopulmonary bypass coronary pressure gauge is a device used in cardiopulmonary bypass surgery to measure the pressure of the blood perfusing the coronary arteries.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3315 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1521]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Pulsatile Flow Generators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass pulsatile flow generators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982 or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13405) a proposed regulation to classify cardiopulmonary bypass pulsatile flow generators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4320, to read as follows:

§ 870.4320 Cardiopulmonary bypass pulsatile flow generator.

(a) *Identification.* A cardiopulmonary bypass pulsatile flow generator is an electrically and pneumatically operated device used to create pulsatile blood flow. The device is placed in a cardiopulmonary bypass circuit downstream from the oxygenator.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3316 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1522]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass On-Line Blood Gas Monitors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass on-line blood gas monitors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13406) a proposed regulation to classify cardiopulmonary bypass on-line blood gas monitors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4330, to read as follows:

§ 870.4330 Cardiopulmonary bypass on-line blood gas monitor.

(a) *Identification.* A cardiopulmonary bypass on-line blood gas monitor is a device used in conjunction with a blood gas sensor to measure the level of gases in the blood.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3317 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1523]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Level Sensing Monitors and/or Controls

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass level sensing monitors and/or controls into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device.. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published

in that issue of the **Federal Register** (44 FR 13407) a proposed regulation to classify cardiopulmonary bypass level sensing monitors and/or controls into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4340, to read as follows:

§ 870.4340 Cardiopulmonary bypass level sensing monitor and/or control.

(a) *Identification.* A cardiopulmonary bypass level sensing monitor and/or control is a device used to monitor and/or control the level of blood in the blood reservoir and to sound an alarm when the level falls below a predetermined value.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3318 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1524]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Oxygenators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass oxygenators into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13408) a proposed regulation to classify cardiopulmonary bypass oxygenators into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received regarding cardiopulmonary bypass oxygenators. The comment suggested that the device be classified into class II, rather than class III. The comment stated that events that have taken place since the Panel recommended that the device be placed in class III provide sufficient information to establish a performance standard for oxygenators.

The comment made several points in support of its suggestion that oxygenators be placed in class II. First, the comment stated that there is general agreement that the American Society for Artificial Internal Organs (ASAIO) standard for blood oxygenators (Ref. 1) addresses sufficient concerns to determine safe and effective performance of oxygenators. Second, it stated that laboratory tests provide the most meaningful data on the safety and effectiveness of oxygenators. Third, the comment noted that the Panel considered microembolization to be a significant and undetermined hazard of oxygenation. Fourth, the comment noted that most experts who testified at Panel meetings believed that oxygenators should be classified into class II.

The comment listed several events bearing upon the device's classification that have taken place since the May 2, 1977, Panel meeting at which the classification recommendation was recorded. The comment cited the Utah Biomedical Test Laboratories (UBTL) report on blood oxygenators (Ref. 2), the publication of the Association for the Advancement of Medical Instrumentation (AAMI) Draft Oxygenator Standard (Ref. 3), the FDA good manufacturing practice regulation (21 CFR Part 820) with additional controls for critical devices, and work advancing test methods for quantification of microemboli (Refs. 4 through 13). The comment compared the recommendations of the UBTL report with the proposed requirements of a standard developed by the Association for the Advancement of Medical Instrumentation (AAMI) and reviewed the state of test methodology for microembolization.

The comment concluded that the decision to place oxygenators in class III was close, that significant progress in standards development has occurred since the original class III Panel recommendation, and that the documents it referred to are an adequate basis upon which performance standards may be established. The comment also stated: "* * * one requirement omitted from current standards that we feel should be included is the requirement that a new or significantly modified oxygenator should be tested clinically before it is marketed."

FDA disagrees with the comment. It is true that the ASAIO standard has been incorporated into the AAMI draft standard and that standards are established for certain aspects of oxygenator performance. However, standards for the limitation of microembolization are not and never have been part of either proposed oxygenator standard. These standards as now written do not prescribe any performance levels for gas exchange, heat exchange efficiency, or acceptable level of blood damage. Furthermore, the present state-of-the-art in identification and quantification of microemboli is at best developmental. Those procedures that have shown the most promise in measurement of microemboli are neither generally available to industry nor validated through independent testing at several laboratories. The experts who testified at the Panel meetings in support of classifying the device into class II accompanied industry representatives who had brought them to the meetings for that purpose. Despite the volume of testimony in support of placing the device into class II, the Panel voted unanimously to recommend classification of the device into class III. Even the comment conceded that clinical trials for safety and effectiveness are needed for "new or significantly modified oxygenators."

FDA believes the device should be classified into class III. The proposed regulation is being adopted without change.

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12. Abts, L. R., R. T. Beyer, P. D. Richardson, P. M. Galletti, K. E. Karlson, "Reflections from Microparticles in a Flowing Liquid," *Journal of the Acoustical Society of America*, 64(Suppl 1): s62, Fall 78.

13. Abts, L. R., R. T. Beyer, P. D. Richardson, P. M. Galletti, K. E. Karlson, "Microparticle Detection with Focused Ultrasound," *Journal of the Acoustical Society of America*, 60(Suppl 1): s53–54, Fall 76.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4350, to read as follows:

§ 870.4350 Cardiopulmonary bypass oxygenator.

(a) *Identification.* A cardiopulmonary bypass oxygenator is a device used to exchange gases between blood and a gaseous environment to satisfy the gas exchange needs of a patient during open-heart surgery.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3319 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1525]

Cardiovascular Devices; Classification of Nonroller-type Cardiopulmonary Bypass Blood Pumps

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying nonroller-type cardiopulmonary bypass blood pumps into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HKF–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the Federal Register of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the Federal Register (44 FR 13409) a proposed regulation to classify nonroller-type cardiopulmonary bypass blood pumps into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4360, to read as follows:

§ 870.4360 Nonroller-type cardiopulmonary bypass blood pump.

(a) *Identification.* A nonroller-type cardiopulmonary bypass blood pump is a device that uses a method other than revolving rollers to pump the blood through the nonroller-type cardiopulmonary bypass circuit during bypass surgery.

(b) *Classification.* Class III (premarket approval).

Effective Date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3320 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1526]

Cardiovascular Devices; Classification of Roller-Type Cardiopulmonary Bypass Blood Pumps

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying roller-type cardiopulmonary bypass blood pumps into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device.

This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13411) a proposed regulation to classify roller-type cardiopulmonary bypass blood pumps into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4370, to read as follows:

§ 870.4370 Roller-type cardiopulmonary bypass blood pumps

(a) *Identification.* A roller-type cardiopulmonary bypass blood pump is a device that uses a revolving roller mechanism to pump the blood through the cardiopulmonary bypass circuit during bypass surgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3321 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 870

[Docket No. 78N–1527]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Pump Speed Controls

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass pump speed controls into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13412) a proposed regulation to classify cardiopulmonary bypass pump speed controls into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4380, to read as follows:

§ 870.4380 Cardiopulmonary bypass pump speed control.

(a) *Identification.* A cardiopulmonary bypass pump speed control is a device used that incorporates an electrical system or a mechanical system, or both, and is used to control the speed of blood pumps used in cardiopulmonary bypass surgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3322 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 870

[Docket No. 78N–1528]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Pump Tubing

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass pump tubing into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13413) a proposed regulation to classify cardiopulmonary bypass pump tubing into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513,

701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4390, to read as follows:

§ 870.4390 Cardiopulmonary bypass pump tubing.

(a) *Identification.* A cardiopulmonary bypass pump tubing is polymeric tubing which is used in the blood pump head and which is cyclically compressed by the pump to cause the blood to flow through the cardiopulmonary bypass circuit.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3323 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1529]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Blood Reservoirs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass blood reservoirs into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13414) a proposed regulation to classify cardiopulmonary bypass blood reservoirs into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4400, to read as follows:

§ 870.4400 Cardiopulmonary bypass blood reservoir.

(a) *Identification.* A cardiopulmonary bypass blood reservoir is a device used in conjunction with short-term extracorporeal circulation devices to hold a reserve supply of blood in the bypass circulation.

(b) *Classification.* Class II (performance standards), except that a reservoir that contains a defoamer or filter is classified into the same class as the defoamer or filter.

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3324 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1530]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass In-Line Blood Gas Sensors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass in-line blood gas sensors into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13413), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13318) a proposed regulation to classify cardiopulmonary bypass in-line blood gas sensors into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4410, to read as follows:

§ 870.4410 Cardiopulmonary bypass in-line blood gas sensor.

(a) *Identification.* A cardiopulmonary bypass in-line blood gas sensor is a transducer that measures the level of gases in the blood.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3325 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1531]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Cardiotomy Return Suckers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass cardiotomy return suckers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13416) a proposed regulation to classify cardiopulmonary bypass cardiotomy return suckers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4420, to read as follows:

§ 870.4420 Cardiopulmonary bypass cardiotomy return sucker.

(a) *Identification.* A cardiopulmonary bypass cardiotomy return sucker is a device that consists of tubing, a connector, and a probe or tip that is used to remove blood from the chest or heart during cardiopulmonary bypass surgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3326 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1532]

Cardiovascular Devices; Classification of Cardiopulmonary Bypass Intracardiac Suction Controls

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiopulmonary bypass intracardiac suction controls into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13417) a proposed regulation to classify cardiopulmonary bypass intracardiac suction controls into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4430, to read as follows:

§ 870.4430 Cardiopulmonary bypass intracardiac suction control.

(a) *Identification.* A cardiopulmonary bypass intracardiac suction control is a device which provides the vacuum and control for a cardiotomy return sucker.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3327 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 870

[Docket No. 78N-1533]

Cardiovascular Devices; Classification of Vascular Clamps

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying vascular clamps into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device

Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13418) a proposed regulation to classify vascular clamps into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4450, to read as follows:

§ 870.4450 Vascular clamp.

(a) *Identification.* A vascular clamp is a surgical instrument used to occlude a blood vessel temporarily.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3328 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1534]

Cardiovascular Devices; Classification of Surgical Vessel Dilators

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying surgical vessel dilators into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13418) a proposed regulation to classify surgical vessel dilators into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4475, to read as follows:

§ 870.4475 Surgical vessel dilators.

(a) *Identification.* A surgical vessel dilators is a device used to enlarge or calibrate a vessel.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3329 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1535]

Cardiovascular Devices; Classification of Cardiovascular Surgical Instruments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying cardiovascular surgical instruments into class I (general controls). The effect of classifying a device into class I is to require that the device meet only the general controls applicable to all devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13419) a proposed regulation to classify cardiovascular surgical instruments into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

One comment was received. The comment stated that class I controls are sufficient to provide reasonable assurance of the safety and effectiveness of these devices. Also, the comment stated that classification of these devices into class I would be consistent with the proposed classifications into class I of microsurgical instruments and nonpowered neurosurgical instruments, published with the proposed classification regulations for neurological devices (43 FR 55640; Nov. 28, 1978). Finally, the comment suggested that the classification of surgical instruments be held in abeyance until all Panel recommendations for various surgical instruments have been published for comment and that these instruments be classified in a single regulation.

FDA rejects the suggestion that all surgical instruments be regulated under one regulation. There are many instruments which are used within one surgical specialty only. Examples of such devices are devices used in harvesting, preparation, and implanting saphenous vein grafts. It is important that individuals with experience and expertise in a particular medical specialty scientifically review the problems relating to surgical instruments used exclusively in that specialty. FDA therefore believes that it is necessary to classify many surgical devices according to the type of surgery in which they are used to ensure that they are reviewed properly. FDA agrees with the comment that cardiovascular surgical instruments should be classified into class I (general controls). Accordingly, the final regulation is being

published classifying the device in class I with no exemptions for the reasons stated in the general regulation on cardiovascular devices, published elsewhere in this issue of the **Federal Register**. FDA does not believe that it is necessary to issue a new proposal concerning this decision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4500, to read as follows:

§ 870.4500 Cardiovascular surgical instruments.

(a) *Identification.* Cardiovascular surgical instruments are surgical instruments that have special features for use in cardiovascular surgery. These devices include, e.g., forceps, retractors, and scissors.

(b) *Classification.* Class I (general controls).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3330 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1536]

Cardiovascular Devices; Classification of Intraluminal Artery Strippers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying intraluminal artery strippers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13420) a proposed regulation to classify intraluminal artery strippers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4875, to read as follows:

§ 870.4875 Intraluminal artery stripper.

(a) *Identification.* An intraluminal artery stripper is a device used to perform an endarterectomy (removal of plaque deposits from arteriscleratic arteries.)

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3331 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1537]

Cardiovascular Devices; Classification of External Vein Strippers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external vein strippers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13421) a proposed regulation to classify external vein strippers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart E by adding new § 870.4885, to read as follows:

§ 870.4885 External vein stripper.

(a) *Identification.* An external vein stripper is an extravascular device used to remove a section of a vein.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3332 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1538]

Cardiovascular Devices; Classification of Patient Care Suction Apparatus

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying patient care suction apparatus into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13421) a proposed regulation to classify patient care suction apparatus into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 by adding Subpart F and new § 870.5050, to read as follows:

Subpart F—Cardiovascular Therapeutic Devices

§ 870.5050 Patient care suction apparatus.

(a) *Identification.* A patient care suction apparatus is a device used with an intrathoracic catheter to withdraw fluid from the chest during the recovery period following surgery.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3333 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N–1539]

Cardiovascular Devices; Classification of Embolectomy Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying embolectomy catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13422) a proposed regulation to classify embolectomy catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5150, to read as follows:

§ 870.5150 Embolectomy catheter.

(a) *Identification.* An embolectomy catheter is a balloon-tipped catheter that is used to remove thromboemboli, i.e., blood clots which have migrated in blood vessels from one site in the vascular tree to another.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3334 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N–1540]

Cardiovascular Devices; Classification of Septostomy Catheters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying septostomy catheters into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13423) a proposed regulation to classify septostomy catheters into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device.

Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.4280, to read as follows:

§ 870.5175 Septostomy catheter.

(a) *Identification.* A septostomy catheter is a special balloon catheter that is used to create or enlarge the atrial septal defect found in the heart of certain infants.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3335 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1541]

Cardiovascular Devices; Classification of External Cardiac Compressors

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external cardiac compressors into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13424) a proposed regulation to classify external cardiac compressors into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5200, to read as follows:

§ 870.5200 External cardiac compressor.

(a) *Identification.* An external cardiac compressor is an external device that is electrically, pneumatically, or manually powered and is used to compress the chest periodically in the region of the heart to provide blood flow during cardiac arrest.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3336 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1542]

Cardiovascular Devices; Classification of External Counter-Pulsating Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external counter-pulsating devices into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1982.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13426) a proposed regulation to classify external counter-pulsating devices into class III (premarket approval). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5225, to read as follows:

§ 870.5225 External counter-pulsating device.

(a) *Identification.* An external counter-pulsating device is a noninvasive device used to assist the heart by applying positive or negative pressure to one or more of the body's limbs in synchrony with the heart cycle.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3337 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1543]

Cardiovascular Devices; Classification of DC-Defibrillators (Including Paddles)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying low-energy DC-defibrillators into class II (performance standards) and high-energy DC-defibrillators into class III (premarket approval). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. Each application for premarket approval for high-energy DC-defibrillators must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK-450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13426) a proposed regulation to classify DC-defibrillators (including paddles) into class III (premarket approval). A period of 60 days was provided for interested persons to submit comments to FDA.

FDA received two general comments on the proposed regulation for DC-defibrillators, which made no suggestion regarding the proposed classification:

1. Dr. Leslie Geddes, a former panel member, stated that he believes that he was misquoted in the proposed regulation. He said he would never state that 15 times threshold energy is safe; he believes that 1.5 times threshold energy is safe.

The proposed regulation stated that "damage (in dogs) occurs at 15 times defibrillation threshold." This statement was made during a panel meeting at which dose-response curves were being discussed. According to that discussion, the ED 50 (50 percent effected dose) is 1 joule per kilogram, and the TD 50 (50 percent toxic dose) is 15 joules per kilogram. Toxic dose was defined as any histopathologic damage, not as functional damage. FDA agrees with the comment that the proposal incorrectly implies that energy levels below 15 times the defibrillation threshold are safe.

2. One comment stated that additional data should be considered during final classification of DC-defibrillators. The comment discussed ongoing research involving 41 patients who underwent emergency ventricular defibrillation by a defibrillator with a maximum output of 460 joules delivered energy. Of the 41 patients, 15 required multiple shocks of 400 joules or greater for eventual successful defibrillation. Four patients required 2 shocks at 400 joules, 3 patients required 3 shocks at 400 joules, 6 patients required 4 or more shocks at 400 joules, 1 patient required 2 shocks at 460 joules, and 1 patient required 4 shocks at 460 joules. The 2 patients who required 460-joule shocks did not defibrillate at lower energy levels. The comment said the question of potential damage did not arise and that this energy level was required for the patients' survival.

The classification of DC-defibrillators was a controversial issue during the Circulatory System Devices Panel deliberations on device classification. The following comments were received on the proposed classification of DC-defibrillators into Class III. While all of the comments suggested that the classification of DC-defibrillators be changed, the form of the suggested changed varied from comment to comment, as described below:

1. A comment suggested that the available data on defibrillation are not as contradictory as they may have appeared in the proposed regulation. In fact, the data actually support a divided classification. The comment noted that theoretical models have been constructed showing that energy and density standards can be developed to ensure reasonably safe and effective defibrillator performance. Many variables affect defibrillation, including wave shape, duration, paddle size and position, drug usage (lidocaine, for example), time between the onset of fibrillation and the first defibrillation attempt, paddle pressure, the electrode paste used, transthoracic dimensions, heart dimensions, and physiologic state of the heart.

Based on experiments conducted on human hearts, it is possible to determine the energy needed for defibrillating human subjects. The comment provided references to show that 10 watt-seconds applied directly across the heart have been used to defibrillate most human hearts, but that occasionally 20 watt-seconds energy have been required. Ten to twenty watt-seconds energy delivered directly across a 500-gram heart, as described in the comment, is equivalent to: (a) 145 to 465 watt-seconds applied transthoracically; (b) a current density of 100 to 180 milliamperes per square centimeter; and (c) a peak current of 32 to 61 amperes.

The comment stated that classifying all defibrillators into class III is not likely to produce definitive answers to the questions of risk. The comment referred to the two theories in FDA's proposed classification regarding the energy required for defibrillation. The first is a dose concept relating defibrillation energy to body weight, and the second states that the energy required for defibrillation is not weight dependent. The comment proposed that the agency allow for a third theory that assumes that certain current densities in the heart are necessary for successful defibrillation and that these are dependent upon heart dimensions and the heart's location in the chest cavity.

The comment noted that it is not surprising that some researchers have obtained data correlating defibrillation energies to weight because heavier patients will tend to have greater chest dimensions and a resulting lower current density in the heart. On the other hand, the comment noted that variables other than weight are significant, such as the quality of the basic life-support systems used, physiological state of the heart, position of the heart within the chest cavity, heart size, area of the electrodes, electrode position with respect to the heart, resistivity of the electrode-patient interface, and the previous use of antiarrhythmic drugs. Therefore, the comment concluded, it is not surprising that some researchers have found no

correlation between body weight and the required energy for defibrillation.

The comment stated that medical judgment is necessary when using defibrillators and that device labeling can provide information to guide the exercise of medical judgment. The comment also stated that electrical design and paddle position and design have ben addressed in the FDA Draft Defibrillator Standard and in the literature referenced in the comment. The comment stated that the remaining concerns of risks to health are medical concerns that can be addressed by labeling and noted that defibrillators with delivered energy of 400 watt-seconds may be needed to defibrillate patients whose hearts would require 20-watt-seconds energy shocks directly across the heart. The comment stated that based on the information available, an upper energy level can be determined for damped sinusoidal waveforms and a standard would assure reasonable safety and performance.

2. Another comment urged FDA not to classify all defibrillators into class III, but recommended that the Panel and the agency determine which waveforms have been shown to be adequately safe and effective and place those waveforms into class II. The comment said there is little difference of opinion among most of the scientists who were asked about the maximum energy level that would divide "high available energy" defibrillators from "traditional energy" defibrillators and that a number of experts believe that the energy level that divides the "high energy" from "traditional energy" defibrillators is between 320 joules and 400 joules delivered energy, a difference of only 20 percent. This represents even less difference in terms of current output, according to the comment.

3. A comment simply recommended that a split in the classification of defibrillators be considered and that 400 joules seems to be an appropriate upper limit for classification into class II.

4. A comment presented data accumulated in prospective investigations of cross-chest ventricular defibrillation in humans showing that devices which store no more than 400 joules, deliver a maximum shock of between 250 joules (trapezoidal wave) and 360 joules (damped sine wave) via a 50-ohm test load defibrillate at an efficiency of 95 to 99 percent. Therefore, the comment suggested that defibrillators with these levels of performance be classified into class II and that defibrillators that store more than 400 joules or deliver a maximum shock over 360 joules or under 250 joules for cross-chest defibrillation are truly experimental medical devices and belong in class III. The comment also offered views on the summary of the panel recommendation that accompanied the proposed classification and suggested that the proposal should have cited several additional references (Refs. 1 through 4).

5. A comment referenced personal work involving direct-current counter shock in animal models performed during the past year. This work is published in the *American Journal of Cardiology*, February 1979 (Ref. 5). It demonstrates that a number of factors relating to energy level, the size of the paddles, and interval between shocks are important in producing cardiac damage. The pathophysiology appears to be thermal damage in large part.

Based on the commenter's experience and the animal work, the following comments were made:

a. Damped-sinusoidal (Lown) waveform defibrillators that deliver less than 400 joules energy have been demonstrated to be highly effective and relatively safe. Repeated use in patients does produce myocardial damage, but this is due to the type of heart disease being treated, the need for repeated shocks, and the multiple high-energy shocks that must be delivered.

b. The contradictory studies relating to the maximum energy that should be delivered are not very controversial. When hearts are extremely large, energy levels slightly higher than 400 joules would be helpful. For the majority of patients, however, the kind of heart disease and the cardiac damage that has already been produced by the disease are the determinant factors. Except in unusual circumstances, 400 joules appears to be a high enough energy level for most patients.

6. A comment supported classification of all DC-defibrillators with delivered energies of 400 joules or less into class II. The comment stated that a standard can be developed based on available information and that such a standard would provide reasonable assurance of the safety and effectiveness of these DC-defibrillators. The comment also pointed out that FDA did not discuss in the proposal the significant human experience with marketed defibrillators over the past several years and stated that, for defibrillators in the range of 400 joules or less, ample evidence exists showing that benefits to health outweigh the probable risks.

7. One comment described certain experience with high-dose (400 and 460 joules) emergency defibrillation at a teaching hospital. A fairly substantial number of patients at that hospital have required high-energy shocks after the same or lower energies failed to defibrillate them. The comment asserted these data are at variance with those of other investigators because of patient selection.

Many of the previously reported studies concentrated on patients defibrillated in coronary care units where there is a brief lapse of time between the onset of ventricular fibrillation and the first shock, where arrhythmias are primarily ventricular fibrillation, and where acidosis and hypoxia are minimal. The comment's experience is in a general hospital where the majority of patients are not in the coronary care unit, but are defibrillated on the general wards or after being brought into the hospital in an ambulance. The delays are greater with these patients, and therefore the patients are more hypoxic and acidotic.

8. Finally, two comments stated that defibrillators designed to deliver a damped sinusoidal waveform should be classified into class II if the stored energy level does not exceed 400 watt-seconds. These comments stated that the safety and efficacy of these defibrillators have been established by long clinical use and cite data summarized in a reprint from the *New England Journal of Medicine* (Ref. 6). These comments recommend that all other DC-defibrillators be classified into class III, including those damped sinusoidal waveforms with stored energies in excess of 400 watt-seconds and waveforms other than the damped sinusoidal waveforms.

FDA and its Circulatory System Devices Panel have reviewed the comments on the proposed classification of DC-defibrillators. FDA proposed to classify the device into class III primarily because of the disagreement among physicians concerning the benefit/risk assessment of low-energy versus high-energy defibrillation. FDA did not believe that enough data existed on which to base a class II classification for any defibrillator, given the medical disagreement regarding the benefits and risks of low-energy versus high-energy defibrillation. One apparent result of the proposed classification was to encourage efforts to achieve consensus on these issues. A proponent of high-energy defibrillation and a proponent of low-energy defibrillation have worked together with a committee of the Association for the Advancement of Medical Instrumentation (AAMI) and have now agreed on a uniform position on these issues. According to AAMI (Ref. 7), most researchers and clinicians actively working on defibrillation now believe that standards can be written for

all defibrillators with a maximum delivered energy between 250 and 360 joules, regardless of waveform.

It is important to note that, in this document, FDA is classifying only defibrillators of types that are currently on the market. Based on the information received last year from the Health Industry Manufacturers Association and on data in the literature, FDA finds that most marketed defibrillators of the damped sinusoidal type with delivered energies of 360 joules or less have peak currents in the range of 50 to 60 amperes and durations of between 3 and 7 milliseconds. The trapezoidal waveform reported in the literature has a 250-joule delivered energy and a peak current of approximately 24 amperes. Based on this general review of what is currently available on the market within the energy range specified above, FDA believes that the classification of defibrillators should be split as recommended by a letter following the comment period from AAMI Standards Committee. Accordingly, FDA is classifying into class II DC-defibrillators that deliver a maximizing 250 to 360 joules of energy into a 50-ohm test load, and into class III DC-defibrillators that deliver greater than 360 joules of energy into a 50-ohm test load. There are clinical data published by Crampton (Ref. 8) supporting the use of the damped sinusoidal waveforms and by Anderson and Suelzer (Ref. 1) for the trapezoidal waveform. Just as important as the existing animal and clinical data is the apparent agreement by most of the clinicians and researchers actively studying defibrillation that standards can be written for certain defibrillators.

FDA believes it is also important to state what this split in classification means:

a. Enough data exist on which to base a standard for all commercially available defibrillation waveforms with a maximum delivered energy between 250 and 360 joules. This does not mean that the defibrillators in this category represent the best tradeoff of benefit and risk as determined by paddle size and position and characteristics such as energy, current, and duration. It may be determined in the future that waveforms not included in this group may be the best waveforms for safe and effective defibrillation.

b. For defibrillators that are classified into class III, more data are needed to support a premarket approval application or a petition for reclassification.

c. Classification of certain defibrillators into class II requires that standards address not only energy but other important considerations, such as paddle size, and waveform characteristics such as current and duration, and the variability of these waveform characteristics with differing chest impedances.

Accordingly, FDA is publishing a final regulation classifying low-energy DC-defibrillators into class II and high-energy DC-defibrillators into class III, dividing the devices in a manner consistent with the recommendation of the AAMI standards committee (Ref. 7). For the reasons stated in the general regulation on cardiovascular devices, published elsewhere in this issue of the **Federal Register**, FDA does not believe that it is necessary to issue a new proposal concerning this decision.

References

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Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5300, to read as follows:

§ 870.5300 DC-defibrillator (including paddles).

(a) *Low-energy DC-defibrillator*—(1) *Identification.* A low-energy DC-defibrillator is a device that delivers into a 50 ohm test load an electrical shock of a maximum of 360 joules of energy used for defibrillating (restoring normal heart rhythm) the atria or ventricles of the heart or to terminate other cardiac arrhythmias. This generic type of device includes low energy defibrillators with a maximum electrical output of less than 360 joules of energy that are used in pediatric defibrillation or in cardiac surgery. The device may either synchronize the shock with the proper phase of the electrocardiogram or may operate asynchronously. The device delivers the electrical shock through paddles placed either directly across the heart or on the surface of the body.

(2) *Classification.* Class II (performance standards).

(b) *High-energy DC-defibrillator*—(1) *Identification.* A high-energy DC-defibrillator is a device that delivers into a 50 ohm test load an electrical shock of greater than 360 joules of energy used for defibrillating the atria or ventricles of the heart or to terminate other cardiac arrhythmias. The device may either synchronize the shock with the proper phase of the electrocardiogram or may operate asynchronously. The device delivers the electrical shock through paddles placed either directly across the heart or on the surface of the body.

(2) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3338 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1544]

Cardiovascular Devices; Classification of Defibrillator Testers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying defibrillator testers into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13429) a proposed regulation to classify defibrillator testers into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5325, to read as follows:

§ 870.5325 Defibrillator tester.

(a) *Identification.* A defibrillator tester is a device that is connected to the output of a defibrillator and is used to measure the energy delivered by the defibrillator into a standard resistive load. Some testers also provide waveform information.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3339 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1545]

Cardiovascular Devices; Classification of External Transcutaneous Cardiac Pacemakers (Noninvasive)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying external transcutaneous cardiac pacemakers (noninvasive) into class III (premarket approval). The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the devices. Each application must be submitted to FDA on or before September 30, 1982, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559,

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13430) a proposed regulation to classify external transcutaneous cardiac pacemakers (noninvasive) into class III (premarket approval). A period 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5550, to read as follows:

§ 870.5550 External transcutaneous cardiac pacemaker (noninvasive).

(a) *Identification.* An external transcutaneous cardiac pacemaker (noninvasive) is a device used to supply a periodic electrical pulse intended to pace the heart. The pulse from the device is usually applied to the surface of the chest through electrodes such as defibrillator paddles.

(b) *Classification.* Class III (premarket approval).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–3340 Filed 2–4–80; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 870

[Docket No. 78N–1546]

Cardiovascular Devices; Classification of Compressible Limb Sleeves

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying compressible limb sleeves into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13431) a proposed regulation to classify compressible limb sleeves into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5800, to read as follows:

§ 870.5800 Compressible limb sleeve.

(a) *Identification.* A compressible limb sleeve is a device that is used to prevent pooling of blood in a limb by inflating periodically a sleeve around the limb.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)))

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3341 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1547]

Cardiovascular Devices; Classification of Thermal Regulating Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying thermal regulating systems into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13432) a proposed regulation to classify thermal regulating systems into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5900, to read as follows:

§ 870.5900 Thermal regulation system.

(a) *Identification.* A thermal regulating system is an external system consisting of a device that is placed in contact with the patient and a temperature controller for the device. The system is used to regulate patient temperature.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3342 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 870

[Docket No. 78N-1548]

Cardiovascular Devices; Classification of Automatic Rotating Tourniquets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule classifying automatic rotating tourniquets into class II (performance standards). The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Ely, Bureau of Medical Devices (HFK–450), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

SUPPLEMENTARY INFORMATION: FDA published in the **Federal Register** of March 9, 1979 (44 FR 13284), a proposed regulation explaining the development of the proposed regulations classifying cardiovascular devices, the medical device classification procedures, and the activities of the Cardiovascular Device Classification Panel. FDA also published in that issue of the **Federal Register** (44 FR 13433) a proposed regulation to classify automatic rotating tourniquets into class II (performance standards). A period of 60 days was provided for interested persons to submit written comments to FDA.

No written comments have been received regarding the proposed regulation to classify this device. Accordingly, the proposed regulation is being adopted without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Part 870 in Subpart F by adding new § 870.5925, to read as follows:

§ 870.5925 Automatic rotating tourniquet.

(a) *Identification.* An automatic rotating tourniquet is a device that prevents blood flow in one limb at a time, which temporarily reduces the total blood volume, thereby reducing the normal workload of the heart.

(b) *Classification.* Class II (performance standards).

Effective date. This regulation shall be effective March 6, 1980.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 371(a)).)

Dated: January 14, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-3343 Filed 2-4-80; 8:45 am]

BILLING CODE 4110-03-M

federal register

Tuesday
February 5, 1980

Part III

Department of Labor

Employment and Training Administration

Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 616

Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Arrangement for Combining Employment and Wages is a permanent part of the Federal-State Unemployment Compensation Program, which is designed to provide for combining employment and wages for the purpose of paying unemployment compensation to those individuals whose base period employment was performed and wages were earned in two or more States. The Department of Labor is revising the combined-wage regulations to improve procedures for the handling of Combined-Wage Claims. There are no substantive changes in this document.

DATE: Written comments must be received by the close of business on March 6, 1980, in order to assure consideration in the final rulemaking.

ADDRESS: Submit comments to Robert B. Edwards, Administrator, Unemployment Insurance Service, U.S. Department of Labor, Room 7000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Edwin Kerley, Group Chief, Division of State Program Management, Office of Program Management, Unemployment Insurance Service, U.S. Department of Labor, Room 7100, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213 (Phone (202) 376-7105).

SUPPLEMENTARY INFORMATION: Part 616, Chapter V, Title 20 of the Code of Federal Regulations implements the Interstate Arrangement for Combining Employment and Wages, which was initiated under the Employment Security Amendments of 1970 (Public Law 91-373) as a permanent part of the Federal-State Unemployment Compensation Program. The requirements for State unemployment compensation laws are contained in section 3304(a) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a), and the requirement for a combined-wage arrangement is at section 3304(a)(9)(B) of the Code.

Section 115 of the Unemployment Compensation Amendments of 1976 (Pub. L. 94-566), amended section 3304(a)(6) of the Internal Revenue Code of 1954 to include requirements for denial of unemployment benefits to individuals who work in educational institutions for periods between school years and terms and during other non-work periods. These requirements necessitate changes in the handling of combined-wage claims which include wages from employment in an educational institution.

Section 212 of the Unemployment Compensation Amendments of 1976 (Pub. L. 94-566) amended the Federal-State Extended Unemployment Compensation Act of 1970, to exclude from reimbursement the cost of sharable regular and Extended Benefits paid on the basis of services in the employment of a State or local governmental entity for weeks of unemployment beginning on or after January 1, 1979. This exclusion necessitates a change in the handling of Combined-Wage Claims for Extended Benefits (20 CFR Part 615). Accountability for the correct identification and charging to the Extended Unemployment Compensation Account (EUCA) must rest with the State in which the employer is registered. Therefore, changes are being made to provide that the transferring State charge the EUCA account for those benefit costs that constitute sharable compensation under the law.

Section 6 of the Emergency Jobs Programs Extension Act of 1976 (Pub. L. 94-444), added Part B to Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93-567). This new Part B, Title II of Pub. L. 93-567 provides for Federal reimbursement to States for the costs of unemployment benefits paid to individuals on the basis of wages earned in public service employment. This program also necessitates changes in the handling of Combined-Wage Claims which are based on wages from public service employment.

Other amendments in Pub. L. 94-566 were reflected in changes to Part 616 that were published in final on January 17, 1978, at 43 FR 2625.

These amendments to Part 616 have been developed in consultation with the duly designated representatives of the Interstate Conference of Employment Security Agencies, who, pursuant to § 616.2 of Part 616, are recognized by the Secretary of Labor as agents of the State unemployment compensation agencies for the purposes of the consultation required by section 3304(a)(9)(B) of the Internal Revenue Code of 1954. The amendments in this document were proposed by representatives of the Interstate Conference of Employment Security Agencies pursuant to § 616.11 of Part 616.

All of the amendments in this document pertain to the methods of handling Combined-Wage Claims, and have no effect on the substantive rights of individuals in regard to Combined-Wage Claims.

These amendments to Part 616 are being published in proposed form to give the public an opportunity to participate in the development of these changes in the regulations. Because these amendments relate to provisions or procedures already in effect, and consulation required by § 616.2 has occurred, it is not believed to be necessary to allow for a comment period in excess for 30 days.

Amendments are proposed to §§ 616.8 and 616.9. A new paragraph (2) is added to section 616.8(c), which requires paying States to furnish notices to transferring States whenever a redetermination is made which will cause a change in charges for benefits paid. Such change will occur whenever there is a redetermination of entitlement to benefits on the basis of wages earned from an educational institution.

Section 616.8, paragraph (f)(2), is amended to reflect any change in the ratio of benefit charges which result from an adjusted determination made as provided in paragraph (c)(2) of this section, and to provide that the computation of percentage ratios for charges are to be carried to at least three decimal places. The purpose of the latter change is to make the charges to participating States more equitable. The rationale underlying this change is that the more the charges are refined, the greater will be the equity in the charges assessed against all participating States whose wages were used to pay benefits to a Combined-Wage Claimant.

A new paragraph (3) is added to § 616.8(f), for the purpose of identifying the categories of compensation that are to be excluded from charges to transferring States. The former paragraph (f)(3) becomes paragraph (f)(5).

A new paragraph (f)(4) is added to § 616.8(f) to state that after December 31, 1978, all transferring States will be charged by the paying State in the same manner with respect to all benefits that are paid, including Extended Benefits.

Section 616.9(a) is amended to delete paragraph (b)(3) because it is obsolete.

Note.—The Department of Labor has determined that the proposal in this document is not a major regulation that requires the preparation of a regulatory analysis, within the meaning of Executive

Order 12044 and the Department's guidelines published at 44 FR 5570.

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, N.W. 20213, Telephone: (202)–376–7032.

Accordingly, amendments to Part 616 of Chapter V of Title 20, Code of Federal Regulations, are set forth below:

1. In § 616.8 paragraphs (c) and (f) are amended by numbering the present text of paragraph (c) as paragraph (c)(1), adding a new paragraph (c)(2), amending paragraph (f)(2), renumbering paragraph (f)(3) as paragraph (f)(5), and adding new paragraphs (f)(3) and (f)(4) as follows:

§ 616.8 Responsibilities of the paying State.

* * * * *

(c) *Redeterminations.* * * *

(2) When a determination is made, as provided in paragraph (a) of this section, which suspends the use of wages earned in employment with an educational institution during a prescribed period between successive academic years or terms or other periods as prescribed in the law of the paying State in accordance with section 3304(a)(6)(A)(i)–(iv) of the Internal Revenue Code of 1954, the paying State shall furnish each transferring State involved in the Combined-Wage Claim an adjusted determination used to recompute each State's proportionate share of any charges that may accumulate for benefits paid during the period of suspended use of school wages. Wages which are suspended shall be retained by the paying State for possible future reinstatement to the Combined-Wage Claim and shall not be returned to the transferring State.

* * * * *

(f) *Statement of benefit charges.* * * *

(2) Except as provided in paragraphs (c)(2) and (f)(3) of this section, and as section 8505(a) of Title 5 of the United States Code applies, each such charge shall bear the same ratio to the total benefits paid to the Combined-Wage Claimant by the paying State as the claimant's wages transferred by the transferring State bear to the total wages used in such determination. Each such ratio shall be computed as a percentage, to three or more decimal places.

(3) Charges to transferring State shall not include the costs of any benefits paid which are funded in the Federal Unemployment Benefits and Allowances account in the U.S. Department of Labor appropriation, including:

(i) Benefits paid pursuant to 5 U.S.C. 8501–8525;

(ii) Benefits which are reimbursable under Part B of Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567).

(4) With respect to benefits paid after December 31, 1978, except as provided in paragraphs (f)(3) and (f)(5) of this section, all transferring States will be charged by the paying State for Extended Benefits in the same manner as for all benefits that are paid.

(5) With respect to new claims establishing a benefit year effective on and after July 1, 1977, the United States shall be charged directly by the Paying State, in the same manner as is provided in paragraphs (f)(1) and (f)(2) of this section, in regard to Federal civilian service and wages and Federal military service and wages assigned or transferred to the Paying State and included in Combined-Wage Claims in accordance with this Part and Parts 609 and 614 of this chapter. With respect to new claims effective before July 1, 1977, prior law shall apply.

§ 616.9 [Amended]

2. In § 616.9 paragraph (b)(3) is hereby deleted.

(26 U.S.C. 3304(a)(9)(B); Secretary's Order No. 4–75, (40 FR 18515))

Signed at Washington, D.C., on January 30, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80–3684 Filed 2–4–80; 8:45 am]

BILLING CODE 4510–30–M

federal register

Tuesday
February 5, 1980

Part IV

Department of Housing and Urban Development

Improving Government Regulations; Semiannual Agenda of Significant Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Subtitles A and B

[Docket No. N-80-973]

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of significant regulations under development or review.

SUMMARY: Pursuant to Section 2(a) of Executive Order 12044, "Improving Government Regulations," the Department is publishing its third semiannual agenda of significant regulations. This agenda lists regulations that will be under development or review through July 31, 1980.

ADDRESSES: Rules Docket Clerk, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6703.

Office of Legislation and Intergovernmental Relations, Department of Housing and Urban Development, Room 10120, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-5005.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations" (43 FR 12661) directs each Executive Agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is required at least semiannually in order to give the public adequate notice of agency rulemaking activities.

The Department issued its first semiannual agenda on February 1, 1979 (44 FR 6674) and its second agenda on August 1, 1979 (44 FR 45342).

In fulfillment of requirements imposed by the Executive Order, this agenda lists significant regulations under development or review by the Department for the period through July 31, 1980. For all listed regulations, the agenda (1) describes the action being taken; (2) indicates the need for that action; and (3) provides the name and telephone number of an agency official familiar with the regulation. In addition, with respect to regulations under development, the agenda indicates the legal besis for the action and, where known, whether a regulatory analysis is to be prepared.

The agenda also indicates the status of significant regulations which were listed in the August 1, 1979 agenda.

Public comment on the agenda is invited and should be submitted to the Rules Docket Clerk. General purpose State and local governments, and national organizations representing general purpose State and local governments, are invited to notify HUD's Office of Legislation and Intergovernmental Relations of those rules in which they have particular interest. The Office of Legislation and Intergovernmental Relations will acknowledge receipt of any such expression of interest and will bring the matter to the attention of the appropriate drafting office for follow-up attention. Comments should be sent to the appropriate address listed above.

Third Semiannual Agenda of Significant Regulations

I. REGULATIONS UNDER DEVELOPMENT

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

A. New Regulations

1. CPD-20-79. Location of HUD-Supported Projects Around Airports

Description. Would establish standards to limit the location of HUD-supported projects in high risk areas around airports.

Need. To minimize risk to residents of HUD-supported projects.

Authority. Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Gretchen Van Hyning, 202-755-8909.

Status. In preparation.

2. CPD-22-79. Comprehensive Planning Assistance: Section 701 Work Study Program

Description. Would set forth requirements and procedures for applying for Section 701 Work Study Program grants.

Need. To change an informal grant application procedure into a formal one.

Authority. Section 701 of Housing Act of 1954, as amended, Pub. L. 83-560, 68 Stat. 590, 640, 40 U.S.C. 461.

Regulatory Analysis. No.

Contact. Leroy P. Gonnella, 202-755-6290; Howard L. Tutman, Sr., 202-755-6290.

Status. In preparation.

3. CPD-23-79. Minority Business Enterprise in UDAG Program

Description. Would require a recipient of an Action Grant to select minority business enterprises for a portion (from 5% to 20%) of its construction contracts in the Action Grant program.

Need. To carry out an effective affirmative action program in accordance with OMB Circular A-102, the President's Urban Policy, and 24 CFR 570.601(b)(4), which implements Section 109 of the Housing and Community Development Act of 1974.

Authority. Section 109 of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301

Regulatory Analysis. No.

Contact. Walter G. Farr, Jr., 202-755-6690.

Status. In preparation.

4. CPD-3-78 and 24-79. CDBG Small Cities Program

Description. Would revise the Small Cities Program regulations to clarify and simplify submission requirements by applicants, and modify rating factors to provide for a more equitable rating system.

Need. To clarify and simplify the regulations and make them more equitable.

Authority. Housing and Community Development Act of 1977, Pub. L. 95-128, 91 Stat. 1111.

Regulatory Analysis. No.

Contact. James Forsberg, 202-755-6322.

Status. Interim rule for FY 1980 program published June 26, 1979 and corrected July 19, 1979; ANPR for FY 1981 program published December 4, 1979.

5. CPD-8-78. CDBG Definition of Low- and Moderate-Income Persons

Description. Would clarify the existing definition of low- and moderate-income persons because the existing definition has created problems due to limitations on availability of data and inconsistency with the lower-income family definition under the Department's housing programs.

Need. To clarify existing rule and achieve consistency with other Departmental programs.

Authority. Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. No.

Contact. James R. Broughman, 202-755-9267.

Status. Interim rule published February 1, 1978; final rule in preparation.

B. Previously Listed Regulations

1. CPD–1–79. Areawide Housing Opportunity Plan (AHOP)

Description. Would amend basic regulations governing application requirements for the Areawide Housing Opportunity Program.

Need. To update and simplify the present regulations which are published at 24 CFR 891.101 et seq.

Authority. Section 7(d), Department of HUD Act; 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Gene Hix, 202–755–5649.

Status. In preparation.

2. CPD–5–79. HUD Procedure for Protection of Floodplains and Wetlands

Description. Would provide (1) policy direction; (2) substantive requirements; and (3) procedural requirements for Departmental Compliance with Executive Orders 11988 and 11990.

Need. To improve the Department's implementation of Federal policy and mandatory provisions of Executive Orders 11988 and 11990.

Authority. Executive Order 11988 (Floodplain Management) 42 FR 26951; Executive Order 11990 (Protection of Wetlands) 42 FR 26961; Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d).

Regulatory Analysis. No.

Contact. Walter Prybyla, 202–755–3409.

Status. Proposed rule published August 9, 1979.

3. CPD–4–78. CDBG—Clarification of Program Benefit Requirements

Description. Would clarify the program benefit requirement in the CDBG Program to reflect 1978 statutory amendments.

Need. To implement the 1978 amendments to the Housing and Community Development Act of 1974.

Authority. Section 104(c) of the Housing Community Development Act of 1974, Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301; Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. No.

Contact. James R. Broughman, 202–755–9267.

Status. Withdrawn.

4. CPD–21–78. Comprehensive Planning Assistance (701) Program; 24 CFR Part 600—Subparts A to F—Basic Regulations

Description. Would amend the 701 regulations to implement more effectively national objectives set forth by the President's Urban Policy including: (1) Community conservation and aid to distressed communities; (2) Expansion of housing and employment opportunities; and (3) Promotion of orderly and efficient growth. Would provide for waivers from areawide organization requirements regarding board composition in order to facilitate creation of single planning organizations which would undertake unified planning for multiple Federal planning programs.

Need. To initiate activities in support of the President's National Urban Policy.

Authority. Section 701, Housing Act of 1954, as amended, Pub. L. 83–560, 68 Stat. 640, 40 U.S.C. 461.

Regulatory Analysis. No.

Contact. Trudy F. McFall, 202–755–6308.

Status. Final rule published September 19, 1979.

5. CPD–22–78. Comprehensive Planning Assistance: Requirements and Procedures for Managing a Grant

Description. Would set forth requirements and procedures for managing a grant for Comprehensive Planning Assistance and reflect changes made in grant administration pursuant to Office of Management and Budget requirements contained in revised OMB Circular A–102, September 1977.

Need. To convert existing Handbook for Comprehensive Planning Assistance Program into regulation form and update requirements to reflect changes made in grant administration pursuant to revised OMB Circular No. A–102.

Authority. Sec. 701 of the Housing Act of 1954, Pub. L. 83–560, 68 Stat. 560, 40 U.S.C. 461; Housing and Community Development Act of 1974, Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. No.

Contact. Leroy P. Gonnella, 202–755–5649; Joyce Walther, 202–755–5649.

Status. Final rule published December 12, 1979.

6. CPD–24–78. Section 312 Rehabilitation Loan Program

Description. Would implement Section 312 of the Housing Act of 1964 and program changes required by the Housing and Community Development Amendments of 1978.

Need. To implement Section 312 of the Housing Act of 1964 and the Housing and Community Development Amendments of 1978.

Authority. Section 312 of the Housing Act of 1964, as amended; Pub. L. 88–560, 78 Stat. 769, 790; 42 U.S.C. 1452(b); Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. No.

Contact. Craig Nickerson, 202–755–5973.

Status. In preparation.

7. CPD–28–78. HUD Procedures: Protection of Historic and Cultural Properties Under HUD Programs

Description. Would specify how undertakings for all HUD programs, including the Community Development Block Grant Program, are to be reviewed so that the Advisory Council on Historic Preservation is assured of its standing to comment on those undertakings which affect properties on the National Register of Historic Places.

Need. Present HUD regulations now cross reference to Advisory Council Procedures. By Presidential Directive, Council has issued regulations which HUD must implement through its own counterpart regulations.

Authority. National Historic Preservation Act of 1966; Pub. L. 89–665, 80 Stat. 915; 16 U.S.C. 470.

Regulatory Analysis. No.

Contact. James J. Brennan, 202–755–3409.

Status. In preparation. No longer classified as significant.

8. CPD–29–78. Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality

Description. Would implement the National Environmental Policy Act of 1969, by incorporating the provisions of HUD Handbook 1390.1, Procedures for Protection and Enhancement of Environmental Quality, and of Section 905 of the Housing and Community Development Amendments of 1978.

Need. To modify the Department's environmental review procedures to reflect program changes and/or amendments that have affected the comprehensiveness of the basic document (1390.1 Handbook). The modification would incoporate all of these changes into a single **Federal Register** document.

Authority. The National Environmental Policy Act of 1969; Pub. L. 91–190, 83 Stat. 852, 42 U.S.C. 4321, et seq.; Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. No.

Contact. Fred D. Regetz, 202–755–6296.

Status. Interim rule published November 27, 1979.

9. CPD–32–78. Hazardous Operations of an Explosive or Flammable Nature

Description. Would establish standards for safety separation distances or other mitigation measures to provide a healthful and safe living environment to residential or community projects that would be located in close proximity to industrial installations whose activities include hazardous operations with large quantities of fuels

or chemicals of an extremely explosive or flammable nature.

Need. To set safety standards for mixed use development in industrial urban areas.

Authority. National Environmental Policy Act of 1969; Pub. L. 91–190, 83 Stat. 852, 42 U.S.C. 4321 et seq.

Regulatory Analysis. Not yet known.

Contact. James Christopulos, 202–755–6201; Michael T. McGee, 202–755–8909.

Status. In preparation.

10. CPD–35–78. Indian CDBG Regulations—Housing Assistance Plan

Description. Would amend 24 CFR 571.305(d) and 571.405(e) to make CDBG requirements, pertaining to submittal of Housing Assistance Plans (HAPs), more flexible and responsive to the special needs, cultural traditions, and legal circumstances of eligible Indian tribes and Alaska Natives.

Need. To assist tribes in planning, coordinating and implementing housing with their reservation development.

Authority. Section 107(a)(7) of the Housing and Community Development Act of 1974, Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301; Housing and Community Development Act of 1977, Pub. L. 95–128, 91 Stat. 1111.

Regulatory Analysis. No.

Contact. Donald G. Dodge, 202–755–6090.

Status. In preparation.

11. CPD–36–78. Urban Development Action Grants

Description. Would amend existing regulations to reflect changes dictated by needs identified by the Department and participants during the first year of implementation of the UDAG program.

Need. To clarify policy and make technical amendments based on HUD experience to date with this program.

Authority. Section 119 of the Housing and Community Development Act of 1974, as amended, Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Anaylsis. No.

Contact. Catherine Hare, 202–472–3980.

Status. Previously listed as withdrawn. Preparation has been resumed.

OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

A. New Regulations

None.

B. Previously Listed Regulations

1. FH&EO–1–79. Age Discrimination Act of 1975

Description. Would prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance including programs and activities receiving funds under the Revenue Sharing Act; would specify permissible age distinctions and reasonable factors other than age for Federally assisted programs and activities, and for recipients of Federal funds; would indicate programs and activities not covered by the ADA Act of 1975.

Need. To implement the provisions of the Age Discrimination Act of 1975, as amended.

Authority. Age Discrimination Act of 1975, 42 U.S.C. 6101, et seq.

Regulatory Analysis. No.

Contact. Laurence D. Pearl, 202–755–6654.

Status. In preparation.

2. FH&EO–1–78. Compliance Procedures for Affirmative Fair Housing Marketing (AFHM)

Description. Would provide for HUD review of approved AFHM Plans and for procedures, including imposition of sanctions, to assure compliance with approved plans.

Need. To add procedures for processing allegations of violations and imposing sanctions to the existing AFHM regulations (24 CFR Part 200, Subpart M).

Authority. Executive Order 11063, Equal Housing Opportunity, 27 FR 11527; Title VIII of the Civil Rights Act of 1968, Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. Final rule published August 9, 1979, at 44 FR 47012.

3. FH&EO–2–78. Discrimination in the Financing of Housing

Description. Would indicate the Department's view of conduct considered unlawful under Section 805 of the Civil Rights Act of 1968 and would require the collection of data by financial institutions on the race, national original and sex of applicants for loans or other assistance relating to dwellings.

Need. To deal with recent experience which indicates that some residential mortgage lenders are discriminating against blacks, other minorities, and women in the making of housing loans.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. Not yet known.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

4. FH&EO–3–78. Departmentwide Regulations Implementing Executive Order 11063

Description. Would establish compliance review and complaint processing procedures and create a compliance mechanism leading to the imposition of sanctions, including referral of cases to the Attorney General.

Need. To implement Executive Order 11063, which requires that all necessary and appropriate action be taken by Federal departments and agencies to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned, operated, or provided with Federal financial assistance and in lending practices with respect to residential property and related facilities of lending institutions, insofar as such practices relate to loans insured or guaranteed by the Federal government.

Authority. Executive Order 11063, Equal Opportunity in Housing, 27 FR 11527.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. Proposed rule published September 26, 1979.

5. FH&EO–4–78. Discrimination in Housing Advertising

Description. Would provide HUD's interpretation of the provisions of Title VIII of the Civil Rights Act of 1968 with respect to discrimination in advertising for the sale or rental of dwellings. Also would indicate the nature of HUD's inquiry into advertising practices in complaint investigations which allege discrimination in advertising based on race, color, religion, sex, or national origin.

Need. To implement Section 804(c) of the Civil Rights Act of 1968, which makes it unlawful to make, print, or publish any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin and to supplement HUD's Fair Housing Advertising Guidelines.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73, 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. Proposed rule published September 26, 1979.

6. FH&EO–5–78. Prohibited Broker Conduct Under Title VIII

Description. Would inform brokers as to their responsibilities with respect to fair housing in solicitations, sales advertising, marketing, and the provision of services pursuant to application of Title VIII of the Civil

Rights Act of 1968; also would provide information as to membership in associations, and the use of services among real estate brokers.

Need. To implement Title VIII which prohibits discrimination in the sale or rental of dwellings, discrimination in financing, blockbusting, and discriminatory advertising and which also makes it unlawful to deny any person access to, or membership participation in, any multiple listing service or real estate broker's organization based on race, color, religion, sex or national origin.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

7. FH&EO–6–78. Conduct Which Constitutes Steering Under Title VIII

Description. Would describe real estate practices which could be a violation of Title VIII of the Civil Rights Act of 1968 with emphasis on steering based on race, color, religion, sex, or national origin.

Need. To aid persons in complying with Title VIII by describing practices which constitute steering; also to advise prospective buyers and renters of practices, often unrecognized, which unlawfully restrict their range of housing choices.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

8. FH&EO–7–78. Unlawful Zoning and Land Use Practices Under Title VIII

Description. Would describe the applicability of Title VIII of the Civil Rights Act of 1968 to zoning and land use practices and indicate the tests to be used by HUD in determining whether a violation has occurred.

Need. In dealing with cases where violation of Title VIII through zoning actions was alleged, the courts have provided some indication as to the scope of coverage of Title VIII. Thus, the courts have held that Title VIII prohibits discriminatory land use and zoning actions. However, the courts have not articulated a standard for compliance with the Fair Housing Law. In administering the Law, HUD can provide assistance to the public, and local agencies by indicating the tests it will apply in its analysis of complaints alleging discriminatory zoning or land use practices.

Authority. Title VIII of the Civil Rights Act of 1968, Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

9. FH&EO–8–78. Prohibited Appraisal Practices

Description. Would provide guidance to persons concerning HUD's interpretation of proper standards and policies concerning the appraisal of dwellings; also would advise appraisers and the public of HUD's position concerning practices, procedures, and methods of appraisal which could constitute a violation of Title VIII.

Need. HUD complaint experience has shown that appraisals are the subject of many Title VIII complaints. In the investigations of such complaints, we have found that instructional materials recognized as being authoritative on appraisal methods contain directions to appraisers which can result in violations of Title VIII of the Civil Rights Act of 1968. Some efforts have been launched to review these materials; however, this process is cumbersome since the Government and the major associations of appraisers have voluminous material relating to appraisal policies. A general statement of appraisal policies and practices which may violate Title VIII will be helpful to appraisers in their work and to the public in understanding fair housing considerations in the appraisal of dwellings.

Authority. Title VIII of the Civil rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

10. FH&EO–9–78. Residential Redlining Under Title VIII

Description. Would indicate HUD's interpretation of Section 804(a) of the 1968 Civil Rights Act with respect to redlining; also would set forth the tests to be applied by the Department in investigating allegations of redlining based on race, color, religion, sex or national origin.

Need. To implement Section 804(a) which makes it unlawful "to refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, or national origin." HUD experience in this area indicates that applicants may not be aware of real estate practices which constitute redlining because of the subtle nature of the practice.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

11. FH&EO–10–78. Discriminatory Practices Regarding Property Insurance

Description. Would describe the coverage of Title VIII of the Civil Rights Act of 1968 with respect to denials of property insurance and advise the public as to the tests which HUD will apply in complaint investigations to determine whether violations of Title VIII have occurred.

Need. To implement Title VIII and to inform prospective owners securing and maintaining property insurance.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

12. FH&EO–11–78. Affirmative Administration of Federal Program Relating to Housing and Urban Development

Description. Sets forth HUD's interpretation of the Title VIII mandate to administer programs relating to housing and urban development in a manner affirmatively to further the purposes of fair housing; also would identify, in general, the nature and types of action HUD will take in the administration of its programs to enhance their impact on the provision of fair housing.

Need. To further implement Sections 808(a), 808(d) and 808(e)(3) of the Civil Rights Act of 1968.

Authority. Title VIII of the Civil Rights Act of 1968; Pub. L. 90–284, 82 Stat. 73; 18 U.S.C. 245.

Regulatory Analysis. No.

Contact. Marianne Freeman, 202–755–6113.

Status. In preparation.

13. FH&EO–12–78. Training and Employment Opportunities for Lower Income Residents

Description. Would provide HUD's interpretation of the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects, and for contracting opportunities for business concerns located in, or owned in substantial part by, persons residing in the area of HUD-assisted projects.

Need. HUD's existing Section 3 regulation was promulgated prior to the

enactment of the Housing and Community Development Act of 1974, which established the Community Development Block Grant (CDBG) Program. This regulation amendment would provide for interpretations in the context of that program.

Authority. Section 3 of the Housing and Urban Development Act of 1968, Pub. L. 90–448, 82 Stat. 476; 12 U.S.C. 1701u, et seq.;

Section 118 of the Housing and Community Development Act of 1974, Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. Not yet known.

Contact. Turner Russell, 202–426–3500.

Status. In preparation.

14. FH&EO–13–78. Implementation of Section 109 of the Housing and Community Development Act of 1974

Description. Would set forth procedures and policies to assure nondiscrimination on grounds of race, color, national origin, or sex in programs and activities receiving assistance under Title I of the Housing and Community Development Act of 1974.

Need. To provide detailed regulations and procedures which describe requirements for compliance with Section 109 of the HCDA Act of 1974 in regard to nondiscrimination.

Authority. Section 109 of the Housing and Community Development Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. Yes.

Contact. Laurence D. Pearl, 202–755–6654.

Status. In preparation.

OFFICE OF HOUSING—FEDERAL HOUSING COMMISSIONER

A. New Regulations

1. H–6–79. Section 8 Housing Assistance Payments Program—Disposition of HUD-Owned Projects

Description. Would amend 24 CFR Part 886 to provide for disposition of HUD-owned projects with repairs or moderate rehabilitation to be done by the purchaser.

Need. To facilitate sales of HUD-owned projects.

Authority. Section 8, U.S. Housing Act of 1937, as amended by the Housing and Community Development Act of 1974; Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. No.

Contact. Robert P. Kalish, 202–755–5730.

Status. Interim rule published December 6, 1979; final rule in preparation.

2. H–26–79. Low-Income Public Housing-Lease and Grievance Procedures

Description. Would revise provisions in 24 CFR Part 866 governing requirements for dwelling leases and grievance procedures in the low-income public housing program.

Need. To clarify portions of present regulations.

Authority. U.S. Housing Act of 1937, as amended by Section 324 of the Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. No.

Contact. Edward W. Whipple, 202–755–5840.

Status. ANPR in preparation.

2a. H–36–79. Revision of Minimum Property Standards for One- and Two-Family Dwellings

Description. Would revise the Minimum Property Standards for One- and Two-Family Dwellings (24 CFR part 200) to incorporate portions of the Model One-and Two-Family Dwelling Code; to remove requirements not bearing on health, life, safety, legislative requirements and durability; and to provide a means for measuring workmanship levels.

Need. To simplify and reduce the size of the Minimum Property Standards by removing requirements not bearing health, life, safety, legislative requirements and durability; and to place responsibility for marketability decisions in the local field office.

Authority. Section 211, National Housing Act, as amended; 12 U.S.C. 1715b; Section 7(d), Department of HUD Act; 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Richard A. Gray, 202–755–6590.

Status. Proposed rule in preparation.

3. H–39–79. Sales of Acquired Home Properties to Community-Based Organizations

Description. Would add a new provision to 24 CFR Part 203 to provide guidelines for the non-competitive sale of HUD-acquired home properties to community-based organizations.

Need. To develop uniform guidelines to be used on a nationwide basis.

Authority. Sections 203, 211, National Housing Act, as amended; 12 U.S.C. 1709, 1715b.

Regulatory Analysis. No.

Contact. Freeman B. Grote, 202–755–8680.

Status. ANPR in preparation.

4. H–44–79. Servicing of Single-Family Mortgage Loans

Description. Would revise 24 CFR 203.500 to state that no insured mortgagee may commence foreclosure on a single-family property until the mortgagee has complied with the requirements of the program for assigning mortgages to the HUD Secretary.

Need. To comply with the terms of the settlement reached in *Ferrell* v. *Landrieu.*

Authority. Sections 203, 211, National Housing Act, as amended; 12 U.S.C. 1709, 1715b.

Regulatory Analysis. No.

Contact. Richard Buchheit, 202–755–6700.

Status. Final rule in preparation.

5. H–45–79. Reinstatement of Mortgages on Single-Family Properties

Description. Would revise 24 CFR 203.608 to require reinstatement of a mortgage account regardless of prior foreclosure proceedings.

Need. To reduce the number of claims against the insurance fund.

Authority. Sections 203, 211, National Housing Act, as amended; 12 U.S.C. 1709, 1715b.

Regulatory Analysis. No.

Contact. Julius Williams, 202–755–6700.

Status. Interim rule in preparation.

6. H–46–79. Single-Family Mortgage Assignment Procedures

Description. Would revise the procedures set forth in 24 CFR 203.651–203.662 relating to assignment of single-family mortgages to the HUD Secretary.

Need. To comply with the terms of the settlement reached in *Ferrell* v. *Landrieu.*

Authority. Sections 211, 230, National Housing Act, as amended; 12 U.S.C. 1715b, 1715u.

Regulatory Analysis. No.

Contact. Julius Williams, 202–755–6700.

Status. Interim rule in preparation.

7. H–54–79. Tenant Participation in Management of Low-Income Public Housing

Description. Would add a new 24 CFR Part 871 to provide for tenant participation in the management of low-income public housing.

Need. To establish policy, standards and procedures for new program.

Authority. Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Wayne Hunter, 202–755–6460.

Status. ANPR in preparation.

8. H–57–79. Admission Requirements for Low-Income Public Housing

Description. Would amend 24 CFR Part 860, Subpart B to give displaced families and families living in substandard housing priority for admission to low-income public housing.

Need. To implement statutory provision.

Authority. U.S. Housing Act of 1937, as amended by Section 206 of the Housing and Community Development Amendments of 1979; Pub. L. 96–153, 93 Stat. 1101.

Regulatory Analysis. No.

Contact. Edward C. Whipple, 202–755–5840.

Status. ANPR in preparation.

9. H–58–79. Rent Requirements for Low-Income Public Housing

Description. Would amend 24 CFR Part 860, Subpart D by revising the maximum rent-to-income ratio for tenants in low-income public housing.

Need. To implement statutory provision.

Authority. U.S. Housing Act of 1937, as amended by Section 202 of the Housing and Community Development Amendments of 1979; Pub. L. 96–153, 93 Stat. 1101.

Regulatory Analysis. Not yet known.

Contact. Edward C. Whipple, 202–755–5840.

Status. ANPR in preparation.

10. H–60–79. Low-Income Public Housing-Extension of Annual Contributions Contract

Description. Would add a new 24 CFR Part 869 (1) to provide for extension of the annual contributions contract to permit a continued operating subsidy after completion of debt service and (2) to require the approval of the HUD Secretary for disposition of a project within ten years after payment of a cost subsidy.

Need. To implement statutory provision.

Authority. U.S. Housing Act of 1937, as amended by Section 211 of the Housing and Community Development Amendments of 1979; Pub. L. 96–153, 93 Stat. 1101.

Regulatory Analysis. Not yet known.

Contact. Wayne Hunter, 202–755–6460.

Status. Proposed rule in preparation.

11. H–61–79. Section 8 Housing Assistance Payments Program—Substantial Rehabilitation

Description. Would amend 24 CFR Part 881, Subpart G to establish rules and procedures for the development and administration of housing units to be rehabilitated and assisted under the Neighborhood Strategy Area program.

Need. To allow authorized local governments to use Fair Share Funds to create new Neighborhood Strategy Areas or expand existing ones.

Authority. Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Regulatory Analysis. No.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Interim rule published January 31, 1980.

12. H–68–79. Section 8 Housing Assistance Payments Program—Tenant Contributions

Description. Would amend 24 CFR Part 889 to revise maximum rent-to-income ratio for tenants receiving Section 8 housing assistance payments.

Need. To implement statutory provision.

Authority. U.S. Housing Act of 1937, as amended by Section 202 of the Housing and Community Development Amendments of 1979; Pub. L. 96–153, 93 Stat. 1101.

Regulatory Analysis. Not yet known.

Contact. Edward C. Whipple, 202–755–5840.

Status. ANPR in preparation.

13. H–1–78. Single-Family Mortgage Insurance—Occupancy of Property

Description. Would add new sections to 24 CFR Part 203, Subpart C to prescribe revised criteria for determining when HUD will accept conveyance of one-to four-family properties occupied by tenants or former mortgagors.

Need. To cure deficiencies in the present regulations.

Authority. Sections 203, 211, National Housing Act, as amended; 12 U.S.C 1709, 1715b.

Regulatory Analysis. No.

Contact. Freeman B. Grote, 202–755–8680.

Status. Proposed rule published April 20, 1979; final rule in preparation.

14. H–69–78. HUD–Owned Multifamily Housing Projects

Description. Would amend 24 CFR Part 290 to make changes in the policy and procedures for the management and disposition of HUD-owned multifamily housing projects.

Need. To implement statutory provision.

Authority. Section 203 of the Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080, 2088, Section 211, National Housing Act, as amended; 12 U.S.C. 1715b.

Regulatory Analysis. No.

Contact. Marvin Hilman, 202–755–7220.

Status. Interim rule published October 1, 1979; final rule in preparation.

15. H–82–78. Coinsurance Program for State Housing Finance Agencies

Description. Would amend 24 CFR Part 250 to revise the eligibility requirements and contract rights and obligations under the multifamily coinsurance program for State housing finance agencies.

Need. To correct errors in present regulations, simplify program operations, and increase program participation.

Authority. Sections 211, 244, National Housing Act, as amended; 12 U.S.C. 1715b, 1715z–9.

Regulatory Analysis. No.

Contact. John M. McGuire, 202–426–0035.

Status. Proposed rule published December 29, 1978; final rule in Departmental clearance.

16. H–95–78. Tenant Allowance for Utilities in Low-Income Public Housing

Description. Would amend 24 CFR Part 865 to require public housing agencies to set uniform procedures for determining the amount of utility allowances, surcharges and energy saving credits to tenants in low-income public housing.

Need. To clarify, update and standardize the method for establishing utility allowances.

Authority. U.S. Housing Act of 1937, as amended.

Regulatory Analysis. No.

Contact. Richard M. Ulf, 202–755–6640.

Status. Proposed rule published January 5, 1979; final rule in preparation.

17. H–96–78. Individual Utility Metering

Description. Would add a new section to 24 CFR Part 865 to require public housing agencies to conduct energy audits and to take cost-effective energy conservation measures.

Need. To reduce energy consumption in public housing projects.

Authority. U.S. Housing Act of 1937, as amended.

Regulatory Analysis. Not yet known.

Contact. Richard M. Ulf, 202–755–6640.

Status. Proposed rule published December 28, 1978; final rule in preparation.

B. Previously Listed Regulations

1. H–1–79. Public Housing—Development Phase

Description. Would amend 24 CFR Part 841 to make changes in processing of applications/proposals for construction of public housing units. Changes would reduce the processing time between submission of an application/proposal and start of construction.

Need. To simplify development phase of public housing and reduce processing time.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. No.

Contact. Raymond W. Hamilton, 202–755–5846.

Status. Interim rule published August 9, 1979; effective date deferred indefinitely on November 7, 1979 in response to comments received.

2. H–3–79. Tax Exempt Obligations of Public Housing Agencies—Use of Guaranteed Mortgage-Backed Securities

Description. Would add new subpart to 24 CFR Part 811 to govern use of Federally-guaranteed mortgage-backed securities in connection with tax-exempt obligations for insured Section 8 multifamily projects.

Need. To permit greater flexibility in financing of Section 8 multifamily projects.

Authority. Sections 3(b), 5(b), 8, (11(b) of U.S. Housing Act of 1937, as amended by HCD Act of 1974; cit. supra.

Regulatory Analysis. Not yet known.

Contact. John M. McGuire, 202–426–0035.

Status. Proposed rule published June 28, 1979.

3. H–4–79. Guarantees for Taxable Obligations of State Housing Agencies

Description. Would amend 24 CFR Part 260 to provide for Federal guaranty of taxable obligations issued by state housing agencies for development of low-income housing.

Need. To substitute Federal guaranty for interest subsidy grants to taxable obligations of state housing agencies.

Authority. Section 802(c) of the Housing and Community Development Act of 1974; cit. supra.

Regulatory Analysis. Not yet known.

Contact. John M. McGuire, 202–426–0035.

Status. In preparation.

4. H–8–79. Initial Mortgage Insurance Premium—One- to Four-Family Residences

Description. Would amend 24 CFR Part 203 to require payment of mortgage insurance premiums at the beginning of the insurance year, rather than at the end.

Need. To conform the standard insurance practice in private industry.

Authority. Section 203 of the National Housing Act, 12 U.S.C. 1701, et seq.

Regulatory Analysis. No.

Contact. Julius M. Williams, 202–755–6700.

Status. Withdrawn.

5. H–9–79. Prepayment Privilege on Insured Mortgages—One- to Four-Family Residences

Description. Would revise 24 CFR 203.22 to permit a mortgage prepayment in full at any time without notice. Present rule requires notice and permits prepayment only on specified dates.

Need. To conform with VA and FNMA practices.

Authority. Section 203 of the National Housing Act, cit supra.

Regulatory Analysis. No.

Contact. Julius M. Williams, 202–755–6700.

Status. Interim rule in preparation.

6. H–21–79. Prepayment of Insured Project Mortgages

Description. Would prohibit prepayment of mortgages insured under Sections 220, 221, 231 and 236 of the National Housing Act without the prior approval of the Federal Housing Commissioner when the project financed has a Housing Assistance Payments Contract in effect.

Need. To prevent unwarranted conversion of Section 8 projects to market rate tenancy.

Authority. Section 220, 221, 231 and 236 of the National Housing Act, cit. supra.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr. 202–755–5720.

Status. Proposed rule in preparation. No longer classified as significant.

7. H–23–79. Supplementary Financing for Project Mortgages

Description. Would amend 24 CFR Part 241 to permit supplementary financing for multifamily projects, group practice facilities, and hospitals not previously insured by HUD and to provide for insured improvement loans for purchase and installation of certain energy conserving systems.

Need. To implement statutory provisions.

Authority. Housing and Community Development Amendments of 1978; Pub. L. 93–557, 92 Stat. 2080; National Energy Conservation and Production Act; Pub. L. 94–385, 90 Stat. 1125.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr. 202–755–5720.

Status. In preparation. No longer classified as significant.

8. H–27–79. Section 8 Housing Assistance Payments Program for New Construction

Description. Would revise 24 CFR § 880.109 to remove option of owner to renew housing assistance payments contract for five-year terms, and to prohibit transfer of contract rights without HUD approval.

Need. To assure that housing units built under Section 8 remain available as assisted housing for full term of housing assistance payments contract.

Authority. Section 8 of U.S. Housing Act of 1937, as amended by Housing and Community Development Act of 1974, cit. supra.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr. 202–755–5720.

Status. Withdrawn.

9. H–38–78. Coinsurance for Private Mortgage Lenders

Description. Would amend 24 CFR Part 255 to provide coinsurance for private mortgage lenders.

Need. To implement statutory authority for this program.

Authority. Section 244 of the National Housing Act; Pub. L. 93–383, 88 Stat. 633; 12 U.S.C. 1701, et seq.

Regulatory Analysis. No.

Contact. James B. Mitchell, 202–426–4325.

Status. Proposed rule published September 26, 1978; final rule in preparation.

10. H–42–78. Part 881—Section 8 Substantial Rehabilitation

Description. Would revise the current regulations for the Section 8 substantial rehabilitation program to establish rules and procedures for the advertising, selection, development and administration of housing units to be rehabilitated and assisted.

Need. To incorporate cost containment provisions, make the regulations easier to understand, and simplify processing procedures.

Authority. U.S. Housing Act of 1937, as amended by HCD Act of 1937, as amended by Housing and Community Development Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Interim rule published January 31, 1980.

11. H–44–78. Part 880, Section 8 Housing Assistance Payments Program for New Construction

Description. Would revise the regulations for the Section 8 New Construction Program. Revision would include a new summary and guide, revised basic policies and requirements, and improved processing procedures.

Need. To make the regulations easier to understand and use; to improve processing procedures, including revisions in response to work leveling recommendations; and to implement additional cost containment factors including limitations on rents, replacement costs and project funds distribution, prohibition on excess amenities and imposition of cost reviews.

Authority. United States Housing Act of 1974; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Final rule published October 5, 1979.

12. H–46–78. Loans for Housing for the Elderly or Handicapped

Description. Would amend 24 CFR Part 885 (1) to implement new statutory requirement for significant community representation on Section 202 project governing boards; (2) to reduce from 18 to 12 months the time within which construction must begin; and (3) to provide for carryover of unapproved applications for consideration in following year.

Need. To provide community representation on projects with significant impact on community; to shorten time needed for completion of housing; and to provide equitable treatment for applicants denied approval only because of lack of funds.

Authority. Section 205 of Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080, et seq.

Regulatory Analysis. No.

Contact. George O. Hipps, Jr., 202–755–5720.

Status. Proposed rule in preparation.

13. H–66–78. Coinsurance for Rental Housing Mortgage Loans by Private Mortgage Lenders

Description. Would amend 24 CFR Part 221 to permit coinsurance for rental housing and mortgage loans insured under Section 221(d)(3) or 221(d)(4) of National Housing Act and made by supervised private financial institutions, such as commercial banks, life insurance companies, mutual savings banks, and savings and loan associations.

Need. To encourage investment in multifamily rental housing by the private sector.

Authority. Section 244 of the National Housing Act; Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. Yes.

Contact. Arnold H. Diamond, 202–426–4325.

Status. In preparation.

14. H–68–78. Section 8 Housing Assistance Payments Program—Housing Finance and Development Agencies

Description. Would set forth the procedures for processing and administration of the Section 8 Housing Assistance Payments Program financed by State Housing Finance and Development Agencies and implement cost containment policies.

Need. To implement cost containment policies.

Authority. Section 8 of the U.S. Housing Act of 1937, Pub. L. 93–383, 88 Stat. 633.

Regulatory Analysis. No.

Contact. John M. McGuire, 202–426–0035.

Status. Interim rule published January 30, 1980.

15. H–70–78. Nondiscrimination Based on Handicap in Federally Assisted Program and Activities

Description. Would set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving HUD financial assistance.

Need. To comply with Section 504 of the Rehabilitation Act of 1973, as amended, and Executive Order 11914, which relate to nondiscrimination against handicapped persons.

Authority. Executive Order 11914—Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs, April 28, 1976; Rehabilitation Act of 1973; Pub. L. 93–112, 87 Stat. 355.

Regulatory Analysis. No.

Contact. Catherine Hillard, 202–755–7366.

Status. Final rule in preparation.

16. H–71–78. Accessibility Design Standards

Description. Would amend present regulations to prescribe accessibility design standards which apply to all Federal programs involving publicly-owned residential structures constructed, altered or leased with Federal funds. Amendments would conform the rule to legislative changes, make some routine changes, and add a provision to permit program-by-program supplementing of the accessibility standards with numerical or percentage requirements for specific building features such as parking spaces, dwelling units, or elevators.

Need. To clarify present regulations and conform to recent legislation.

Authority. Architectural Barriers Act of 1968, Pub. L. 90–480, 82 Stat. 718.

Regulatory Analysis. No.

Contact. David Williamson, 202–755–7366.

Status. Proposed rule published February 21, 1979; revised proposal in preparation.

17. H–72–78. Accessibility Design Standards

Description. Would add a new 24 CFR Part 41 to augment the rules prescribing accessibility design standards under the Architectural Barriers Act of 1968.

Need. To strengthen and coordinate the Department's procedures for compliance with the Architectural Barriers Act of 1968.

Authority. Architectural Barriers Act of 1968, Pub. L. 90–480, 82 Stat. 718; Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 355.

Regulatory Analysis. No.

Contact. David R. Williamson, 202–755–7366.

Status. Final rule published October 31, 1979.

18. H–73–78. Flexible Subsidy Regulations

Description. Would implement the flexible subsidy program authorizing legislation as enacted by Congress in the 1978 Housing and Community Development Amendments, define eligible activities, and spell out HUD's program oversight responsibilities.

Need. To implement Section 201 of the Housing and Community Development Amendments of 1978.

Authority. The Housing and Community Develpoment Amendments of 1978; Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. Not yet known.

Contact. Conrad Egan, 202–755–5756.

Status. Interim rule published May 21, 1979; final rule in preparation.

OFFICE OF THE INSPECTOR GENERAL

A. New Regulations

None.

B. Previously Listed Regulations

1. IG–3–78. Audit Guide for GNMA Mortgage-Backed Securities Program

Description. Would promulgate an audit guide for use by public accounts in auditing operations of issuers of GNMA-guaranteed mortgage-backed securities. This guide would describe the audit work to be performed by a public accountant at the issuer's office and at the office of its custodians. The guide would require the public accountant to report to GNMA, through the issuer, on the issuer's compliance with GNMA's requirements.

Need. To put currently required procedures and policies in regulation form.

Authority. Inspector General Act of 1978; Pub. L. 95–452, 92 Stat. 1101.

Regulatory Analysis. No.

Contact. Leonard M. Wolin, 202–755–6361.

Status. In preparation. No longer classified as significant.

OFFICE OF NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS, AND CONSUMER PROTECTION

A. New Regulations

1. NVACP–2–79. Lead-Based Paint Poisoning Prevention Act Regulations

Description. Would redefine immediate hazards to include chewable (intact) leaded surfaces and would change the treatment of the immediate hazard to removal where it pertains to chewable surfaces.

Need. To implement content of Congress under Title III of the Lead-Based Paint Poisoning Prevention Act.

Authority. Title III, Section 302 of the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91–695, 84 Stat. 2078; 42

U.S.C. 4801, as amended by Pub. L. 93–151, 87 Stat. 565; 42 U.S.C. 4801.

Regulatory Analysis. Yes.

Contact. Kaye Belt, 202–755–5210.

Status. ANPR in preparation.

2. NVACP–5–79. Reimbursement for Expenses for Public Participation

Description. To establish a program to reimburse members of the public for expenses resulting from participation in HUD decision-making.

Need. To implement a Presidential Memorandum dated May 16, 1979 calling for enhanced public participation in agency decision-making.

Authority. Section 7(d), Department of HUD Act; 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Elena Van Meter, 201–755–5353.

Status. Advance Notice of Proposed Rulemaking (ANPR) in preparation.

3. NVACP–7–79. Interstate Land Sales Full Disclosure Act Regulations

Description. Would implement the 1979 amendments to the Interstate Land Sales Full Disclosure Act by revising exemptions, contract revocation provisions, administrative procedures, and state certification procedures.

Need. To implement the 1979 amendments to the Interstate Land Sales Full Disclosure Act.

Authority. Interstate Land Sales Full Disclosure Act, Pub. L. 90–448, 82 Stat. 476, 590, 15 U.S.C. 1701; Housing and Community Development Amendments of 1979, Pub. L. 96–153, 93 Stat. 1101.

Regulatory Analysis. Not yet known.

Contact. Alan J. Kappeler, 202–755–8182.

Status. In preparation.

B. Previously Listed Regulations

1. NVACP–1–78. Neighborhood Self-Help Development Program

Description. Would provide grants and other forms of assistance to qualified neighborhood organizations to undertake specific housing, economic or community development, and other appropriate neighborhood conservation and revitalization projects, in low- and moderate-income neighborhoods which are in need of preservation and revitalization. In the process of providing such assistance, would also increase the capacity of neighborhood organizations to utilize and coordinate resources available from the public and private sectors, and from the residents and neighborhoods themselves, in conserving and revitalizing such neighborhoods.

Need. To implement Title VII of the Housing and Community Development Amendments of 1978.

Authority. Title VII, Housing and Community Development Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080.

Regulatory Analysis. No.

Contact. Joseph McNeely, 202–755–5595.

Status. Interim rule published October 22, 1979.

2. NVACP–2–78. Livable Cities Program

Description. Would implement legislation under which HUD is to assist the efforts of States, local governments, neighborhoods and other organizations to provide a more suitable living environment, expand cultural opportunities and, to the extent practicable, stimulate economic opportunities, primarily for the low and moderate income residents of communities and neighborhoods in need of conservation and revitalization, through the utilization, design or development of artistic, cultural or historic resources.

Need. To implement the provisions of Title VIII of the Housing and Community Development Amendments of 1978.

Authority. Title VIII, Housing and Community Development Amendments of 1978; Pub. L. 95–557, 92 Stat. 208.

Regulatory Analysis. No.

Contact. Kathy Dexter, 202–755–0950.

Status. Withdrawn.

3. NVACP–3–78. Modular Homes—Exempted Structures

Description. Would amend the Mobile Home Procedural and Enforcement Regulations by setting forth the certification required to be made by manufacturers of modular homes in order to exempt those structures from coverage under the National Mobile Home Construction and Safety Standards Act of 1974.

Need. To clarify application of existing regulations.

Authority. National Mobile Home Construction and Safety Standards Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. No.

Contact. Richard A. Mendlen, 202–426–1972.

Status. Final rule published November 27, 1979.

4. NVACP–4–78. Copper Clad Aluminum Conductors

Description. Would amend the Federal Mobile Home Construction and Safety Standards to make certain sizes of copper clad aluminum conductors acceptable for use in the branch circuit electrical wiring of mobile homes.

Need. To implement legislation which calls for consideration of new and innovative building system.

Authority. National Mobile Home Construction and Safety Standards Act of 1974, as amended; Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. No.

Contact. Richard A. Mendlen, 202–426–1872.

Status. Withdrawn.

5. NVACP–7–78. Recreational Vehicles and Similar Structures

Description. Would amend the Mobile Home Procedural and Enforcement Regulations to further clarify the applicability of the National Mobile Home Construction and Safety Standards Act of 1974 to recreational vehicles and similar structures.

Need. To clarify definitions of recreational vehicles in establishing their exemption from coverage under the Act.

Authority. The National Mobile Home Construction and Safety Standards Act of 1974; Pub. L. 93–383, 88 Stat. 633, 42 U.S.C. 5301; Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d).

Regulatory Analysis. Not yet known.

Contact. Richard A. Mendlen, 202–426–1872.

Status. ANPR in preparation.

6. NVACP–8–78. Federal Mobile Home Procedural and Enforcement Standards

Description. Would change the eligibility requirements of certain participants, further delineate the responsibilities of these participants and modify some procedural and enforcement activities.

Need. To enhance the general effectiveness and overall efficiency of the Federal Mobile Home Standards Program. Rule will be designed to ensure the continued participation of States currently in the program and to make the program more attractive to States not presently in the program.

Authority. National Mobile Home Construction and Safety Standards Act of 1974; Pub. L. 93–383; 88 Stat. 633, 42 U.S.C. 5301.

Regulatory Analysis. Not yet known.

Contact. Tobias A. Gottesman, 202–472–4703.

Status. In preparation. No longer classified as significant.

7. NVACP–10–78. Real Estate Settlement Procedures Act

Description. Would revise the existing regulations implementing the Real Estate Settlement Procedures Act. Contents of the proposed rule are now being developed on the basis of public comments submitted in the response to an ANPR which was published on September 9, 1978.

Need. Comments received pursuant to ANPR indicated a need for technical clarification of the regulations.

Authority. Real Estate Settlement Procedures Act, Pub. L. 93–533; 88 Stat. 1724; 12 U.S.C. 2617.

Regulatory Analysis. No.

Contact. Patricia M. Worthy, 202–755–5597.

Status. Previously reported as withdrawn. Preparation resumed. No longer classified as significant.

8. NVACP–1–79. Implementation of Building Energy Performance Standards (BEPS)

Description. Would provide guidance and direction to the public and to State and local governments with regard to the implementation of the BEPS issued by the Department of Energy.

Need. To provide rules governing the implementation of BEPS according to the statutory requirements.

Authority. Energy Conservation and Production Act of 1976, Pub. L. 94–385, 90 Stat. 1125.

Regulatory Analysis. Yes.

Contact. Archie Twitchell, 202–376–4572.

Status. In preparation.

II. REGULATIONS UNDER REVIEW

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

1. CPD. 24 CFR Part 511—Neighborhood Development Program Project Selection System

Description. Would revoke regulations governing project selection since NDP has been superceded by the Community Development Block Grant Program—Ttitle I of the Housing and Community Development Act of 1974. (Pub. L. 93–383) as amended, 42 U.S.C. 5301 et. seq. (CDBG Program).

Action. Revocation.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule revocation in preparation.

2. CPD. 24 CFR Part 541—Open Space Land Program Project Selection System

Description. Would revoke regulations governing project selection since Open Space Land Program has been superceded by the CDBG program.

Action. Revocation.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule revocation in preparation.

3. CPD. 24 CFR Part 551—Neighborhood Facilities Program Project Selection System

Description. Would revoke regulations governing project selection since NFP has been superceded by the CDBG Program.

Action. Revocation.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule revocation in preparation.

4. CPD. 24 CFR Part 556—Evaluation of Preliminary Applications for Basic Water and Sewer Facilities Grants

Description. Would revoke regulations containing application requirements since the Basic Water and Sewer Facilities Grant Program has been superceded by the CDBG Program.

Action. Revocation.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule revocation in preparation.

5. CPD. 24 CFR Part 561—Public Facility Loans Project Selection System

Description. Would revoke regulations governing project selection since PFL program has been superceded by the CDBG Program.

Action. Revocation. Program responsibilities transferred to Assistant Secretary for Housing-Federal Housing Commissioner.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977; Richard H. Mapp, Director, Management Analysis and Services Division, 202–755–6623.

Timing. Final rule revocation in preparation.

6. CPD. 24 CFR Part 500—Renewal Assistance

Description. Would delete from publication, without prejudice, regulations for this program which has been superceded by the CDBG Program.

Action. Deletion.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule deletion in preparation.

7. CPD. 24 CFR Part 540—Open Space Land

Description. Would delete, without prejudice, regulations for this program which has been superceded by the CDBG Program.

Action. Deletion.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule deletion in preparation.

8. CPD. 24 CFR Part 555—Grants for Basic Public Water and Sewer Facilities

Description. Would delete, without prejudice, regulations for this program which has been superceded by the CDBG Program.

Action. Deletion.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule deletion in preparation.

9. CPD. 24 CFR Part 580—Model Cities Transition Policies

Description. Would delete, without prejudice, regulations for this program which has been superceded by the CDBG Program.

Action. Deletion.

Contact. Bill Thomas, Office of Block Grant Assistance, 202–755–5977.

Timing. Final rule deletion in preparation.

10. CPD. 24 CFR Part 58—Environmental Review Procedures for the Community Development Block Grant Program

Description. Would revise and clarify the changes in the environmental review requirements contained in the Interim Rule, 24 CFR Part 58, issued by the Department (44 FR 45568–45585, August 2, 1979). Redrafted rule would reflect and supplement the new NEPA Regulations of the Council on Environmental Quality for the compliance of Title I actions under the CDBG and UDAG programs with the procedural provisions of Section 102(2) of NEPA.

Action. Redrafting.

Contact. Charles Thomsen, Office of Environmental Quality, Community Planning and Development—202–755–6296.

Timing. Final rule in preparation.

11. CPD. 24 CFR Part 570, CDBG—Subparts C & D, Eligible Activities and Entitlement Grants

Description. Would implement certain technical amendments to the CDBG regulations and correct various erroneous references, typographical mistakes and other errors.

Action. Revision.

Contact. James R. Broughman, Entitlement Cities Division, Community Planning and Development, 202–755–9267.

Timing. Final rule in preparation.

12. CPD. 24 CFR Part 570—CDBG, Subpart O—Program Management

Description. Would revise § 570.906 relating to the submission frequency and content of the Grantee Performance Report.

Action. Revision.

Contact. James R. Broughman, Entitlement Cities Division, Community Planning and Development, 202–755–9267.

Timing. Final rule in preparation.

13. CPD. 24 CFR Part 570—CDBG, Subpart E—Secretary's Fund, New Communities

Description. Would revise § 570.403 Governing grants in behalf of new communities from the Secretary's 3% Discretionary Fund; would clarify and make technical changes to the existing regulations, incorporating new

provisions reflecting changes in Departmental policy; and would integrate more closely the CDBG and New Communities Programs.

Action. Revision.

Contact. Fred McLaughlin, Office of New Communities Development Corporation, 202–755–6808 or Donald G. Dodge, Office of Policy Planning, Community Planning and Development, 202–755–6090.

Timing. Final rule in preparation.

14. CPD. 24 CFR Part 570—CDBG, Technical Assistance Grants and Contracts

Description. Would revise Section 570.402 to focus on more explicit priorities for Technical Assistance Funding; would clarify application and review procedures and provide submission deadlines and funding levels for fiscal year 1980.

Action. Revision.

Contact. Donald G. Dodge, Office of Policy Planning, Community Planning and Development, 202–755–6090.

Timing. Proposed rule in preparation.

15. CPD. 24 CFR Part 570—CDBG, Subpart N—Urban Renewal Provisions

Description. Would revise Part 570, Subpart N relating to the submission, frequency and content of the Grantee Performance Report.

Action. Revision.

Contact. Peter Rowan, Office of Block Grant Assistance, Community Planning and Development, 202–755–1871

Timing. Final rule in preparation.

16. CPD. 24 CFR Part 571—CDBG for Indian Tribes and Alaska Natives

Description. Would clarify provisions of the regulations for the CDBG Program for Indian tribes to conform to 1978 statutory requirements and correct editorial errors and omissions.

Action. Revision.

Contact. Donald G. Dodge, Office of Policy Planning, Community Planning and Development, 202–755–6090.

Timing. Final rule in preparation.

NEW COMMUNITIES DEVELOPMENT CORPORATION

1. NCDC. 24 CFR Part 710. Financing private New Community Development

Description. Would delete from publication regulations governing communities under the New Communities Act of 1968 (42 U.S.C. 3901, et seq.) which has now been superceded by other legislation. The regulations so deleted from publication would continue to apply to certain projects undertaken pursuant to the 1968 Act until those projects have been completed.

Action. Deletion.

Contact. John Clinton, Office of Program Policy and Management, New Community Development Corporation, 202–755–7362, and Augusta Moore, 202–755–6808.

Timing. Final rule deletion.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

1. GNMA. 24 CFR Part 320. Description

Description. Would clarify and simplify existing regulation describing the nature of mortgages eligible for purchase, the basis for fees and charges, the authority for purchasing below-market interest rate mortgages, and the financing of special assistance functions.

Action. Revision.

Contact. Susan Kelsey, 202–755–5615.

Timing. Advance Notice of Proposed Rulemaking scheduled for publication April 1.

2. GNMA. 24 CFR Part 330. Eligible Sellers of Mortgages

Description. Would clarify and simplify existing regulation describing eligibility qualification requirements for selling mortgages to the Association.

Action. Revision.

Contact. Susan Kelsey, 202–755–5615.

Timing. Advance Notice of Proposed Rulemaking scheduled for publication April 1.

3. GNMA. 24 CFR Part 340. Purchase Requirements

Description. Would clarify and simplify existing regulation describing procedures governing the purchase of mortgages under the special assistance functions.

Action. Revision.

Contact. Susan Kelsey, 202–755–5615.

Timing. Advance Notice of Proposed Rulemaking scheduled for publication April 1.

4. GNMA. 24 CFR Part 350. Servicing and Sales of Mortgages

Description. Would clarify and simplify existing regulation describing requirements for servicers of mortgages and providing for their compensation. Revision would also explain availability of Association owned mortgages for sale to qualified investors.

Action. Revision.

Contact. Susan Kelsey, 202–755–5615.

Timing. Advance Notice of Proposed Rulemaking scheduled for publication April 1.

OFFICE OF ADMINISTRATION

1. Admin. 24 CFR Part 16. Implementation of the Privacy Act of 1974

Description. Would clarify and simplify existing regulations setting forth procedures governing HUD implementation of the Privacy Act and explaining in particular: Methods for requesting documents; Provisions for disclosure of information; Basis for denials of information; Procedures for administrative review of those denials; Procedures for correcting or amending records and for appealing HUD determinations regarding correction or amendment of records; disclosure of third party information; Schedules for fees; Exemptions; and Officials to whom Privacy Act requests should be addressed.

Action. Revision.

Contact. William Granik, 202–755–5570.

Timing. Proposed rule in preparation. Publication planned in March.

2. Admin. 41 CFR Part 24. HUD Procurement Regulations

Description. Would clarify and simplify existing regulation setting forth procedures for HUD procurement through contracts of goods and services.

Action. Revision.

Contact. Cheryl Yeargin, 202–724–0038.

Timing. Proposed rule in preparation.

OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

1. FHEO. 24 CFR Part 1—Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development—Effectuation of Title VI of the Civil Rights Act of 1964; Part 2—Practice and Procedure for Hearings under Part 1 of this Subtitle

Description. Would clarify, simplify and reorganize existing regulations describing policy, requirements and procedures to implement Title VI of the Civil Rights Act of 1964.

Action. Revision.

Contact. Laurence D. Pearl, Office of Fair Housing and Equal Opportunity, 202–755–5904.

Timing. Proposed rule in preparation.

OFFICE OF HOUSING

1. Housing. 24 CFR Part 203—Mutual Mortgage Insurance and Insured Home Improvement Loans; Subpart A, Eligibility Requirements

Description. Would clarify and simplify existing regulations setting forth requirements for approval of mortgages under the basic mortgage insurance provisions pursuant to the National Housing Act.

Action. Revision.

Contact. Milton Francis, 202–755–6675.

Timing. Proposed rule in preparation.

2. Housing. 24 CFR Part 420—Assistance Payments—Homes for Lower-Income Families

Description. Would revoke existing regulation which is duplicative of 24 CFR Part 235.

Action. Revocation.

Contact. Milton Francis, 202–755–6675.

Timing. Final rule revocation in preparation.

3. Housing. 24 CFR Part 300—Section 23 Housing Assistance Payments Program—New Construction

Description. Would clarify and simplify existing regulations setting forth policies and procedures for housing assistance payments on behalf of low income families who lease newly constructed housing developed in accordance with Section 23 of the U.S. Housing Act of 1937.

Action. Revision.

Contact. Madeline Hastings—202–755–5656.

Timing. Proposed rule in preparation.

4. Housing. 24 CFR Part 801—Section 23 Housing Assistance Payments Program—Substantial Rehabilitation

Description. Would clarify and simplify existing regulations setting forth policies and procedures for housing assistance payments on behalf of low income families who lease substantially rehabilitated housing pursuant to Section 23 of the U.S. Housing Act of 1937.

Action. Revision.

Contact. Madeline Hastings—202–755–5656.

Timing. Proposed rule in preparation.

5. Housing. 24 CFR Part 802—Section 23 Housing Assistance Payments Program—Existing Housing

Description. Would clarify and simplify existing regulations setting forth policies and procedures for making housing assistance payments on behalf of low income families who lease existing housing pursuant to the provisions of Section 23 of the U.S. Housing Act of 1937.

Action. Revision.

Contact. Madeline Hastings—202–755–5656.

Timing. Proposed rule in preparation.

Authority: Section 2(a) of Executive Order 12044, 43 FR 21661, March 24, 1978.

Issued at Washington, D.C., on January 31, 1980.

Moon Landrieu,

Secretary, Department of Housing and Urban Development.

[FR Doc. 80–3686 Filed 2–4–80; 8:45 am]

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federal register

Tuesday
February 5, 1980

Part V

United States Regulatory Council

Guidelines for Entries in the Calendar of Federal Regulations; Request for Public Comment

UNITED STATES REGULATORY COUNCIL

Guidelines for Entries in the Calendar of Federal Regulations; Request for Public Comment

AGENCY: United States Regulatory Council.

ACTION: Request for Public Comment.

SUMMARY: We are seeking public comment to help us revise the Guidelines for Entries in the Calendar of Federal Regulations. The Regulatory Council issues the Guidelines to help Federal agencies prepare entries for the Calendar, which the Council publishes very six months. The Calendar is intended to provide a concise, comprehensive catalog of Important Federal Regulations under development. Our goal is to increase public participation in rulemakng by presenting information early in the regulatory development process, and indicating how interested parties may contact appropriate agencies if they want to participate in the development of regulations. The guidelines are intended to help agencies prepare Calendar entries that are of Maximum usefulness to Calendar readers, and are as complete and consistent as possible given the different activities and goals of the agencies and given the different stages of development of the regulations described.

COMMENTS: We must receive your comments by February 19, 1980, in order for them to be considered for the guidelines we will issue for the May 1980 edition of the Calendar. We will use any comments we receive later than the 19th to help us prepare guidelines for the November 1980 edition of the Calendar.

Please address your comments to: Mark G. Schoenberg, Associate Director, U.S. Regulatory Council, Washington, DC 20503, (202) 426–1962.

FOR FURTHER INFORMATION CONTACT: Peter J. Petkas, Director, U.S. Regulatory Council, Washington, DC 20503, (202) 395–6110.

SUPPLEMENTARY INFORMATION: The President directed the creation of the U.S. Regulatory Council on October 31, 1978 to help coordinate Federal regulatory activities and to expand efforts to manage the regulatory process more effectively. The Council is composed of 36 departments and agencies with significant regulatory responsibilities.

The President's October 31 order also directed the Council to develop and publish a semi-annual calendar of important upcoming Federal regulations. The Council published the first edition of the Calendar of Federal Regulations in February 1979, and the second edition in November 1979. The council will publish subsequent editions every May and November. The Calendar is designed as a tool for the President, the Congress, the regulators, and the public to understand and shape the way we implement national regulatory policy goals. It is intended to be a comprehensive catalog of important Federal regulations that are under development, and to present key information on:

Problems the regulating agency intends to address with the proposed regulation;
Major alternatives under condsideration;
Expected costs and benefits of the proposal;
Sectors of the economy that could be affected;
Related regulations and actions;
Collaboration with other agencies, both Federal and state;
Timetables for action; available documents; and agency contacts.

We recognize that the amount of information that an agency can supply varies according to the stage of development of a regulation, and the different activities and operations of the agency itself. Please note that in particular there is considerable disagreement about the method that should be used for estimating costs, benefits and other economic impacts. We have, therefore, tried to structure the guidelines in a way that allows 36 different agencies to express their analytic data in as consistent a way as possible. Those guidelines assume no particular methodology for economic analysis nor any particular means for expressing the results of such analysis.

The Calendar is an evolving document and with each edition we try to increase its usefulness to its readers. We asked those who commented on the Calendar to give use ideas on how to improve it and make it more useful. We met with representatives from the 36 Council Agencies to ask their advice on how to improve the Calendar. In addition, we discussed ways in which we could more effectively gather and present economic information on costs and benefits of the proposed regulations and on the alternatives that the agencies considered.

We are now seeking your comments on the guidelines. Specifically, do users feel we should revise the guidelines to:

Request additional information? If so, on what subjects?
Delete information they presently request?
Organize the material differently?

We would appreciate any other comments you may have. The guidelines prepared for entries in the November Calendar are reprinted below for your reference. We have made a few minor changes in them to correct such things as typographical errors.

Dated: January 29, 1980.

Douglas M. Costle,

Chairman.

GUIDELINES FOR THE SECOND EDITION OF THE CALENDAR OF FEDERAL REGULATIONS

Introduction

The Calendar of Federal Regulations is intended to provide a comprehensive overview of proposed important regulations for interested citizens, public and private interest groups, the business community, and all levels of government.

The second edition of the Calendar will be substantially more useful than the first edition for several reasons:

1. More agencies will submit entries, so the information will be more comprehensive.

2. We have refined the indexes so they will be easier to use and will provide more information.

3. We have added a chapter on procedures for public participation in the rulemaking process.

4. We have emphasized the rationale behind agency actions with more information on benefits, cost, and both traditional and non-traditional regulatory alternatives.

5. We have revised the order of the entry sections to present information through a problem-solving approach.

These guidelines provide a comprehensive framework that is an attempt to accommodate the different reporting approaches of thirty-five agencies. What you include in your entries will depend on: (1) The types of information your agency analyzes; (2) The state of development of the regulation at the time you write your entries; (3) The appropriateness of certain information for certain rules; and (4) Whether you have performed or will perform a regulatory analysis.

Our intent is to: (1) Inform you of the various kinds of information some agencies collect and (2) Alert you to the concerns and interests of some agencies and individuals for specific types of information about the regulation development process. We want to do this without creating unnecessary reporting burdens for you. With this in mind, we hope you will provide as much information as you have available.

General Instructions for Preparing Entries

1. Agency Clearance

Calendar representatives are responsible for ensuring that agency submissions are cleared by appropriate agency officials prior to actual publication in the **Federal Register.** The Council staff assumes that you have obtained clearance unless advised otherwise.

2. Criteria for Including a Proposed Regulation

We would like to have a minimum of five entries from each participating executive agency and three from each participating independent agency, unless, of course, you do not have a sufficient number of actions under development that also meet the time requirement described below. Each entry should meet one or more of the criteria for preparing a regulatory analysis in Executive Order 12044. Specifically:

- Regulations which have an annual effect on the economy of $100 million more;
- Regulations which will impose a major increase in costs or prices for individual industries, levels of government, or geographic regions; and
- Regulations otherwise determined by the agency head. (We suggest that Calendar entries for this category could include precedent-setting rules, other issues of great public interest, or a rule that will increase productivity and/or profits without causing any adverse effects. The importance of such rules might make public information and/or participation in developing the proposed rule very desirable.)

Grants and income transfer program regulations which may impose annual compliance costs of $100 million or more should be included if they meet the time requirement described below.

In addition, if you have reviewed a regulation (under the provisions of EO 12044) and you are reproposing that regulation, you should include it if the change itself would be considered "major" under the Executive Order.

Finally, any regulation which appeared in the first edition should appear in the second edition unless it has been promulgated or withdrawn, in which case we will note this fact in an Update Appendix to the Calendar.

3. Timing

Any regulation which meets one or more of the above criteria *and* for which an agency is *reasonably likely* to issue an Advance Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM) or Final Rule within the next twelve months should be submitted.

4. Writing Style

Because the Calendar has such a varied readership, you, of course, should prepare all Calendar entries in clear and concise language. You can accomplish this goal by making sure that:

- You write all sentences in the active rather than passive voice when possible. Using the active voice will make your sentences clearer and more forceful.

Example: Active: "We wil seek public comment." Passive: "Public comment will be sought."

- You precisely define terms that are not generally understood by a non-specialized readership.
- You spell out acronyms and other abbreviations the first time they appear in the text of each entry. Two acronyms that are acceptable everywhere are the Advanced Notice of Proposed Rulemaking (ANPRM) and the Notice of Proposed Rulemaking (NPRM). We will define these terms in the Preface of the Calendar.

Writers should strive for clarity and completeness of information in their entries.

If possible, please ask an agency editor to review entries to make sure they are written in plain English before the material reaches us; doing this will facilitate our editorial process.

5. Format

Draft entries should be:

- Typed double-spaced with wide margins to accommodate editorial comments from Council staff; and
- Consistent with the basic outline indicated in these guidelines.

We suggest that, if possible, you type draft entries on a memory typewriter to facilitate rewriting your final entries.

Final entries should also meet several format requirements:

- Typed double-spaced with one-inch margins on all sides of the page;
- Indented paragraphs (5 spaces);
- Section headings typed in upper and lower case and placed flush with the left margin;
- Section headings followed by a period but never underlined—the printer will interpret the underlining as calling for italics; and
- The final copy submitted as clean as possible, because it will go directly to the printer.

If possible, please submit original copy. We must photostat your material several times.

Basic Outline for Entries

1. Agency Designation/Title of Regulation

Type the agency name and issuing division in abbreviated form, entirely in upper case, e.g., HEW–HCFA. Type the word TITLE on a separate line, two lines below the agency designation and two lines above the actual title. Give the title of the regulation or action, and use words and terms outsiders can easily understand. Do not use acronyms or abbreviations in the title. **Federal Register** or *Code of Federal Regulations* citations should not be used here.

2. Legal Authority

We are trying to maintain a consistent format for all legal citations, and the following examples show how you should present each type of citation:

Example: The Rehabilitation Act of 1973, section 504, 29 U.S.C. 794. Executive Order No. 11914, 41 FR 17871, Oct. 31, 1976. HEW Guidelines on Rehabilitation, 3 CFR 308.53.

The next example shows an alternative statutory citation where a U.S. Code number is *not* available and a public law number *must* be used.

Note.—If there *is* a U.S. Code citation a public law number is not necessary:

Example: Motor Vehicle Safety Act of 1975, Pub. L. 92–513, section 102, 83 Stat. 523.

Code of Federal Regulations citations should read as follows:

Example: 3 CFR 308.3. 3 CFR Part 308.

Calendar representatives should seek the help of an agency attorney to assure the accuracy of citations and to save editing time.

3. Statement of Problem

In this section you should describe the magnitude of the problem and how the regulation will help solve it.

a. Try to discuss the magnitude of the problem as best you can in quantitative terms, if possible. If exact figures are not available, please use a range of numbers to describe the problem as you perceive it. You might state how many people are injured per year by a particular product, and what are the secondary effects of those injuries, such as lost wages?

If precise figures are not available, what is the range of the number of injuries that you estimate?

If no quantitative statement can be made, try to provide a qualitiative description of the problem.

Example: The lack of public transportation in Appalachia limits employment opportunities in a poor area. The difficulty of minority access to public broadcasting limits the potential for those groups to voice their concerns through the broadcast media.

b. Try to describe why the agency decided to act on this problem at this time. Possible explanations are new legislation, identification of a problem, a court decision, prodding by consumers or industry, etc.

c. You should also try to describe the consequences of not responding tothe problem. For instance, more lives might be lost, greater industry concentration might occur, more land might be lost irretrievably through erosion, etc.

4. Alternatives Under Consideration

The Carter Administration has emphasized the value of making an explicit and deliberate choice from among a selection of regulatory options. For example, the Administration's regulatory analysis program places importance on identifying and evaluating each major option in draft and final regulatory analyses.

We suggest that you think of this section in terms of the major choices your agency has available for achieving your regulatory objectives. This section should also demonstrate to the lay reader the difficult choices and tradeoffs you face in developing the regulation. In most cases, the two to four options you list here will be identical to those that you are evaluating in your Regulatory Analysis, if you are preparing one.

Regulation writing involves choosing among options. Begin this section by showing the range of options your agency has considered or is considering within the context of a decision to regulate. You might include options for timing of compliance requirements or the scope of coverage of the regulation or the various levels of control to be exerted. If applicable, pay special attention to compliance differences you are considering applying to sub-sectors that the regulation will affect differently, such as small businesses.

Summarize the major alternatives you are considering.

Example: Chemical discharges might be limited to X parts per million (ppm), Y ppm, or Z ppm; or reporting forms might be required of all firms in an industry or only from those gross revenues exceed X dollars per years.

If there are no realistic alternatives, please explain why. Doing nothing is sometimes an alternative.

In describing each option indicate how it responds to the problem you described earlier.

List what appear to be the major pros and cons for each potential policy, and if possible show the relative virtues of each option systematically.

We would like this section also to reflect some of your agency's innovative thinking on regulatory approaches that may not be traditional ones for your agency. We encourage you to include such approaches in this section. These may totally replace a more traditional approach or they may be additional requirements (i.e., supplements) to the central compliance demands of the regulation. Regulatory reform is an important goal of the Administration, and this section can document your initiatives publicly.

We have defined four categories of possible non-traditional approaches as follows: a. Reliance on market forces.

In these approaches, the proposed rule encourages the use of market forces to govern economic activity while simultaneously protecting the public interest.

Example: Fees, user charges, taxes, subsidies and procurement incentive awards that attempt to encourage or discourage certain types of activities. A specific example is the EPA/GSA decision to pay a premium to manufacturers for lawnmowers that operate at a lower than average noise level; this encourages manufacturers to produce mowers with lower noise levels without forcing them to do so.

Restructuring markets to increase competition is another example of this technique.

Example: On May 1, 1975, the SEC abolished fixed commission rates on stock market transactions. This action resulted in greater competition among brokerage houses yielding dramatically lower commission costs to the investor.

Yet another example of this approach would be agencies setting overall limits on activities and allowing individuals or firms to decide how best to act within those limits.

Example: EPA has asked the State Implementation Plans under the Clean Air Act incorporate the "bubble concept." Under this concept States set total emission limits for an industrial facility and give the facility operator discretion to vary the stringency of controls of different operations in order to meet that limit in the least costly way.

b. Performance approaches.

These approaches permit those who are regulated to meet a minimal performance standard as opposed to being required to comply with an imposed design standard.

c. Informational approaches.

Here the consumer is given information to help him/her decide whether to purchase a product or service.

Example: Labelling, for instance, gives the consumer informed freedom of choice in the products he/she purchases. Disclosure, as required in truth in lending documents for various types of loans, describes the rights, obligations and implications of a transaction.

d. Self-regulatory approaches.

In these approaches, when a regulatory agency considers it appropriate, those who are regulated develop and/or enforce voluntary standards.

Example: CPSC in cooperation with industry and consumer representatives is developing a voluntary safety standard for chain saws.

Some agencies may have developed non-traditional regulatory approaches which we have not mentioned above. We encourage those agencies to include such approaches in this section.

5. Summary of Benefits

Now that you have identified your alternatives to respond to the problem, this section should describe the direct and indirect benefits that accrue from your action.

Define the direct benefits of the regulation both in measurable and unmeasurable terms. Measurable benefits are those that can be expressed in physical terms, such as changes in industry concentration ratios, reduction of number of lost work days, injuries, or amount of pollution or paper work; etc.

Example: A CPSC entry in the first edition of the Calendar was a proposal to set an upholstered furniture cigarette flammability standard. CPSC provided estimates of the number and percentage of deaths and injuries that could be prevented by the standard.

Where possible, please attempt to assign a monetary value to the physical measurements.

Example: In the same entry cited above, CPSC estimated that their standard would save about $22 million in property damages and about $430 million for lives lost.

CPSC stated that the Commission does not endorse any particular estimate for the value of life. However, for the purposes of this calculation the CPSC staff assumed a figure of $1 million per life, which they said is in the range of estimates that are associated with studies of the "statistical value of life." When the staff added an estimated figure for injuries exclusive of pain and suffering they were able to estimate the total annual benefits of this standard to be about $470 million when all upholstered furniture is in compliance.

We realize that assigning monetary values to physical measurements will not always be possible.

Non-measurable benefits are those which cannot be measured by strict standards but are clearly important, such as improving the quality of life, worker morale, or the aesthetic beauty of a lake.

Example: A Food Stamp Program regulation's description of benefits, in addition to stating the number of people who can potentially benefit and how much they can save, could state that better nutrition encourages a healthier environment in which children can grow and develop.

You can also describe the indirect benefits of your regulation in measurable and non-measurable terms. Indirect benefits may be the less obvious beneficial effects of regulation.

Example: A regulation that improves the quality of mass transit directly benefits those

who use the mass transit system; it also produces indirect benefits such as reduced traffic congestion, pollution, and energy consumption. Also, the regulation may facilitate access to stores by customers and transportation to job sites, thereby increasing employment opportunities.

Descriptions of benefits and costs may differ depending on whether the regulation is going to NPRM or to Final Rule. Until your agency approves an NPRM for publication, alternatives are still open to selection.

Examples: If an entry is going to NPRM, an example might be:

"This regulation will reduce injuries that the product causes by creating limitations on how the product can be designed."

If a regulation is going to Final Rule, a more applicable example might be:

"This regulation, by imposing a requirement for a safety cap, will reduce by 4,000 per year (80%), injuries caused by the product.

6. Summary of Costs

This section should describe the direct and indirect costs of a proposed regulation. Describe, as best you can, the direct costs, including (a) an estimate of the total compliance cost, and (b) an estimate of the regulation's administrative burdens. Indirect costs are secondary costs that result from implementation of the regulation. In describing these costs please distinguish between those costs imposed on the private sector and those imposed on the public sector.

Discussion of compliance costs should include capital and annual costs. Capital cost is the investment in physical plant and equipment necessary to comply with the regulation. Indicate, if possible, the length of time allowed to comply with the regulation. To make cost information consistent and more useful, we encourage you to break down annual costs by a) operation and maintenance costs and b) interest charges and depreciation. You may want to note other types of costs such as research and development costs; if you do, please distinguish between the capital and annual components of such costs.

Discussion of the administrative requirements under a regulation should mention any additional reporting burdens, such as periodic reports, imposed on regulated sectors. In addition, you might note any estimates of increased personnel and budget expenditures for those levels of government which must oversee compliance.

Discussion of indirect costs/impacts could include such items as plant closings, job losses, increases in energy use, as well as price increases that may occur as a result of implementing the proposed regulation.

7. Sectors Affected

The purpose of this section is to identify the particular sector(s) that the proposed regulation will affect and to what degree—who will benefit and who will bear the cost? Please present the information in this section in paragraph form.

We suggest that sectors can be divided into four major categories: population, industry, geographical area, and levels of government. In turn, each of these categories can be further subdivided:

a. Population—by age, income, health status, ethnicity, etc.
b. Industry—by Standard Industrial Classification (S.I.C.) Code, size of firm, number of employees, etc.
c. Geographic area—by region, state, county, local, inner city, metropolitian area, rural, etc.,—if you have prepared an Urban Impact Statement, please try to incorporate information from that document into this section—at a minimum, please tell us if you have prepared or plan to prepare one.
d. Levels of government—by Federal, State, and local.

You can make a distinction between direct and indirect effects that the proposed regulation may have on a given sector. By direct effect we mean the effect on the sector that is responsible for complying with the regulation; indirect effect refers to the effects on the clientele or constituencies of the directly affected sector.

Example: The rules implementing the Community Reinvestment Act, which help eliminate disinvestment and redlining in inner-city areas, have a direct effect on the financial institutions that operate in these areas and an indirect effect on the potential homeowners and business people in these areas.

If you have analyzed your regulation's potential impact on small businesses or farms, you could describe that analysis in this section. You should explain, if appropriate, how your regulation will deal with the special problems that these groups may face, such as market entry and continued operation under heavy compliance requirements. (You may have already mentioned this in the "Alternatives" section. If so, please refer to that section.)

8. Related Regulations and Actions

Internal: Mention by descriptive title any existing programs/regulations and any regulations under development in your own agency which are related to the proposed regulation.

External: Summarize the regulations or actions of other Federal agencies or, if applicable and known, major State agencies which are related to the proposed regulation.

If the information for both subheadings is "none" you may omit the subheadings and put "none" directly under the category. However, if there is information for at least one subheading, please use both.

Please remember to spell out acronyms the first time they appear in each entry.

9. Active Government Collaboration

Mention the steps your agency is taking to coordinate the proposed regulation with any other Federal, State or local agencies. Mention actions related to an issuing division within your agency (e.g., The Occupational Safety and Health Administration of the Department of Labor) under "Related Regulations and Actions" and not here.

In this section, you *must* spell out the names of agencies on first reference, even if you have spelled them out elsewhere in the entry. If any entries appear confusing because of multiple, complicated acronyms, spell out as many as possible.

10. Timetable

In this section, please state:

- The estimated date of publication for a *future* ANPRM, NPRM, Final Rule or other action.
- The dates and places of *future* public hearings and the start and finish dates for *future* public comment periods. If you do not know these dates/places or they are not applicable, please say so. If they will occur relative to the time of a regulatory action you could state, e.g., "30 days after promulgation."
- The date the regulation will become effective. You could state this as: "one year after promulgation."
- Whether you will prepare a regulatory analysis.

Other candidates for this section include dates for Oral Argument, Evidentiary Hearings, Filing of Briefs, etc.

The Preface to the Calendar will note that all dates are tentative and subject to change, so please give your best estimate at this time. Any past activity or publication should be included in the section "Available Documents" and not here.

11. Available Documents

List the major available documents related to the proposed regulation. These documents may include information that resulted in the proposed regulation or that you produced while developing the proposed regulation, such as:

- An *already published* ANPRM or NPRM,
- Regulatory analyses,

- Environmental Impact Statements,
- Urban Impact Statements,
- Transcripts from open agency meetings and public hearings, and
- Summary reports of legislative activity.

Report where documents are available for review or how readers can obtain copies if this information is not evident. This information is especially important if the document originated outside your agency. If you refer to the **Federal Register** here, please give complete citations. (See Legal Authority)

12. Agency Contact

Please use a single name under this category, followed by the person's formal title, complete address, and telephone number.

If you must list more than one contact, please indicate which contact is responsible for which information regarding the regulation.

[FR Doc. 80-3712 Filed 2-4-80; 8:45 am]

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Reader Aids

Federal Register

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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
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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
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 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
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

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.

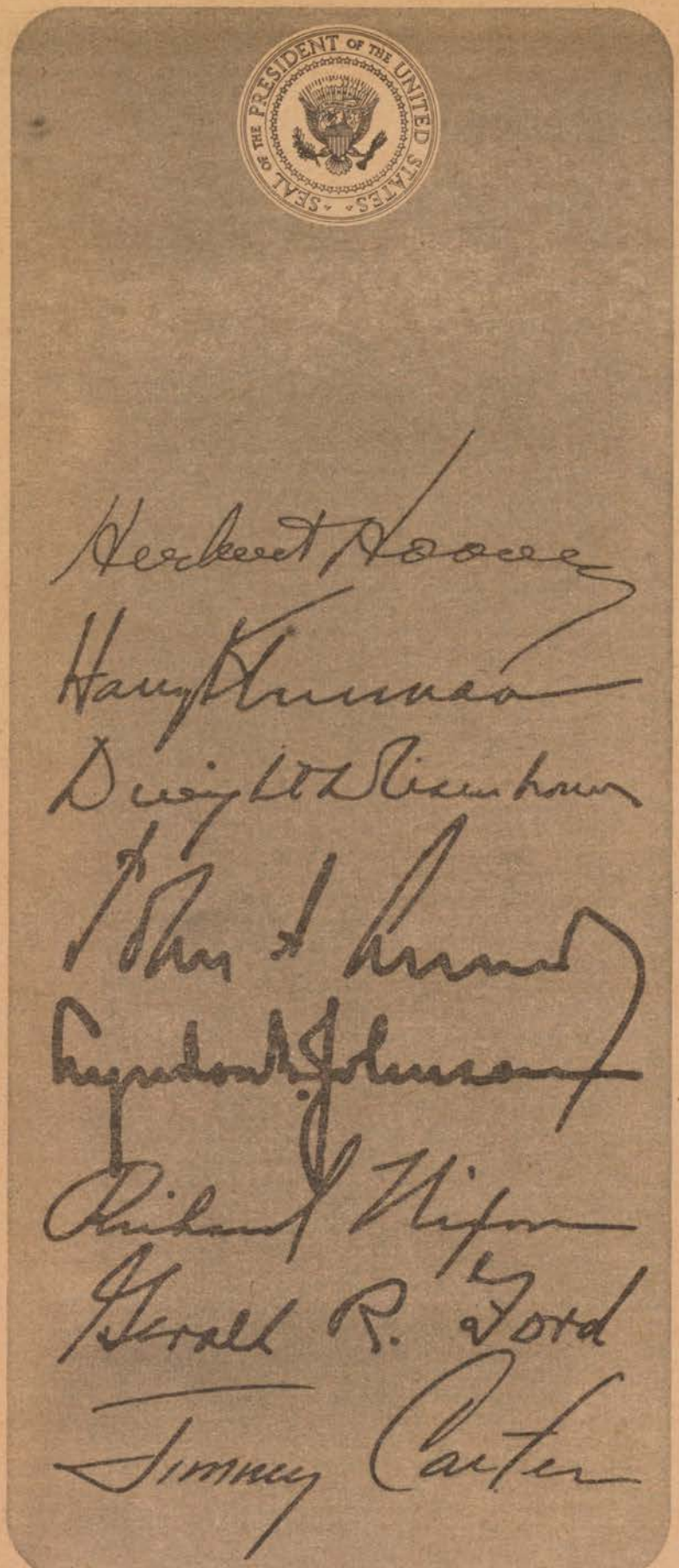
Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 31, 1980



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