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Wednesday
May 14, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.; Salt Lake City, Utah; Seattle, Wash.; Chicago, Ill.; St. Louis, Mo.; and Pittsburgh, Pa.,** see announcement in the **Reader Aids** section at the end of this issue.

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Highlights

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

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MEETINGS ANNOUNCED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 4757 of May 12, 1980

Flag Day and National Flag Week 1980

By the President of the United States of America

A Proclamation

Two hundred and five years ago, in June of 1775, the first distinctive American flags to be used in battle were hoisted above the Colonial defenses at the Battle of Bunker Hill. One of these flags was an adaptation of the British "Blue Ensign." The other was an entirely new design. Both, however, bore one device in common—the pine tree—chosen to symbolize the colonists' efforts to wrest their land from the forests.

As the colonists moved toward a final break with the mother country, other flags with more pointed messages began to appear. Several featured rattlesnakes, symbolizing vigilance and deadly striking power, and were emblazoned with the legends "Liberty or Death" and "Don't Tread on Me."

On January 1, 1776, the Grand Union flag was raised over Washington's Continental Army headquarters, displaying not only the British crosses of St. George and St. Andrew but also thirteen red and white stripes for the thirteen American colonies. That same year, the Bennington flag was unfurled, with thirteen stars, thirteen stripes and the number "76."

But it was not until the following year that the Continental Congress chose a flag that more tellingly expressed the unity and resolve of the Colonials who had banded together to seek independence. On June 14, 1777, two years after the Battle of Bunker Hill, the delegates voted "that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation."

Today, thirty-seven stars and two centuries later, the flag chosen by the Continental Congress in Philadelphia continues to be our national flag and to symbolize our shared commitment to freedom and equality.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress also requested the President, by joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag on those days.

NOW, THEREFORE, I, JIMMY CARTER, do hereby designate the week beginning June 8, 1980, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during the week. I urge all Americans to observe Flag Day, June 14, and Flag Week by flying the Stars and Stripes from their homes and other suitable places.

To focus the attention of the American people on their country's character, heritage and future well-being, the Congress has also, by joint resolution of June 13, 1975, set aside the 21 days from Flag Day through Independence Day as a period to honor America (89 Stat. 211).

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, 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. 80-15046
Filed 5-13-80; 11:23 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Wednesday, May 14, 1980

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary to reflect the passage of the Inspector General Act of 1978, Pub. L. 95–452, approved October 12, 1978.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: L. L. Free, Acting Assistant Inspector General for Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. (202–447–6915).

SUPPLEMENTARY INFORMATION: The Inspector General Act of 1978 established an independent Office of Inspector General in the Department of Agriculture to be headed by an Inspector General. Under the provisions of the Act, the Inspector General is under the general supervision of the Secretary and derives direct responsibilities and authorities from the Act. Passage of the Act necessitates amending the delegations of authority from the Secretary to the Inspector General and other general officers and agency heads. Since this rule relates to internal agency management, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and, thus, does not require the preparation of a regulatory impact analysis.

Accordingly, 7 CFR Part 2 is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, and the Director of Economics, Policy Analysis and Budget

1. Section 2.25 is amended by revising paragraphs (c)(2) and (d)(1), and by adding a new paragraph (e)(11) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(c) *Related to management.* * * *

(2) Maintain, review, and update departmental delegations of authority.

* * * * *

(d) *Related to management services.*

(1) Provides management support services for the Secretary of Agriculture and for the general officers of the Department, except the Inspector General. As used herein, such management support services shall include:

* * * * *

(e) *Related to personnel.* * * *

(11) The provisions of paragraphs (9) (xiv) thru (xx) of this Section shall not apply for positions in, or applicants for positions in, the Office of Inspector General.

* * * * *

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Sections 2.33 and 2.34 are revoked and the following substituted in lieu thereof:

§ 2.33 Delegations of authority to the Inspector General.

The following delegations of authority are made by the Secretary of Agriculture to the Inspector General:

(a) Advise the Secretary and General officers in the planning, development, and execution of Department policies and programs.

(b) Provide for physical protection of the Secretary.

(c) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in maintaining the security of physical facilities, self-protection, and warden systems.

(d) In addition to the above delegations of authority, the Inspector General, under the general supervision of the Secretary, has specific duties, responsibilities, and authorities pursuant to the Inspector General Act of 1978, Pub. L. 95–452, 5 U.S.C. app., including:

(1) Conduct and supervise audits and investigations relating to programs and operations of the Department.

(2) Provide leadership, coordination and policy recommendations to promote economy, efficiency and effectiveness and to prevent and detect fraud and abuse in the administration of the Department's programs and operations.

(3) Keep the Secretary and the Congress fully and currently informed about problems and deficiencies and the necessity for and progress of corrective actions in the administration of the Department's programs and operations.

(4) Make such investigations and reports relating to the administration of programs and operations of the Department as are in the judgment of the Inspector General, necessary or desirable.

(5) Review existing and proposed legislation and regulations and make recommendations to the Secretary and the Congress on the impact such laws or regulations will have on the economy and efficiency of program administration or in the prevention and detection of fraud and abuse in the programs and operations of the Department.

(6) Have access to all records, reports, audits, reviews, documents, papers, recommendations or other material available to the Department which relate to programs and operations for which the Inspector General has responsibility.

(7) Report expeditiously to the Attorney General any matter where there are reasonable grounds to believe there has been a violation of Federal criminal law.

(8) Issue subpenas to other than Federal agencies for the production of information, documents, reports, answers, records, accounts, papers and other data and documentary evidence

necessary in the performance of functions assigned by the Act.

(9) Receive and investigate complaints or information from any Department employees concerning possible violations of law, rules or regulations, or mismanagement, gross waste of funds, abuse of authority, or substantial and specific dangers to the public health and safety.

(10) Select, appoint, and employ necessary officers and employees in the Office of Inspector General in accordance with laws and regulations governing the civil service, including an Assistant Inspector General for Auditing and an Assistant Inspector General for Investigations.

(11) Obtain services as authorized by Section 3109 of Title 5, United States Code.

(12) Enter into contracts and other arrangements for audits, studies, analyses and other services with public agencies and private persons and make such payments as may be necessary to carry out the provisions of the Act to the extent and in such amounts as may be provided in an appropriation act.

§ 2.34 Reservations of authority.

The following authority is reserved to the Secretary of Agriculture:

(a) Approving the implementation in OIG of administrative policies or procedures that contravene standard USDA administrative policies as promulgated by the Assistant Secretary for Administration.

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

3. Section 2.75 is amended by revising paragraphs (a) (4) and (15) to read as follows:

§ 2.75 Director, Office of Operations and Finance.

(a) *Delegations.* * * *

(4) Provide procurement, property management, space management, communications, messenger, paperwork management, and related services (with authority to take actions required by law or regulation to perform such services) for: * * *

(ii) The general officers of the Department, except the Inspector General.

* * * * *

(15) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated funds and trust funds for: * * *

(ii) The general officers of the Department, except the Inspector General;

4. Section 2.77 is amended by revising paragraph (a)(2) to read as follows:

§ 2.77 Director, Management Staff.

(a) *Delegation.* * * *

(2) Maintain, review, and update departmental delegations of authority.

* * * * *

5. Section 2.78 is amended by adding a new paragraph (a)(15) to read as follows:

§ 2.78 Director, Office of Personnel.

(a) *Delegations.* * * *

(15) The provisions of paragraph (a)(9) (xiv) thru (xx) of this section shall not apply to positions in, or applicants for positions in, the Office of Inspector General.

* * * * *

(5 U.S.C. 301; Reorganization Plan No. 2 of 1953; Pub. L. 95–452, 92 Stat. 1101, 5 U.S.C. app.)

Dated: May 7, 1980.

For Subparts C & D:

Bob Bergland,

Secretary of Agriculture.

Dated: May 7, 1980.

For Subpart J:

Joan S. Wallace,

Assistant Secretary for Administration.

[FR Doc. 80–14572 Filed 5–13–80; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Marketing Service

Navel Oranges Grown in Arizona and Designated Part of California; Amendment of Size Requirements

7 CFR Part 907

[Navel Orange Reg. 471, Amdt. 3]

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment relaxes the maximum diameter (size) requirement applicable to shipments of navel oranges by permitting shipment of navel oranges not larger than 3.84 inches in diameter for the period May 9, 1980, through July 17, 1980. The current regulation requires that such oranges be not larger than 3.70 inches in diameter. This action recognizes current market demand for larger sizes of such fruit and is consistent with the size composition of the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: May 9, 1980, through July 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* (1) This regulation is issued under marketing agreement and order No. 907, both as amended (7 CFR Part 907) regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation of the committee established under the marketing agreement and order, and upon other available information. It is found that the regulation of shipments of California-Arizona navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The relaxation of size requirements, herein specified, for shipments of California-Arizona navel oranges reflects the Department's appraisal of the current and prospective supply and market demand conditions for such sizes of fruit. This action would increase supplies available to meet current and prospective demand.

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

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 30, 1979. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

Accordingly, paragraph (a) in § 907.771, Navel Orange Regulation 471 (44 FR 75376, 77133; 45 FR 9890) should be and is amended to read as follows:

§ 907.771 Navel Orange Regulation 471.

(a) During the period May 9, 1980, through July 17, 1980, no handler shall handle any navel oranges grown in Districts 1, 2, 3, or 4 which are of a size larger than 3.84 inches in diameter or which are of a size smaller than 2.32 inches in diameter, such diameter to be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of oranges in any type of container may measure larger than 3.84 inches in diameter and not to exceed 5 percent, by count, of oranges in any type of container may measure smaller than 2.32 inches in diameter.

* * * * *

Dated: May 8, 1980, to become effective May 9, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-14841 Filed 5-13-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regulations Governing Price Support for the 1978 and Subsequent Crop Years, Amdt. 1]

General Regulations Governing Price Support for the 1978 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule is to amend the regulation which permits the reoffering as security or repledging as collateral for a new loan any grain or similarly handled commodity that has been previously so mortgaged or pledged. The amendment is needed in order to correct a conflict in provisions of the present regulations wherein § 1421.4(f) enables some producers to obtain loans for longer periods of time than allowed in § 1421.6(c). Producers who obtain new loans just before the close of the commodity loan availability period can in effect extend their loans up to an additional 9 months. This rule would limit the maturity date of new loans to that of the original loan. The amendment applies to 1979 and subsequent crops.

EFFECTIVE DATE: Date of filing with the Director, Office of the Federal Register. (May 13, 1980)

FOR FURTHER INFORMATION CONTACT: Harold Jamison, Price Support and Loan Division, ASCS, USDA, Room 3741 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-7973. This final rule is an operating procedure implementing provisions of the various commodity loan programs for which impact analyses have been prepared and are available upon request from Ray Voelkel, Director, Impact Analysis and Public Participation Staff, USDA, ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447-7865.

SUPPLEMENTAL INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified as "not significant." On Friday, November 23, 1979, a notice of proposed rulemaking was published in the **Federal Register** (44 FR 67134) announcing that the Secretary of Agriculture proposed to amend and issue regulations relative to reoffering as security or repledging as collateral for a new loan any grain or similarly handled commodity that has been previously so mortgaged or pledged.

No comments were received concerning this proposed amendment.

Final Rule

Accordingly, the regulation at 7 CFR Part 1421 is amended by revising § 1421.4(f) to read as follows:

§ 1421.4 Eligibility requirements.

* * * * *

(f) *Redeemed loan collateral.* A producer may, before the final date for obtaining a loan on a commodity, reoffer as security or repledge as collateral for a new loan any commodity that has been previously so mortgaged or pledged. Such loan shall have the same maturity date as the original loan.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 105A, 107A, 201, 301, 401, 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444c, 1445b, 1446, 1447, 1421, 1425))

Signed in Washington, D.C. on May 5, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-14826 Filed 5-13-80; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1425

Cooperative Marketing Associations: Eligibility Requirements for Price Support, Amendment 3

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations at 7 CFR Part 1425 which set forth the eligibility requirements with which cooperative marketing associations must comply in order to participate in authorized price support programs. The amendment clarifies the regulations as such regulations pertain to voting rights, pooling of commodities, adjustment of inventory for dispositions, definition of a member, and volume of member business. This clarification will help to assure a consistent understanding by cooperatives of the eligibility requirements for price support.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Charlie B. Robbins, ASCS, (202) 447-4634, P.O. Box 2415, Washington, D.C. 20013. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Charlie B. Robbins.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant". On Monday, May 14, 1979, a notice of proposed rulemaking was published in the **Federal Register** (44 FR 27997) announcing that the Commodity Credit Corporation was considering amending 7 CFR Part 1425, Cooperative Marketing Associations, Eligibility Requirements for Price Support, to clarify the regulations as such regulations pertain to a number of eligibility requirements of cooperative marketing associations for price support. Specifically, the following changes were proposed with respect to those requirements:

A. *Voting rights.* To specify that only active members are authorized to vote on cooperative matters.

B. *Pooling of Commodities.* To clarify that commodities acquired by a cooperative for marketing must be pooled.

C. *Adjustment of inventory.* To require that pool inventories of price supported commodities must be adjusted at the time such commodity is shipped or withdrawn from inventory for processing.

D. *Definition of member.* To define a member as one who has met the requirements of membership and is entitled to all membership rights.

E. *Member business.* To provide that when determining price support eligibility, processed products purchased from other processors or merchandisers will not be considered in

determining the volume of member business.

Comments were solicited on the proposed rule and interested persons were given sixty (60) days to express their views.

Discussion of Comments

Nine comments were received. Of these, one favored all proposed changes, one suggested an addition to the proposed definition of a member and seven opposed one or more of the proposed changes.

Comments Supporting the Proposed Changes

One respondent supporting the proposed changes indicated that the clarification would reduce the likelihood of misinterpretation of the regulations and would, therefore, reduce the amount of time spent by cooperatives in obtaining clarification of the regulations. Another respondent generally supporting the proposed changes suggested that the proposed definition of a member of a cooperative be expanded to require that a member be an active member. This suggestion will not be adopted because it would result in the requirement that the membership of a member who becomes inactive be terminated. The regulations governing the eligibility of cooperatives for price support were not promulgated with the intention of depriving cooperatives of the right to receive price support because certain of its members may be inactive.

Comments Opposing the Proposed Changes

One respondent, a proprietary firm, opposed any program that would permit cooperative marketing associations to participate in price support programs while not allowing independent grain elevator operators to participate in such programs. The proposed changes did not affect the basic coverage of the regulations. Accordingly, the comment is determined to be unresponsive.

Two respondents opposed the proposed change in § 1425.5 (f) of the regulations which would provide that each active member of a cooperative shall have a single vote in the affairs of a cooperative participating in a price support program. They contend that if they (the cooperative) limited the voting to only active members of the cooperative, such action would be tantamount to imposing a further restriction on the stock, may be contrary to State law, and may subject the cooperative to legal challenge in the state courts. Upon review of this contention, it has been determined that an exception to the proposed change in § 1425.5 (f) of the regulations will be permitted where, prior to the effective date of this final rule, a cooperative has issued voting stock to other than active members in accordance with its articles of incorporation or bylaws and the applicable State law concerning member or stockholder voting rights.

Four comments objected to removal of the phrase "whether pooled or not" appearing in paragraph (d) of § 1425.13 of the regulations. Three respondents contend that removal of the phrase appears to be in conflict with longstanding "pooling" practices of Form G cotton cooperatives and could be applied in such a manner as to make it extremely difficult, if not impossible, for cotton cooperatives to continue their successful marketing operations.

Removal of the phrase will have no impact on the application of the regulation requirements as they pertain to pooling. The regulations have always been interpreted as requiring pooling and provide for a cooperative to operate as many different pools as it deems necessary in order to market the commodity acquired from its members. The other respondent who objected to removal of the phrase from § 1425.13 (d) of the regulations contends that such action will only create additional confusion concerning a particular method of marketing. However, this contention is erroneous since the regulations governing eligibility of cooperative marketing associations for price support do not permit a cooperative to participate in the price support program without operating one or more pools. Furthermore, the phrase is confusing by implying that pooling is not required.

Three of the respondents objected to the proposed changes in § 1425.17 (b) of the regulations concerning adjustment of inventory. However, they did not comment with respect to the proposed change. Instead, one respondent cooperative chose this means as a vehicle to offer arguments with respect to its present operations that are governed by other provisions of the regulations. Another respondent, a processing cooperative, contended that the proposed change would require that a determination be made as to the eligibility status of the commodity applied to each sale. However, it should be noted that the current provision of the regulations requires that each sale be identified as to eligibility status. The proposed change is needed to clarify the point in time when inventory adjustments are to be made.

All comments received have been considered in connection with this final rule. After giving careful consideration to those comments, it has been determined that the contentions opposing the proposal presented insufficient reasons for not making the proposed changes.

Final Rule

Accordingly, the regulations at 7 CFR Part 1425 are amended to read as follows:

1. Paragraphs (e) and (f) of § 1425.5 are amended as follows:

§ 1425.5 Charter and bylaw provisions.

* * * * *

(e) *Balloting.* Election of directors, delegates and officers shall be by balloting when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting Rights.* Each active member of the cooperative shall have a single vote regardless of the number of shares of stock owned or controlled by such member, except that the Executive Vice President, CCC, may in his discretion approve some other voting method which in his opinion will adequately protect the interests of the active members of the cooperative. Any approved cooperative which has issued, prior to the effective date of this amendment, voting stock to persons other than active members as permitted by its articles of incorporation or bylaws and applicable State law shall be exempt, as long as such stock is outstanding, from the "active" member restriction with respect to voting rights as provided for in this paragraph.

2. Section 1425.7(c) of the regulations is amended to read as follows:

§ 1425.7 Operations.

* * * * *

(c) *Authorized.* The charter or bylaws of the cooperative acquiring the marketing service and the marketing agreement with its members contain necessary authority to enter into the agreement.

* * * * *

3. Section 1425.11 of the regulations is amended to read as follows:

§ 1425.11 Member business.

If price support is sought for a particular crop of a commodity, not less than 80 percent of such crop of the commodity that is acquired by or delivered to the cooperative for marketing must be produced by its members or by members of its member cooperatives. However, the Executive Vice President, CCC, may, for a period of two years or such lesser period of time as he determines appropriate,

authorize a cooperative applying for initial approval to acquire or receive for marketing from its members a smaller quantity of such crop that 80 percent, if that quantity has a value greater than the value of the quantity acquired or received from nonmembers for marketing and if the cooperative establishes to the satisfaction of the Executive Vice President, CCC, that such authorization is necessary for the efficient operation of the cooperative and is in the best interest of the members of the cooperative. Purchase of commodities from CCC and processed products from other processors or merchandisers shall not be considered in determining the volume of member business.

4. Section 1425.13(d) of the regulations is amended to read as follows:

§ 1425.13 Eligible commodity and pooling.

* * * * *

(d) *Commodity requirements.* The commodity offered for price support must:

* * * * *

5. Section 1425.17(b) of the regulations is amended to read as follows:

§ 1425.17 Records maintained.

* * * * *

(b) *Dispositions.* The cooperative shall maintain a record which shows each quantity of commodity disposed of, the date sold, the date shipped and the price received in the following manner:

(1) *Commodities which are processed.* The inventory of an eligible pool or ineligible pool or both eligible and ineligible pools shall be adjusted when the commodity is withdrawn from inventory and is processed.

(2) *Commodities not processed.* The commodity shall be allocated to an eligible pool, an ineligible pool, or both eligible and ineligible pools and the pool inventories shall be adjusted accordingly when the commodity is shipped.

The commodity shall be allocated to eligible or ineligible pools or a combination of eligible and ineligible pools in the above manner until the entire inventory in a particular pool is depleted.

6. Section 1425.21 is amended by redesignating paragraph (b) to read paragraph (c) and adding a new paragraph (b) which reads as follows:

§ 1425.21 Definitions.

* * * * *

(b) *Member.* The term "member" shall mean a person who has met all of the requirements as specified in the articles of incorporation and/or bylaws, including full payment of the required membership stock or fees, either in cash or earned equity credits, is accepted by the cooperative and is entitled to all membership rights including voting and holding office.

(c) *Active member.* * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 103, 105A, 107A, 201, 203, 301, 401, 63 Stat. 1051, as amended (7 U.S.C., 1441, 1444(f), 1444c, 1445b, 1446d, 1447, 1421 (a)))

Signed at Washington, D.C., on May 7, 1980.

Ray Fitzgerald,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-14801 Filed 5-13-80; 8:45 am]

BILLING CODE 3410-05-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Misadministration Reporting Requirements

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Final rule.

SUMMARY: The NRC is amending its regulations to require its licensees to: (1) keep records of all misadministrations of radioactive material; (2) promptly report therapy misadministrations to the NRC, the referring physician, and the patient or the patient's responsible relative (or guardian); and (3) report diagnostic misadministrations quarterly to NRC.

EFFECTIVE DATE: November 10, 1980.

Note.—NRC has submitted this rule to the Comptroller General for review under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the rule becomes effective reflects inclusion of the 45-day period that the statute allows for this review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT: Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-443-5860).

SUPPLEMENTARY INFORMATION: On July 7, 1978, NRC published in the **Federal Register** (43 FR 29297) a proposed rule on the misadministration of radioactive material to patients. The proposed § 35.33 would have required medical licensees to do three things:

(1) Keep records of all misadministrations for 5 years;

(2) Promptly report all therapy misadministrations and those diagnostic misadministrations that could cause a clinically detectable adverse effect to: NRC, the referring physician, and the patient or a responsible relative (unless the referring physician stated that the information would harm them); and

(3) Follow the prompt report with a written report to NRC and the patient or responsible relative within 15 days.

In the proposed rule, a misadministration was defined as the administration of:

(1) A radiopharmaceutical or radiation from a source other than the one intended;

(2) A radiopharmaceutical or radiation to the wrong patient;

(3) A radiopharmaceutical or radiation by a route of administration other than that intended by the prescribing physician;

(4) A diagnostic dose of a radiopharmaceutical differing from the prescribed dose by more than 20 percent; or

(5) A therapeutic dose of a radiopharmaceutical or exposure from a radiation source such that the total dose or exposure differs from the prescribed dose or exposure by more than 10 percent.

The public was invited to submit written comments and suggestions on the proposed rule. The proposed rule was mailed to all medical licensees, about 30 professional and public-interest groups, and 2,000 state and county medical societies.

Comments on Proposed Rule

The Commission received 150 letters commenting on the proposed rule. Copies of these letters, a summary and analysis of the comments, and the value/impact analysis supporting the final rule are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies of the summary and analysis of the comments or value/impact analysis may be obtained from Edward Podolak at the above address.

Ninety percent of the comments were opposed to the rule, most citing it as an unprecedented intrusion into medical practice. Basically, the commenters were opposed to misadministration reporting to NRC where reports would be open to public scrutiny, and misadministration reporting to patients which they felt would cause "undue alarm" and "unwarranted malpractice suits." Many commenters offered helpful suggestions which were incorporated into the final rule as explained below under *"Summary of Major Changes in the Final Rule."*

Many commenters questioned the need for a misadministration reporting rule. They cited the low number of

reported misadminstrations. They stated that misadministrations of radioactive material were less frequent than misadministrations of other drugs or types of therapy. And they noted that there are no similar reporting requirements in medical practice.

The Commission's purpose in requiring misadministration reports to NRC is to identify their causes in order to correct them and prevent their recurrence. The Commission can do this by notifying other licensees if there is a possibility that they could make the same errors. The commission can also change its regulations to prevent specific errors. The significance of a diagnostic misadministration goes beyond the unnecessary radiation exposure if it results in misdiagnosis. Apparently isolated incidents at individual medical institutions could reveal a generic problem when compared nationally.

Examples of rule changes resulting from misadministrations are: a rule requiring annual calibration of teletherapy units (44 FR 1722), and a rule requiring radiation surveys of patients following removal of implants (43 FR 55345).

The Commission does not know the entire extent of misadministrations of radioactive material. In 1976 NRC investigated an incident where 400 therapy patients had received radiation doses exceeding the prescribed doses by as much as 41 percent. In 1977 NRC received seven reports of misadministrations ranging from minor misadministrations to a serious teletherapy overexposure. In 1978 NRC received eleven reports of misadministrations, one of them a serious misadministration of four Ir–192 seeds that were left in a patient. In 1979 NRC has received a single report of a misadministration; colloidal P–32 was administered instead of soluble P–32. The Commission does not know what fraction of the actual incidence of misadministrations these reports represent. However, whenever there has been a serious misadministration, the Commission has been able to act to help prevent recurrence by issuing notices or orders to licensees or through rulemaking.

The Commission recognizes that its misadministration reporting requirement may be unique to medical practice. The Commission also recognizes that the misadministration of radiopharmaceuticals and radiation from sealed sources may be less frequent than the misadministration of other drugs or forms of therapy, because the radiopharmaceutical doses and radiation doses can be measured before administration to patients. However, the Commission believes that the misadministration recordkeeping and reporting requirement is necessary to protect patients.

Many commenters were concerned about the privacy of patients' records when misadministrations are reported to a third party such as NRC.

The final rule states that the patient's name should not be reported to NRC. The reports of misadministrations would be available for public review but without information that would lead to identification of the patient.

The vast majority of the commenters consider the proposed rule as a serious intrusion into the physician-patient relationship. They contend that the proposed rule is an intrusion of a regulatory agency into the care of a patient without assuming responsibility for that care. Many commenters pointed out that the misadministration reporting requirement was unique in medical practice and noted that NRC regulations did not apply to X-rays, accelerator or radium therapy, and accelerator-produced radiopharmaceuticals.

The Commission recognizes the intrusion into the physician-patient relationship in the sense that the rule does affect, to a limited degree, the nature of the physician's obligation to his or her patient—it imposes in certain circumstances an obligation on the physician to report information to the patient and the NRC. For many in the health professions, this limited involvement may be understood, rightly or wrongly, as foreshadowing some greater degree of Governmental involvement or as symbolizing some general movement toward more regulation of the profession.

The Commission does not believe, however, that this limited intrusion warrants abandoning the rule. Some physicians do support the rule—the medical profession is not unanimous that the rule would constitute an unwarranted intrusion into the physician-patient relationship. The "physician-patient" relationship is a concept that was developed to advance the needs of the patient. The relationship involves duties of reasonable care and skill, confidentiality, and good faith owed by the physician to the patient. Nothing in the rule would detract from these duties. Thus, in a strict sense, the rule would not interfere with the relationship.

It is true that no similar reporting requirements are attached to use of X-rays, accelerator or radium therapy, or accelerator-produced isotopes. However, this is the direct result of limitations in NRC's regulatory authority. At present, unless Congress should expand NRC's authority, the NRC must operate under the presumption that Congress intended that a disproportionate degree of Federal regulatory control be exercised over nuclear materials as opposed to these other sources of radiation.

In many respects the adverse comments track those received by the Food and Drug Administration (FDA) in response to a request for comments to help FDA formulate a policy on labeling of prescription drug products to promote patient understanding of the nature and effects of the drugs prescribed for them. In a notice of proposed rulemaking (44 FR 40016, July 6, 1979), the FDA rejected the assertion that mandatory patient labeling would constitute an unwarranted interference in the physician-patient relationship, pointing out among other things that a patient has a right to know about a drug's benefits, risks, and directions for use.

Also, in a January 1979 report (EMD–79–16), the General Accounting Office (GAO) stated:

> In our view, requiring medical licensees to report misadministrations to NRC is not an intrusion into medical practice. This is clearly consistent with NRC regulatory responsibilities and a necessary part of an effective nuclear medicine regulatory program. Without this kind of feedback on incidents affecting the public health and safety, NRC cannot be sure it is adequately regulating the possession and use of nuclear materials in medical practice.

Many commenters were concerned that the proposed rule, particularly the patient reporting requirement, would invite unwarranted malpractice suits and thereby boost medical costs. Some of these commenters suggested that the rule would lead to covering up misadministrations to avoid liability.

The Commission believes that the requirement in the final rule to report therapy misadministrations to patients or a responsible relative is important. Patients have a right to know when they have been involved in a serious misadministration, unless this information would be harmful to them. NRC has parallel requirements for licensee reports to workers on occupational overexposures. Also, there is a trend in Federal legislation that recognizes the right of individuals to know information about themselves which is contained in the records of institutions both inside and outside of the Federal sector. Examples are: the Privacy Act of 1974, which set rules for Federal Agencies' recordkeeping; the Fair Credit Reporting Act and related acts, which gave consumers the right to know information about themselves contained in the records of credit-

reporting bureaus; and the Family Education Rights and Privacy Act, which gave students the right to see personal records held by educational institutions. Also, in April 1979, the President sent the proposed "Privacy of Medical Information Act" to Congress, and President said:

> The "Privacy of Medical Information Act" is being submitted to you today. It establishes privacy protections for information maintained by almost all medical institutions. The Act will give individuals the right to see their own medical records. If direct access may harm the patient, the Act provide that access may be provided through an intermediary. This legislation allows the individual to ensure that the information maintained as part of his medical care relationship is accurate, timely and relevant to that care. Such accuracy is of increasing importance because medical information is used to affect employment and collection of insurance and other social benefits. * * *

Regarding the comment that the rule would invite malpractice suits and thereby boost medical costs, this may well be true. The amount of this increase is not known. In response to NRC query, the National Association of Insurance Brokers replied:

> It is simply beyond our competence to quantify the effect on medical malpractice rates of your proposed rule. * * * that the proposed change would have an adverse effect on rates seems indisputable, since the doctors would be required, in a sense, to prepare testimony against themselves. We frankly doubt that anyone can gauge the likely effect of such a rule * * *

Regarding the suggestion that the rule would lead to covering up misadministrations to avoid liability, the Commission does not believe that physicians would willfully disregard the rule. Moreover, there is nothing in the rule that would in any way modify the legal rules governing malpractice suits arising out of reported misadministrations.

A majority of the commenters who opposed the rule were opposed to the requirement for reporting diagnostic misadministrations to patients. They stated that most misadministrations of diagnostic radiopharmaceuticals would not harm the patient. They also stated that the definition of a diagnostic misadministration as an error greater than 20 percent would unduly alarm the patient because it was too low. They stated that the recommended dosage ranges in the drug labeling spanned factors of two and greater. They further stated that the standard dosages vary between institutions by as much as 100 percent. They also stated that this definition discriminated against short half-life radiopharmaceuticals which give a smaller radiation dose to the patient.

The proposed rule had a threshold for reporting diagnostic misadministrations. The threshold was not clear. The proposed rule required reporting of all therapy misadministrations and those diagnostic misadministrations that could cause a "clinically detectable" adverse effect on the patient.

The staff agrees that the definition of a diagnostic misadministration as a 20 percent error is too low. That level was chosen originally because it was within the state-of-the-art for radiopharmaceutical measurement and the Commission was concerned that the limit for a diagnostic misadministration would be construed as good practice. The Commission recognizes that there are factors, such as patient scheduling, which are not errors but could cause the patient to receive a dose differing from the prescribed dose by more than 20 percent without affecting the effectiveness of the test. The final rule defines a diagnostic misadministration, in part, as that differing from the prescribed dose by more than 50 percent. At this limit of 50 percent: (1) an error has obviously occurred and (2) 50 percent over or under the prescribed dose can clearly compromise the effectiveness of the diagnostic procedure.

Some commenters objected to the absence of a definition for a "clinically detectable adverse effect" in the threshold for reporting diagnostic misadministrations. Others questioned who would make that determination. Others objected to the physician having too much leeway in making the determination. Still others complained that, without guidelines, they would have difficulty in making the determination.

At the proposed rule stage, the Commission believed that "clinically detectable" was a term well understood in medicine. According to some commenters, this is not the case. The Commission recognizes that the diagnosis of an "adverse effect" may in one case be based on a single dramatic symptom, while in another case it may be based on a number of individually minor deviations from the normal for that patient. Because of this and because adverse effects may be delayed in time, the term "clinically detectable adverse effect" is a moving target. Therefore, the Commission is abandoning this term and the threshold. The final rule will require reporting of all diagnostic misadministrations to NRC.

Several commenters questioned whether extravasation is considered a misadministration.

Extravasation is the infiltration of injected fluid into the tissue surrounding a vein or artery. Extravasation frequently occurs in otherwise normal intravenous or intraarterial injections. It is virtually impossible to avoid. Therefore, the Commission does not consider extravasation to be a misadministration.

Some commenters questioned whether they would have to measure the activity in a syringe before and after the injection in order to determine if a misadministration has occurred.

Misadministrations of a radiopharmaceutical is defined as a percentage error from the prescribed dose. It is necessary to measure the activity prior to injection and then inject the contents of the syringe. It is not necessary to measure the residual activity in the syringe.

One commenter suggested that licensees be required to keep records of misadministrations for 50 years. Instead of the proposed 5 years, because of the long latency period for radiation-induced cancers. For the same reason, another commenter suggested that the records be maintained for 30 years.

The Commission agrees that there are compelling reasons for insuring that the records of misadministrations should be maintained for a period of time longer than the five years as originally proposed. At the same time it is not yet clear for what specific length of time NRC should require these records to be maintained by the licensee.

As an alternative to requiring licensees to maintain misadministration records for any specific length of time, the final rule requires that licensees shall preserve misadministration records until the Commission authorizes disposition. This approach is consistent with Part 20.401 of NRC's regulations which requires that NRC licensees maintain and preserve radiation exposure records for monitored personnel until the Commission authorizes disposition.

Under the provisions of section 208 of the Energy Reorganization Act of 1974, the Commission reports each quarter to the Congress on any abnormal occurrences involving facilities and activities regulated by the NRC. An abnormal occurrence is defined in section 208 as an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. The Commission published a policy statement on abnormal occurrence reporting in the **Federal Register** (42 FR

10950). Those misadministrations which the Commission determines meet the criteria for abnormal occurrence reporting will be published in the quarterly "Report to Congress on Abnormal Occurrences." In the past, teletherapy overexposures have been reported to Congress in this manner.

Summary of Major Changes in the Final Rule

The final rule was organized into separate sections, specifically §§ 35.41 through 35.45, to make the requirements easier to understand.

Several commenter's suggestions were incorporated into the final rule. As noted above, the term "could cause a clinically detectable adverse effect" in the threshold for reporting diagnostic misadministrations has been abandoned in the final rule. Instead, all diagnostic misadministrations will be reported quarterly to NRC only. These reports of diagnostic misadministrations are to be in letter format and postmarked not later than 10 days following the calendar quarters ending in March, June, September, and December.

The Commission encourages licensees to report diagnostic misadministrations to patients but does not believe that the risk of a diagnostic misadministration warrants Federal intervention in this decision. Therefore, the Commission will not require licensees to report diagnostic misadministrations to the patient or relative (or guardian).

In the final rule, only therapy misadministrations are required to be reported to the referring physician and the patient or responsible relative. There are two changes regarding notification of the patient or responsible relative in § 35.42(a). First, a parenthetical "(or guardian)" was added to "responsible relative" to cover persons who do not have relatives. Second, now the referring physicians, if they wish, may inform the patient of the misadministration.

In the final rule, the limit for a diagnostic misadministration in § 35.41 has been raised to errors greater than 50 percent. Many commenters pointed out that the recommended dosages in radiopharmaceutical labeling cover ranges of up to a factor of 10 and that, comparing nuclear medicine departments, there is often a 100% or greater difference in the standard dosages for the same procedure. The Commission did not raise the limit of error for a diagnostic misadministration above the 50% level because this level begins to affect the quality of the diagnostic procedures. A poor quality diagnostic procedure could require a re-take or could result in a misdiagnosis.

In The final rule, the definition of a therapy misadministration in § 35.41 (e) and (f) distinguishes between radiopharmaceutical therapy and sealed source therapy. For sealed source therapy, the new definition recognizes that the therapist often adjusts the dose during treatment. Also, the new definition recognizes that the radiation dose in sealed source therapy is calculated as a function of dose rate, time, and treatment geometry, and is not usually measured directly. These changes resulted from several comments from radiation therapists.

Final Rule

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35, are published as a document subject to codification.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

New §§ 35.41 through 35.45 are added to 10 CFR Part 35 to read as follows:

Sec.
35.41 Definition of a misadministration.
35.42 Reports of therapy misadministrations.
35.43 Reports of diagnostic misadministrations.
35.44 Records of all misadministrations.
35.45 Rights and duties of licensees.

Authority: Sections 81, 161 b. and o., Pub. L. 83-703, 68 Stat. 935, 948 b. and o., 42 U.S.C. 2111, 2201 b. and o.; Section 201, Pub. L. 93-438, 88 Stat. 1242, 42 U.S.C. 5841.

Misadministration Reports and Records

§ 35.41 Definition of a misadministration.

For this part, misadministration means the administration of:

(a) A radiopharmaceutical or radiation from a sealed source other than the one intended;

(b) A radiopharmaceuted or radiation to the wrong patient;

(c) A radiopharmaceutical or radiation by a route of administration other than that intended by the prescribing physician;

(d) A diagnostic dose of a radiopharmaceutical differing from the prescribed dose by more than 50 percent;

(e) A therapeutic dose of a radiopharmaceutical differing from the prescribed dose by more than 10 percent; or

(f) A therapeutic radiation dose from a sealed source such that errors in the source calibration, time of exposure, and treatment geometry result in a calculated total treatment dose differing from the final prescribed total treatment dose by more than 10 percent.

§ 35.42 Reports of therapy misadministrations.

(a) *Immediate telephone report.* When a misadministration involves any therapy procedure, the licensee shall notify, by telephone only, the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter. The licensee shall also notify the referring physician of the affected patient and the patient or a responsible relative (or guardian), *unless* the referring physician personally informs the licensee either that he will inform the patient or that, in his medical judgment, telling the patient or the patient's responsible relative (or guardian) would be harmful to one or the other, respectively. These notifications shall be made within 24 hours after the licensee discovers the misadministration. (If the referring physician or the patient's responsible relative or guardian cannot be reached within 24 hours, the licensee shall notify them as soon as practicable. The licensee shall not delay medical care for the patient because of this.)

(b) *Written report.* Within 15 days after the initial therapy misadministration report to NRC, the licensee shall report, in writing, to the NRC Regional Office initially telephoned and to the refering physician, and furnish a copy of the report to the patient or the patient's responsible relative (or guardian) if either was previously notified by the licensee under paragraph (a) of this section. The written report shall include the licensee's name; the referring physician's name; a brief description of the event; the effect on the patient; the action taken to prevent recurrence; whether the licensee informed the patient or the patient's responsible relative (or guardian), and if not, why not. The report shall not include the patient's name, or other information which could lead to identification of the patient.

§ 35.43 Reports of diagnostic misadministrations.

When a misadministration involves a diagnostic procedure, the licensee shall notify, in writing, the referring physician and the appropriate NRC Regional Office listed in Appendix D of Part 20 of this chapter. Licensee reports of diagnostic misadministrations are due within 10 days after the end of the calendar quarters (defined by March, June, September, and December) in which they occur. These written reports

shall include the licensee's name; the referring physician's name, a description of the event; the effect on the patient; and the action taken to prevent recurrence. The report should not include the patient's name or other information which could lead to identification of the patient.

§ 35.44 Records of all misadministrations.

Each licensee shall maintain for Commission inspection, records of all misadministrations of radiopharmaceuticals or radiation from teletherapy or brachytherapy sources. These records shall contain the names of all individuals involved in the event (including the physician, allied health personnel, the patient, and the patient's refering physician), the patient's social security number, a brief description of the event, the effect on the patient, and the action taken to prevent recurrence. These records shall be preserved until the Commission authorizes their disposition.

§ 35.45 Rights and duties of licensees.

Aside from the notification requirement, nothing in this section shall affect any rights or duties of licensees and physicians in relation to each other, patient or responsible relatives (or guardians).

Dated at Washington, D.C., this 7th day of May 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-14623 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; Docket No. R-0292]

Electronic Fund Transfers; Documentation of Transfers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending § 205.9(a)(3) of Regulation E, which implements the Electronic Fund Transfer Act, to exempt point-of-sale (POS) transfers from the requirement to identify, on the terminal receipt, the type of account accessed. The exemption is limited to POS transfers in which the access device involved can access only one particular account at point of sale.

EFFECTIVE DATE: May 10, 1980.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation: Dolores S. Smith, Section Chief, or John C. Wood, Attorney (202-452-2412), Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Regarding the economic impact analysis: Frederick J. Schroeder, Economist (202-452-2584), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: (1) *Explanation of amendment.* Regulation E requires that at the time an electronic fund transfer is initiated at an electronic terminal, the financial institution make available to the consumer a receipt containing certain information about the transfer. Section 205.9(a)(3) requires that the receipt identify the type of account accessed (for example, checking or savings). It has come to the Board's attention that compliance with this requirement is impracticable in the case of debit cards used in interchange point-of-sale (POS) systems. Cards used in such systems contain no indication of the type of account that will be accessed.

The options for disclosing the type of account, if the requirement remained in place, appear impracticable. First, store clerks could ask customers what type of account is being accessed, and then manually note the information on the receipt. The difficulty here is that the clerk may fail to perform the procedure or that the customer for privacy reasons may prefer not to divulge the information. Second, debit cards could be encoded with a symbol indicating the type of account to which they relate. This option, however, would necessitate the reissuance of all debit cards now in circulation and the replacement of existing stocks of sale slips (so as to add an explanation of the code). Finally, information of account type might be obtained for each POS transfer via the authorization network, but this again would require major reprogramming and place an unnecessary new burden on the network.

It also appears that a disclosure of type of account would be of little value to the cardholder in these circumstances. The cards in question can access only one account of the consumer when used at POS terminals. The consumer already knows which account that is. A consumer signing up for the service indicates to the financial institution the particular deposit account to be accessed when the card is used in a POS transaction.

For the reasons stated above, the Board is amending § 205.9(a)(3) by adding a sentence to footnote 3. The effect is that the requirement to identify on the terminal receipt the type of account accessed will not apply in POS transfers where the access device used can access only one account. If the access device can access more than one account when used at a different type of facility (for example, in automated teller machines), the exemption will nevertheless be available at point of sale. On the other hand, the exemption will apply only to POS transfers. It will not be available, for example, in automated teller machine transfers, even if the access device can access only one account in those transfers.

Note also that the word "account" as used in the amendment refers only to accounts as defined in Regulation E, i.e., to consumer asset accounts. Thus, if a consumer can use a card at a POS terminal either to debit an asset account or to obtain credit on an open end credit account, the exemption would nevertheless apply.

The exemption becomes effective on May 10, 1980, the date on which § 205.9(a)(3) goes into effect. This action is taken in order to avoid unnecessary harm to financial institutions that would be subject to risk of civil liability if they continue to provide this service, and to consumers who might be deprived of a beneficial service if financial institutions and merchants ceased handling POS transfers. The Board finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) and (d) would be impracticable and contrary to the public interest. For the same reasons, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

(2) *Economic impact analysis.* Section 205.9(a)(3) is amended to provide that, when only one of a consumer's accounts at a financial institution can be accessed by an access device at point of sale, the POS documentation need not indicate the type of account accessed. The Act requires that the documentation identify the account to or from which funds are transferred. The regulation specifies that the account has to be identified by type; this provision is designed to enable consumers to determine that the correct account was in fact debited.

Bank card associations have pointed out that interchange networks are not capable of providing information on account type at the time of the transfer. Furthemore, the major interchange networks allow access devices to access only one account, so that the account type is not useful information. Costs of redesigning interchange network

systems to provide the information would be prohibitive.

The amendment does not appear to decrease the level of consumer protection. At the same time, it removes a regulatory requirement that, because of the potential liability associated with widespread violation on the one hand and with costly system redesign on the other hand, would likely eliminate POS electronic transfer services for consumers.

(3) Pursuant to the authority granted in 15 U.S.C. 1693b, the Board amends 12 CFR Part 205 by adding a second sentence to footnote 3 to § 205.9(a)(3), to read as set forth below:

§ 205.9 Documentation of transfers.

(a) *Receipts at electronic terminals.* * * *

* * * * *

(3) The type of transfer and the type of the consumer's account(s) [3] * * *

* * * * *

[3] If more than one account of the same type may be accessed by a single access device, the accounts must be uniquely identified. In a point-of-sale transfer, the type of account need not be identified if the access device used may access only one account at point of sale.

By order of the Board of Governors, May 8, 1980.

Theodore E. Allison

Secretary of the Board.

[FR Doc. 80-14802 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1201

[Docket No. D-0001]

Rules of Organization and Procedure

AGENCY: Depository Institutions Deregulation Committee ("Committee").

ACTION: Final rule.

SUMMARY: The Committee has adopted Rules of Organization and Procedure pursuant to the requirements of section 552 of Title 5 of the United States Code that each agency shall publish in the Federal Register a description of its organizational structure and the means and rules by which it takes action.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Anthony F. Cole, Senior Attorney (202/452-3612) or Daniel Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Title II of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96-221) transferred to the Committee the authorities conferred on the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), and section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)) to prescribe rules governing the payment of interest and dividends and the establishment of classes of deposits or accounts, including limitations on the maximum rates of interest and dividends which may be paid on deposits and accounts. These rules specify the composition and functions of the Committee (section 1201.2), the procedures for Committee meetings (section 1201.4), the procedures for issuing regulations and public participation in the rulemaking process, and the means by which interested persons may petition the Committee for rulemaking (section 1201.6).

The provisions of 5 U.S.C. 553 relating to notice and public participation and to deferred effective data are not followed in connection with the adoption of this Part because the rules involved are procedural in nature. Pursuant to the requirements of 5 U.S.C. 552, the Committee, effective May 6, 1980, Amends Title 12 of the Code of Federal Regulations by establishing Chapter XII, Depository Institutions Deregulation Committee and adding a new Part 1201 to read as follows:

PART 1201—RULES OF ORGANIZATION AND PROCEDURE

Sec.

Authority: Title II, Pub. L. 96-221, 49 Stat. 142 (12 U.S.C. 3501 et seq).

§ 1201.1 Basis and scope.

This Part is issued by the Depository Institutions Deregulation Committee ("Committee") pursuant to the requirements of section 552 of Title 5 of the United States Code that each agency shall publish in the Federal Register a description of its organizational structure and the means and rules by which it takes action.

§ 1201.2 Composition and functions of the committee.

(a) Composition of Committee—The Committee consists of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and the Chairman of the National Credit Union Administration Board, who are voting members, and the Comptroller of the Currency, who is a nonvoting member. A voting member of the Committee shall be elected Chairman to serve for a term of one year. The Chairman of the Committee shall preside at Committee meetings. A voting member of the Committee shall be elected Vice Chairman to serve for a term of one year. The Vice Chairman of the Committee shall preside at Committee meetings in the absence of the Chairman.

(b) Functions of the Committee—Pursuant to the provisions of Title II of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221), the Committee is authorized to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations and mutual savings banks.

§ 1201.3 Offices.

The principal offices of the Committee are in the Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. The Committee's regular business hours are from 8:45 a.m. to 5:15 p.m. Monday through Friday; but such business hours may be changed from time to time.

§ 1201.4 Meetings and actions of the Committee.

(a) Place and Frequency—The Committee meets, whenever called by the Chairman or by three or more members of the Committee, at such times and at such places as the Chairman or members deem necessary in order to consider matters requiring action by the Committee. The Committee shall hold at least one public meeting in each calendar quarter.

(b) Quorum and Voting—Three voting members of the Committee constitute a quorum for the transaction of business. All decisions and determinations by the Committee shall be made by a majority vote of the voting members. Votes on all decisions and determinations of the Committee shall be recorded in the minutes. Upon the request of any Committee member a vote shall be recorded according to individual Committee members.

(c) Agenda of Meetings—To the extent practicable, an agenda for each meeting shall be distributed to members of the Committee at least seven days in advance of the date of the meeting.

together with copies of material relevant to the agenda items.

(d) Minutes—The Executive Secretary shall keep minutes of each Committee meeting, a draft of which is to be distributed to each member of the Committee as soon as practicable after each meeting. To the extent practicable, the minutes of a Committee meeting shall be corrected and approved at the next meeting of the Committee.

(e) Use of Conference Call Communications Equipment—Any member may participate in a meeting of the Committee through the use of conference call telephone or similar communications equipment by means of which all persons participating in the meeting can simultaneously speak to and hear each other. Actions taken by the Committee at meetings conducted through the use of such equipment, including the votes of each member, shall be recorded in the usual manner in the minutes of the meetings.

(f) Transaction of Business by Circulation of Written Items—When in the judgment of the Chairman circumstances occur making it necessary for the Committee to consider action when it is not feasible to call a meeting, the relevant information and recommendations for action may be transmitted to the members by the Executive Secretary of the Committee and the voting members may communicate their votes to the Executive Secretary of the Committee in writing. Any action taken under this paragraph has the same effect as an action taken at a meeting. Any such action shall be recorded in the minutes. Any voting member of the Committee may require that a matter be placed on the agenda of a Committee meeting.

§ 1201.5 Staff.

(a) Policy Director—The Policy Director of the Committee is appointed by the Chairman of the Committee and provides general staff direction and coordination of policy and other substantive matters coming before the Committee, and performs such other duties as the Committee may require.

(b) Executive Secretary—The Executive Secretary of the Committee prepares agenda for Committee meetings, sends notice of all meetings, prepares minutes of all meetings, maintains a complete record of all votes and actions taken by the Committee, has custody of all records of the Committee, clears and conducts official correspondence of the Committee and performs such other duties as the Committee may require.

(c) General Counsel—The General Counsel of the Committee provides legal advice relating to the responsibilities of the Committee and on such other matters as the Committee may require and issues certifications required by the Government in the Sunshine Act (5 U.S.C. 552b). On legal matters other than the foregoing, legal staff effort will be coordinated through the Policy Director in consultation with the Chairman of the Committee.

(d) Others—The Committee may appoint such other officers and employees as the Committee may deem necessary to the discharge of its responsibilities. At the request of the Committee, members of the staffs of the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the National Credit Union Administration Board and the Comptroller of the Currency shall perform such services as may be appropriate in assisting the Committee in the discharge of its responsibilities.

§ 1201.6 Procedure for regulations.

(a) Notice—Notices of proposed regulations of the Committee or amendments thereto are published in the **Federal Register**, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notices include a statement of the terms of the proposed regulations or amendments and a description of the subjects and issues involved; but the giving of such notices does not necessarily indicate the Committee's final approval of any feature of any such proposal. The notices also include a reference to the authority for the proposed regulations or amendments and a statement of the time, place, and nature of public participation.

(b) Public Participation—The usual method of public participation in the rulemaking process is through the written submission of data, views, or arguments. They should be sent to the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Such material will be made available for inspection and copying upon request, except as provided in Part 1202 of this chapter regarding availability of information.

(c) Any interested person may petition the Committee for the issuance, amendment, or repeal of any rule by submitting such petition in writing together with a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted. Such petition should be submitted to the Executive Secretary of the Committee.

(d) Effective Dates—Any substantive regulation or amendment thereto issued by the Committee is published not less than 30 days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) Exceptions as to Notice or Effective Date—Whenever the Committee finds that notice of, and public participation in, rulemaking is impracticable, unnecessary, or contrary to the public interest, or there is good cause why the effective date of any rule should not be deferred for 30 days, the provisions of §§ 1201.6(a), 1201.6(b) and 1201.6(d) shall not apply; and any such rule when published shall incorporate the finding and a brief statement of the reasons therefore.

§ 1201.7 Amendments.

Except as otherwise provided by law, any of these rules may be altered, amended, or repealed, or new rules may be adopted at any meeting of the Committee by a majority vote of the voting members of the Committee.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-14721 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 1203

[Docket No. D-0003]

Rules Regarding Public Observation of Meetings

AGENCY: Depository Institutions Deregulation Committee ("Committee").

ACTION: Final rule and request for comments.

SUMMARY: In accordance with the Government in the Sunshine Act (the "Act"), 5 U.S.C. 552b, the Committee has adopted regulations as required by subsection (g) of the Act. The purpose of these regulations is to provide for the procedures under which the open meeting requirements of subsections (b) through (f) of the Act will be met.

EFFECTIVE DATE: May 6, 1980. Although the Committee has adopted the regulations as final, public comment is requested for 30 days. Comments must be received by June 6, 1980.

ADDRESSES: All comments should be submitted in writing to Normand R. V. Bernard, Executive Secretary, Depository Institutions Deregulation Committee, Federal Reserve Building, 20th Street and Constitution Avenue,

N.W., Washington, D.C. 20551. All material submitted should include the Docket Number D–0003.

FOR FURTHER INFORMATION CONTACT: Anthony F. Cole, Senior Attorney (202/452–3612) or Daniel Rhoads, Attorney (202/452–3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The objective of the Act is to provide the public with the fullest practicable information regarding the decision making processes of defined agencies while at the same time protecting the rights of individuals and the ability of the Government to carry out its responsibilities. Under the Act and these regulations, members of the Committee may not jointly conduct or dispose of official agency business other than in accordance with the procedures specified in this Part. Generally such procedures require that every portion of every Committee meeting be open to public observation, except when a meeting or a portion of a meeting is closed because it relates to a matter exempt from such public observation under subsection (c) of the Act.

The Committee has determined that it qualifies for the use of expedited procedures for closing meetings under subsection (d)(4) of the Act because a majority of its meetings may properly be closed pursuant to paragraphs (4), (8), (9)(A) or (10) of subsection (c) of the Act or any combination thereof. As a result of this finding, the regulations provide for the closing of meetings under expedited procedures (section 1203.7) as well as for the closing of meetings under regular procedures (section 1203.8).

The regulations also provide for the public announcement of meetings open to public observation and meetings to be partially or completely closed under regular procedures (section 1203.6), changes with respect to publicly announced meetings (section 1203.9), and certification by the General Counsel with respect to closed meetings (section 1203.10). In addition, rules are set forth for the maintenance of transcripts, recordings, and minutes (section 1203.11), for inspection and copying of such transcripts and minutes (section 1203.12) and for fees related thereto (section 1203.13).

The provisions of 5 U.S.C. 553 relating to notice and public participation and to deferred effective date are not followed in connection with the adoption of this Part because the rules involved are procedural in nature. Pursuant to its authority under 5 U.S.C. § 552b, the Committee, effective May 6, 1980, adopts this Part (12 CFR Part 1203) as follows:

PART 1203—RULES REGARDING PUBLIC OBSERVATION OF MEETINGS

Sec.

Authority: 5 U.S.C. 552b.

§ 1203.1 Basis and scope.

This Part is issued by the Depository Institutions Deregulation Committee ("Committee") under section 552b of Title 5 of the United States Code, the Government in the Sunshine Act (the "Act"), to carry out the policy of the Act that the public is entitled to the fullest practicable information regarding the decision making processes of the Committee while at the same time preserving the rights of individuals and the ability of the Committee to carry out its responsibilities.

§ 1203.2 Definitions.

For the purposes of this Part, the following definitions shall apply:

(a) The term "agency" means the Depository Institutions Deregulation Committee.

(b) The term "meeting" means the deliberations (including those conducted by conference telephone call) of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in joint conduct or disposition of official agency business, but does not include (1) deliberations to determine whether a meeting or a portion of a meeting will be open or closed to public observation and whether information regarding closed meetings will be withheld from public disclosure; (2) deliberations to determine whether or when to schedule a meeting; or (3) the conduct or disposition of official agency business by circulating written material to individual members.

(c) The term "number of individual agency members required to take action on behalf of the agency" means in the case of the Committee, a majority of its voting members.

(d) The term "voting member" means the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and the Chairman of the National Credit Union Administration Board.

(e) The term "public observation" means that the public shall have the right to listen and observe but not to record any of the meetings by means of cameras or electronic or other recording devices unless approval in advance is obtained from the Executive Secretary of the Committee.

§ 1203.3 Conduct of agency business.

Members shall not jointly conduct or dispose of official agency business other than in accordance with this Part.

§ 1203.4 Meetings open to public observation.

(a) Except as provided in section 1203.5 of this Part, every portion of every meeting of the agency shall be open to public observation.

(b) Copies of staff documents considered in connection with agency discussion of agenda items for a meeting that is open to public observation shall be made available for distribution to members of the public attending the meeting, in accordance with the provisions of Part 1202 of this chapter.

(c) The agency will maintain a complete electronic recording adequate to record fully the proceedings of each meeting or portion of a meeting open to public observation. Cassettes will be available for listening in the office of the Executive Secretary of the Committee, and copies may be ordered for $5 per cassette by telephoning or by writing the office of the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

(d) The agency will maintain mailing lists of names and addresses of all persons who wish to receive copies of agency announcements of meetings open to public observation. Requests for announcements may be made by telephoning or by writing the office of the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

§ 1203.5 Exemptions.

(a) Except in a case where the agency finds that the public interest requires

otherwise, the agency may close a meeting or a portion or portions of a meeting under the procedures specified in sections 1203.7 or 1203.8 of this Part, and withhold information under the provisions of § 1203.6, 1203.7, 1203.8 or 1203.11 of this Part, where the agency properly determines that such meeting or portion or portions of its meeting or the disclosure of such information is likely to:

(1) Disclose matters that are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy, and (B) in fact properly classified pursuant to such Executive Order;

(2) Relate solely to internal personnel rules and practices;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of Title 5 of the United States Code), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records (but only to the extent provided in the Government in the Sunshine Act (5 U.S.C. 552b(c)(7));

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would—

(i) Be likely to (A) lead to significant speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or

(ii) Be likely to significantly frustrate implementation of a proposed action, except that paragraph (a)(9)(ii) of this section shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or

(10) Specifically concern the issuance of a subpoena, participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition of a particular case of formal agency adjudication pursuant to the procedures in section 554 of Title 5 of the United States Code or otherwise involving a determination on the record after opportunity for a hearing.

§ 1203.6 Public announcements of meetings.

(a) Except as otherwise provided by the Act, public announcement of meetings open to public observation and meetings to be partially or completely closed to public observation pursuant to section 1203.8 of this Part will be made at least one week in advance of the meeting. Except to the extent such information is determined to be exempt from disclosure under § 1203.5 of this Part, each such public announcement will state the time, place and subject matter of the meeting, whether it is to be open or closed to the public and the name and phone number of the official designated to respond to requests for information about the meeting.

(b) If a majority of the voting members of the agency determines by a recorded vote that agency business requires that a meeting covered by paragraph (a) of this section be called at a date earlier than that specified in paragraph (a), the agency will make a public announcement of the information specified in paragraph (a) at the earliest practicable time.

(c) Changes in the subject matter of a publicly announced meeting, or in the determination to open or close a publicly announced meeting or any portion of a publicly announced meeting to public observation, or in the time or place of a publicly announced meeting made in accordance with the procedures specified in § 1203.9 of this Part will be publicly announced at the earliest practicable time.

(d) Public announcements required by this section will be posted at the office of the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 and may be made available by other means or at other locations as may be desirable.

(e) Immediately following each public announcement required by this section, notice of the time, place and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding announcements, and the name and telephone number of the Executive Secretary or other official designated by the Committee to respond to requests about the meeting, shall also be submitted for publication in the **Federal Register.**

§ 1203.7 Meetings closed to public observation under expedited procedures.

(a) The Committee has concluded that a majority of its meetings would be properly closed to the public pursuant to paragraphs (4), (8), (9)(A), or (10) of subsection (C) of the Act and, therefore, the Committee qualifies for the use of expedited procedures under subsection (d)(4) of the Act. Accordingly, meetings or portions thereof exempt under paragraphs (4), (8), (9)(i) or (10) of § 1203.5 of this Part, will be closed to public observation under the expedited procedures of section (d)(4) of the Act. An example of the type of item that, absent compelling contrary circumstances, will qualify for expedited procedures is changes in the rates of interest that federally insured banks, savings and loan associations and mutual savings banks pay on deposits.

(b) At the beginning of each meeting, a portion or portions of which is closed to public observation under expedited procedures pursuant to this section, a recorded vote of the members present will be taken to determine whether a majority of the voting members of the agency votes to close such meeting or portions of such meeting to public observation.

(c) A copy of the vote, reflecting the vote of each member, and except to the extent such information is determined to be exempt from disclosure under section 1203.5 of this Part, a public announcement of the time, place, and subject matter of the meeting or each closed portion thereof, will be made available at the earliest practicable time at the office of the Executive Secretary of the Committee.

§ 1203.8 Meetings closed to public observation under regular procedures.

(a) A meeting or a portion of a meeting will be closed to public observation, or information as to such meeting or portion of a meeting will be withheld, only by recorded vote of a majority of the voting members of the agency when it is determined that the meeting or the portion of the meeting or the withholding of information qualifies for exemption under section 1203.5 of this Part. A separate vote of the voting members of the agency will be taken with respect to each meeting which is proposed to be closed in whole or in part to the public. A single vote may be taken with respect to a series of meetings which are proposed to be

closed in whole or in part to the public, or with respect to which information is proposed to be withheld, so long as each meeting in the series involves the same particular matters and is scheduled to be held no more than 30 days after the initial meeting in the series. The vote of each voting member of the agency will be recorded and no proxies will be allowed.

(b) Whenever any person's interests may be directly affected by a portion of a meeting for any of the reasons referred to in exemptions (5), (6) or (7) of § 1203.5 of this Part, such person may request in writing to the Executive Secretary of the Committee that such portion of the meeting be closed to public observation. The Executive Secretary will transmit the request to the members and upon the request of any one of them a recorded vote will be taken whether to close such meeting to public observation.

(c) Within one day of any vote taken pursuant to subparagraphs (a) and (b) of this section, the agency will make publicly available at the office of the Executive Secretary a written copy of such vote reflecting the vote of each voting member on the question. If a meeting or a portion of a meeting is to be closed to public observation, the agency, within one day of the vote taken pursuant to subparagraphs (a) and (b) of this section, will make publicly available at the office of the Executive Secretary a full, written explanation of its action closing the meeting or portion of the meeting together with a list of all persons expected to attend the meeting and their affiliation, except to the extent such information is determined by the agency to be exempt from disclosure under subsection (c) of the Act and section 1203.5 of this Part.

(d) Any person my request in writing to the Executive Secretary of the Committee that an announced closed meeting, or portion of the meeting, be held open to public observation. The Executive Secretary will transmit the request to the members of the Committee and upon the request of any member a recorded vote will be taken whether to open such meeting to public observation.

§ 1203.9 Changes with respect to publicly announced meeting.

The subject matter of a meeting or the determination to open or close a meeting or a portion of a meeting to public observation may be changed following public announcement under § 1203.6 only if a majority of the voting members of the agency determines by a recorded vote that agency business so requires and that no earlier announcment of the change was possible. Public announcement of such change and the vote of each member upon such change will be made pursuant to section 1203.6(c) of this Part. Changes in time, including postponements and cancellations of a publicly announced meeting or changes in the place of a publicly announced meeting will be publicly announced pursuant to section 1203.6(c) of this Part by the Executive Secretary of the Committee.

§ 1203.10 Certification of the General Counsel.

Before every meeting or portion of a meeting closed to public observation under §§ 1203.7 or 1203.8 of this Part, the General Counsel shall publicly certify whether or not in his or her opinion the meeting may be closed to public observation and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting and the persons present, will be retained for the time prescribed in section 1203.11(d) of this Part.

§ 1203.11 Transcripts, recordings, and minutes.

(a) The agency will maintain a complete transcript or electronic recording or transcription thereof adequate to record fully the proceedings of each meeting or portion of a meeting closed to public observation pursuant to exemptions (1), (2), (3), (4), (5), (6), (7) or (9), (ii) of § 1203.5 of this Part. Transcriptions of recordings will disclose the identity of each speaker.

(b) The agency will maintain either such a transcript, recording or transcription thereof, or a set of minutes that will fully and clearly describe all matters discussed and provide a full and accurate summary of any actions taken and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each voting member on the question), for meetings or portions of meetings closed to public observation pursuant to exemptions (8), (9)(i) or (10) of § 1203.5 of this Part. The minutes will identify all documents considered in connection with any action taken.

(c) Transcripts, recordings or transcriptions thereof, or minutes will promptly be made available to the public in the office of the Executive Secretary of the Committee except for such item or items of such discussion or testimony as may be determined to contain information that may be withheld under subsection (c) of the Act and § 1203.5 of this Part.

(d) A complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording or verbatim copy of the transcription thereof of each meeting or portion of a meeting closed to public observation will be maintained for a period of at least two years or one year after the conclusion of any agency proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

§ 1203.12 Procedures for inspection and obtaining copies of transcriptions and minutes.

(a) Any person may inspect or copy a transcript, a recording or transcription of a recording, or minutes described in § 1203.11(c) of this Part.

(b) Requests for copies of transcripts, recordings or transcriptions of recordings, or minutes described in § 1203.11(c) of this Part shall specify the meeting or the portion of the meeting desired and shall be submitted in writing to the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Copies of documents identified in minutes may be made available to the public upon request under the provisions of Part 1202 of this Chapter (Rules Regarding Availability of Information).

§ 1203.13 Fees.

(a) Copies of transcripts, recordings and transcriptions of recordings, or minutes requested pursuant to § 1203.12(b) of this Part will be provided at a cost of 10¢ per standard page for photocopying or at a cost not to exceed the actual cost of printing, typing, or otherwise preparing such copies.

(b) Documents may be furnished without charge where total charges are less than $2.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-14869 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 1204

[Docket No. D-0005]

Interest on Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has adopted a final rule concerning the treatment of interest earned on time deposit funds for purposes of the early

withdrawal penalty. The rule applies to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act and section 5B(a) of the Federal Home Loan Bank Act. Under previously adopted rules of the Board of Governors of the Federal Reserve System ("Federal Reserve"), the Federal Deposit Insurance Corporation ("FDIC"), and the Federal Home Loan Bank Board ("FHLBB"), such institutions may permit a depositor to withdraw interest earned on a time certificate of deposit or account at any time before maturity without imposition of an early withdrawal penalty. In addition, however, the FHLBB procedures provides that if the time certificate of deposit or account is automatically renewed on the same terms and conditions, an institution may pay the interest earned during the preceding term as well as during the renewal term without imposition of an early withdrawal penalty. The rule adopted by the Committee conforms the previously adopted rules of the Federal Reserve and the FDIC to that of the FHLBB.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Anthony F. Cole, Senior Attorney, Federal Reserve (202/452–3612), F. Douglas Birdzell, Senior Attorney, FDIC (202/389–4324), P. Allan Schott, Attorney, Treasury Department (202/566–6798), John Hall, Attorney, FHLBB (202/377–6466), or Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447–1633).

SUPPLEMENTARY INFORMATION: Under the rules and regulations of the Federal Reserve and the FDIC, federally insured commercial banks and mutual savings banks are permitted to pay the interest earned on a time deposit at any time during the initial term of the deposit, irrespective of the method used to compound or credit (post) interest to the depositor's account. However, where a time deposit is renewed upon maturity, the interest earned to the date of renewal, unless withdrawn, is regarded as principal and is thereafter subject to early withdrawal restrictions, including the interest forfeiture penalty imposed upon the premature withdrawal of time deposit funds, specified in 12 CFR 217.4 and 329.4. Under FHLBB procedures there is a similar provision that interest earned on a certificate account may be paid at any time without penalty. The FHLBB's procedures, however, also provide that where a certificate account is automatically renewed on the same terms and conditions (including at the same rate of interest), the interest earned during the first maturity period does not merge with the principal, unless the deposit contract specifies otherwise. Consequently, where a certificate account is automatically renewed on the same terms and conditions, a savings and loan association subject to the jurisdiction of the FHLBB may pay the interest earned during the preceding term as well as during the renewal term without imposition of the early withdrawal penalty specified in 12 CFR 526.7(a).

The Committee believes that in the interests of competitive equality, the rules regarding penalty-free withdrawal of interest should be uniform for all depository institutions. In this regard, the Committee has determined to adopt the current position of the FHLBB. In view of the fact that depositors at commercial banks are being disadvantaged by the current rules and in view of the need to facilitate the equitable administration of currently prescribed deposit interest rate regulations as soon as possible, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest and that good cause exists for making this action effective immediately.

Pursuant to its authority under section 203(a) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96–221), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations and mutual savings banks, effective May 6, 1980, the Committee amends 12 CFR Chapter XII by adding Part 1204, Interest on Deposit containing § 1204.101 to read as follows:

PART 1204—INTERNET ON DEPOSITS

§ 1204.101 Withdrawal of interest.

A depository institution subject to the authorities conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), or section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)) may permit a depositor to withdraw interest credited to a time certificate of deposit or account during any term at any time during such term without penalty. If the deposit or account is renewed automatically on the same terms (including at the same rate of interest), interest during the preceding term or terms as well as the renewal term may be paid at any time during the renewal term without penalty, unless the deposit agreement specifically provides otherwise. If that rate of interest paid during the renewal term or the maturity period of the renewal term is different, interest in the account at the commencement of the renewal term shall be treated as principal and only interest for the renewal term may be paid at any time without penalty during such term.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80–14842 Filed 5–13–80; 8:45 am]

BILLING CODE 6210–01–M

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12 CFR Part 1204

[Docket No. D–0006]

Interest on Deposits

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has adopted a final rule concerning the payment of interest on time certificates of deposit. The rule applied to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act, and section 5B(a) of the Federal Home Loan Bank Act. The rule permits such institutions to continue to pay interest on time deposits funds at the originally agreed upon contract rate for up to seven days after a maturity date.

EFFECTIVE DATE: May 6, 1980.

FOR FURTHER INFORMATION CONTACT: Anthony F. Cole, Senior Attorney, Federal Reserve (202/452–3612), F. Douglas Birdzell, Senior Attorney, FDIC (202/389–4324), P. Allan Schott, Attorney, Treasury Department (202/566–6798), John Hall, Attorney, FHLBB (202/377–6466), or Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447–1633).

SUPPLEMENTARY INFORMATION: Under procedures previously adopted by the Federal Home Loan Bank Board ("FHLBB"), a savings and loan association whose accounts are insured by the FSLIC may provide in its time deposit contracts that interest will be paid on funds withdrawn not more than ten days after a maturity date. If such a ten-day "grace" period is included, interest must be paid on funds withdrawn during the ten-day period at the originally specified contract rate or any other lower rate specified in the

contract. However, in no event may the association specify a rate less than the current rate paid on regular savings accounts. With respect to 26-week money market certificates, a seven-day, rather than a ten-day period, may be included in the deposit contract. The "grace" period applies only to certificate accounts that are automatically renewable, and inclusion of such a period in the deposit contract is at the option of the association. No similar provision is contained in the rules of the Board of Governors of the Federal Reserve System ("Federal Reserve") and the Federal Deposit Insurance Corporation ("FDIC"). Under current Federal Reserve and FDIC regulations, a withdrawal of funds from a time deposit within seven to ten days of a renewal is regarded as an early withdrawal subject to the early withdrawal penalty, and the depositor forfeits all interest earned on the funds during that seven to ten day period.

The Committee believes that this discrepancy between the regulatory restrictions applicable to banks and savings and loan associations disadvantages depositors at banks. In this regard, the Committee has determined to adopt a uniform rule for all depository institutions. The rule provides that all depository institutions may provide in their time deposit contracts for the payment of interest on funds withdrawn not more than seven days after a maturity date. If a depository institution includes such a provision in its time deposit contract, the institution must pay interest on the funds withdrawn during the seven-day period at the originally specified contract rate. An institution may specify in the time deposit contract that interest will be paid at any other lower rate. However, in no event may the rate specified be less than the current rate paid on regular savings accounts by the institution. The rule applies to single maturity time deposits as well as to time deposits that are automatically renewable.

In view of the fact that depositors at commercial banks are being disadvantaged by the current rules and in view of the need to facilitate the equitable administration of currently prescribed interest rate regulations as soon as possible, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. section 553 to this action would be contrary to the public interest and that good cause exists for making this action effective immediately.

Pursuant to authority under section 203(a) of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Public Law 96–221), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations and mutual savings banks, effective May 6, 1980, the Committee adopts a final rule as follows:

PART 1204—INTEREST ON DEPOSITS

Part 1204 is amended by adding § 1204.102 to read as follows:

§ 1204.102 Payment of Interest on Time Deposits.

A depository institution subject to the authorities conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. 371b), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)), or section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b(a)), may provide in any time deposit contract that if the deposit or any portion thereof is withdrawn not more than seven days after a maturity date, interest will be paid thereon at the originally specified contract rate. An institution may specify in the time deposit contract that interest will be paid at any other lower rate. However, in no event may the rate specified be less than the current rate paid on regular savings accounts by the institution.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-14719 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3016]

Kettle Moraine Electric, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Kewaskum, Wis. manufacturer, distributor and installer of cellulose insulation to cease disseminating advertising or promotional material containing false or unsubstantiated representations concerning the performance characteristics of its products. The order further requires that scientific tests be conducted on insulation previously manufactured by the company and already installed to identify buildings that might contain inadequate fire resistant insulation. Owners of those buildings must be notified of the potential fire hazards, and substandard material timely replaced by insulation that meets government specifications. Should such replacement be declined, the firm must install a smoke detector system acceptable to the consumer.

DATES: Complaint and order issued April 16, 1980.*

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, 3R, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353–4423.

SUPPLEMENTARY INFORMATION: On Friday, February 8, 1980, there was published in the **Federal Register**, 45 FR 8663, a proposed consent agreement with analysis in the Matter of Kettle Moraine Electric, Inc., a corporation, and Alois J. Beisbier, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.130 Manufacture or preparation; § 13.170 Qualities or properties of product or service; § 13.195 Safety; § 13.195–60 Product; § 13.205 Scientific or other relevant facts; § 13.245 Specifications or standards conformance. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–35 Employment of independent agencies; § 13.533–37 Formal regulatory and/or statutory requirements. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1680 Manufacture or preparation; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory

* Copies of the Complaint and the Decision and Order filed with the original document.

and statutory requirements; § 13.1863 Limitations of product; § 13.1865 Manufacture or preparation; § 13.1875 Non-standard character; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1895 Scientific or other relevant facts.

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

Carol M. Thomas,

Secretary.

[FR Doc. 80-14807 Filed 5-13-80; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

Designation of a Futures Commission Merchant To Be the Agent of Foreign Brokers and Foreign Traders; Corrections

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule, correction.

SUMMARY: On May 8, 1980 (45 FR 30426) the Commodity Futures Trading Commission published a document that added a new § 15.05 to its regulations. Under § 15.05, a futures commission merchant ("FCM") is designated as the agent of foreign brokers and foreign traders which have futures contract accounts with the FCM for purposes of accepting delivery and service of communications issued to them by the Commission. The corrections listed below should be made to that final rule document.

FOR FURTHER INFORMATION CONTACT: Maureen A. Donley or Mark D. Young, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION:

In FR Doc. 80-14260 appearing at page 30426 in the **Federal Register** of Thursday, May 8, 1980, the following changes should be made:

1. On page 30427, in the third column, the first full paragraph, in the last sentence of that paragraph, the word "of" should be added between the words "service" and "only;" in the second full paragraph, the first sentence, the fifth line, the word "it" should be inserted in lieu of the word "in."

2. On page 30429, in new § 15.00(a)(2), the last line, the word "possessions" should be inserted in lieu of "posessions;" in new § 15.05(a), the last line, the word "or" should be inserted in lieu of the word "of."

3. On page 30430, in new § 15.05(b), in the second sentence of the Section, the last line of the sentence and the eighth line on the page, the word "merchant" should be inserted in lieu of the word "merchants;" and in new § 15.05(d), the second line of the last sentence, the word "agreement" should be inserted in lieu of the word "agreements."

Dated: May 9, 1980.

Jane K. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

[FR Doc. 80-14871 Filed 5-13-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF STATE

Office of the Secretary

22 CFR Part 143

[Departmental Regulation 108.790]

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

AGENCY: Department of State (Office of Equal Employment Opportunity).

ACTION: Final rule.

SUMMARY: The three named foreign affairs agencies (the Department of State (State), United States International Communication Agency (USICA), and Agency for International Development (AID) are issuing uniform regulations to carry out their individual responsibilities under the Age Discrimination Act of 1975, and the general, government-wide regulations (44 FR 33768, June 12, 1979). For USICA, the regulation will be codified in 22 CFR Chapter V; for AID, they will be codified in 22 CFR Chapter II in separate documents.

EFFECTIVE DATE: April 22, 1980.

ADDRESS: K. E. Malmborg, Assistant Legal Adviser for Management, Room 4427A, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, (202) 632-2350.

SUPPLEMENTARY INFORMATION: The Department has amended the proposed rule by changing the section numbers in Subparts C and D of Part 143 and adding a reference to the Foreign Service Act in Appendix A, List of Affected Programs.

The notice of proposed rulemaking was published in the **Federal Register** on January 8, 1980 (45 FR 1638) inviting interested persons to submit comments concerning the proposed regulation by March 10, 1980. Since no comments were received, the proposed regulation, as amended, is adopted.

For the Secretary of State:

Dated: April 22, 1980.

John Burroughs,

Deputy Assistant Secretary for Equal Employment Opportunity.

For the Director of the United States International Communication Agency:

Dated: April 28, 1980.

Wilbert C. Petty,

Director of Equal Employment Opportunity.

Dated: April 25, 1980.

Norman L. Holmes,

General Counsel, Agency for International Development.

PART 143—NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 5101 *et seq.;* 45 CFR 90; 22 U.S.C. 2658.

Subpart A—General

§ 143.1 What is the purpose of the age discrimination regulations?

The purpose of these regulations is to set out the policies and procedures for the three foreign affairs agencies (State, USICA and AID) under the Age Discrimination Act of 1975 and the government-wide age discrimination regulations at 45 CFR Part 90 (published at 44 FR 33768, June 12, 1979). The Act and the government-wide regulations

prohibit discrimination on the basis of age in programs or activities in the United States receiving federal financial assistance. The Act and the government-wide regulations permit federally assisted programs and activities, and recipients of federal funds, to continue to use age distinctions and factors other than age which meet the requirements of the Act and the government-wide regulations.

§ 143.2 To what programs do these regulations apply?

These regulations apply to each foreign affairs agency recipient and to each program or activity in the United States operated by the recipient which receives or benefits from federal financial assistance provided by any of these agencies.

§ 143.3 Definitions.

(a) The following terms used in this part are defined in the government-wide regulations (45 CFR 90.4, 44 FR 33768):

Act
Action
Age
Age distinction
Age-related term
Federal financial assistance
Recipient (including subrecipients)
United States

(b) As used in this Part,

(1) "agency" means the Department of State, the U.S. International Communication Agency, and the Agency for International Development.

(2) "Secretary" means the Secretary of State, the Director of the U.S. International Communication Agency, and the Administrator of the Agency for International Development, or the designee of such officer.

(3) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on federal financial assistance. A subrecipient is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations.

Subpart B—Standards for Determining Age Discrimination

§ 143.11 Standards.

The standards each agency uses to determine whether an age distinction or age-related term is prohibited are set out in Part 90 (primarily Subpart B) of 45 CFR.

Subpart C—Duties of Agency Recipients

§ 143.21 General responsibilities.

Each agency recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act, the government-wide regulations, and these regulations.

§ 143.22 Notice to subrecipients.

Where a recipient passes on federal financial assistance from an agency to subrecipients, the recipient shall provide the subrecipients written notice to their obligations under these regulations.

§ 143.23 Self-evaluation.

(a) Each recipient employing the equivalent of 15 or more full-time employees shall complete a one-time written self-evaluation of its compliance under the Act within 18 months of the effective date of these regulations.

(b) In its self-evaluation each recipient shall identify each age distinction it uses and justify each age distinction it imposes on the program or activity receiving federal financial assistance from an agency.

(c) Each recipient shall take corrective action whenever a self-evaluation indicates a violation of these regulations.

(d) Each recipient shall make the self-evaluation available on request to the agency and to the public for a period of three years following its completion.

§ 143.24 Information requirements.

Each recipient shall:

(a) Make available upon request to the agency information necessary to determine whether the recipient is complying with the regulations.

(b) Permit reasonable access by the agency to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether a recipient is in compliance with these regulations.

Subpart D—Investigation, Conciliation, and Enforcement Procedures

§ 143.31 Compliance reviews.

(a) The agency may conduct compliance reviews and pre-award reviews of recipients that will permit it to investigate and correct violations of these regulations. The agency may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or pre-award review indicates a violation of this part, the agency will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, the agency will arrange for enforcement as described in § 143.36.

§ 143.32 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with an agency, alleging discrimination prohibited by these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, the agency may extend this time limit.

(b) The agency will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regarding the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights under the complaint procedure, including the right to have a representative at all stages of the complaint process.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact the agency for information and assistance regarding the complaint resolution process.

(c) The agency will return to the complainant any complaint outside the jurisdiction of these regulations and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 143.33 Mediation.

(a) *Referral of complaints for mediation.* The agency will refer to the Federal Mediation and Conciliation Service all complaints that:

(1) Fall within the jurisdiction of these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator, before the agency will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the

mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the agency. The agency shall take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The agency will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) Sixty days elapse from the time the agency receives the complaint; *or*

(2) Prior to the end of that 60-day period, an agreement is reached; *or*

(3) Prior to the end of that 60-day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to the agency.

§ 143.34 Investigation.

(a) *Informal investigation.* (1) The agency will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, the agency will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable. The agency may seek the assistance of any involved State program agency.

(3) The agency will put any agreement in writing and have it signed by the parties and an authorized official of the agency.

(4) The settlement shall not affect the operation of any other enforcement efforts of the agency, including compliance reviews and other individual complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If the agency cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, the agency will attempt to obtain voluntary compliance. If the agency cannot obtain voluntary compliance, it will begin enforcement as described in § 143.36.

§ 143.35 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the agency's investigation, conciliation, and enforcement process.

§ 143.36 Compliance procedure.

(a) An agency may enforce the Act and these regulations through:

(1) Termination of a recipient's federal financial assistance from the agency under the program or activity involved where the recipient has violated the Act and these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation or prior to a hearing, will not involve termination of a recipient's federal financial assistance from the agency.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations by the Act and these regulations.

(ii) Use of any requirement of or referral to any federal, state, or local government agency which will have the effect of correcting a violation of the Act or these regulations.

(b) The agency will limit any termination under § 143.36(a)(1) to the particular recipient and particular program or activity the agency finds in violation of these regulations. The agency will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive federal financial assistance from the agency.

(c) The agency will take no action under paragraph (a) of this section until:

(1) The agency head has advised the recipient of its failure to comply with these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have lapsed after the agency head has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdication over the federal program or activity involved. The agency head shall file a report whenever any action is taken under paragraph (a) of this section.

(d) The agency head also may defer granting new federal financial assistance from the agency to a recipient when a hearing under § 143.36(a)(1) is initiated.

(1) New federal financial assistance from the agency includes all assistance for which the agency requires an application or approval, including renewal or continuation of existing activities, or authorization of the new activities, during the deferral period. New federal financial assistance from the agency does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 143.36(a)(1).

(2) The agency will not begin a deferral until the recipient has received a notice of opportunity for a hearing under § 143.36(a)(1). The agency will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the agency head. The agency will not continue a deferral for more than 30 days after the close of a hearing unless the hearing results in a finding against the recipient.

§ 143.37 Hearings, decisions, post-termination proceedings.

Certain procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to enforcement of this part. They are 22 CFR 141.8 through 141.10.

§ 143.38 Remedial action by recipient.

Where the agency head finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the agency head may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the agency head may require both recipients to take remedial action.

§ 143.39 Alternate funds disbursal procedure.

(a) When an agency withholds funds from a recipient under these regulations,

the agency head may disburse the withheld funds directly to an alternate recipient, any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The agency head will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

Appendix A—List of Affected Programs

Programs of Financial Assistance Administered by the Department of State Subject to Age Discrimination Regulations

Resettlement of Refugees in the United States Under the Migration and Refugee Assistant Act of 1962, as amended (22 U.S.C. 2601 et seq.).

Diplomat in Residence Program of the Foreign Service Institute Under Title VII of the Foreign Service Act of 1946, as amended (22 U.S.C. 1041 et seq.).

Assignments under section 576 of the Foreign Service Act of 1946, as amended (22 U.S.C. 966)

Appendix B—List of Affected Programs

Programs of Financial Assistance Administered by the United States International Communication Agency Subject to Age Discrimination Regulations

Educational and Cultural Exchanges under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 1431–1479).

Appendix C—List of Affected Programs

Program of Financial Assistance Administered by AID Subject to Age Discrimination Regulations

1. Grants to research and educational institutions in the United States to strengthen their capacity to develop and carry out programs concerned with the economic and social development of developing countries (Section 122(d), Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151(d)).

2. Grants to land grant and other qualified agricultural universities and colleges in the United States to develop their capabilities to assist developing countries in agricultural teaching, research and extension services (Section 297, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2220(b)).

3. Grants to private and voluntary agencies, non-profit organizations, educational institutions, and other qualified organizations for programs in the United States to promote the economic and social development of developing countries (Sections 103–106, Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151a–2151d).

[FR Doc. 80-14872 Filed 5-13-80; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 204

[Docket No. R-80-738]

Mutual Mortgage Insurance and Insured Home Improvement Loans and Coinsurance; Change in Notification to HUD of Terminations by Mortgagees and Lenders

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule would reduce the number of days required for HUD-approved mortgagees and lenders to notify the Commissioner of terminations of insurance contracts from 30 to 15 calendar days.

EFFECTIVE DATE: June 13, 1980.

FOR FURTHER INFORMATION CONTACT: T. J. O'Connor, Director, Office of Finance and Accounting, Room 2202, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755–6310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Under previous regulations, mortgagees and lenders were required to notify HUD within 30 days from the occurrence of one of the approved methods of termination.

This amendment will require the mortgagee or lender to notify the Commissioner of terminations within 15 calendar days. This will permit HUD to terminate its insurance-in-force record sooner and notify the mortgagee or lender accordingly. This, in turn, will speed up the return of any escrow being held for taxes or insurance. It will also permit HUD to process any distributive share (for section 203 cases) to the mortgagor sooner.

The Proposed rule was published in the **Federal Register** on December 13, 1979, at 44 FR 72186. Public comment period closed February 11, 1980. The only comment received applauded the regulation as being a step in the right direction.

Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government. Copies of the Findings are available for inspection and copy in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410.

This rule is not listed in the Department's Semiannual Agenda of significant rules, published pursuant to Executive Order 12044.

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Accordingly, Chapter II, 24 CFR, Part 203, is amended as follows:

1. Section 203.318 has been amended to read as follows:

§ 203.318 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

2. Section 203.459 has been amended to read as follows:

§ 203.459 Notice of termination by lender.

No contract of insurance shall be terminated until the lender has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

PART 204—COINSURANCE

3. Section 204.281 has been amended to read as follows:

§ 204.281 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the Mortgagee has given written notice thereof to the Commissioner within 15 calendar days from the occurrence of one of the approved methods of termination set forth in this subpart.

* * * * *

(Sections 203, 204 and 211 of the National Housing Act, 12 U.S.C. 1701, et seq.; Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C. on May 8, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14827 Filed 5-13-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 45

[Order No. 889-80]

Standards of Conduct; Establishment of Procedures Required by 18 U.S.C. 207(j)

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: 18 U.S.C. 207(j) authorizes departments and agencies of the Government to discipline, by means of administrative proceedings, any of their respective former officers or employees who violate 18 U.S.C. 207(a), (b) or (c). This order, prepared in consultation with the Director of the Office of Government Ethics, establishes the procedures to carry out section 207(j) with respect to former officers or employees of the Department of Justice.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Leon Ulman, Deputy Assistant Attorney General, Office of Legal Counsel (202-633-2051).

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, 5 U.S.C. 301, and Title V of the Ethics in Government Act of 1978, 92 Stat. 1824, it is hereby ordered as follows:

Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 45.735-7a:

§ 45.735-7a Disciplinary proceedings under 18 U.S.C. 207(j).

(a) Upon a determination by the Assistant Attorney General in charge of the Criminal Division (Assistant Attorney General), after investigation, that there is reasonable cause to believe that a former officer or employee, including a former special Government employee, of the Department of Justice (former departmental employee) has violated 18 U.S.C. 207 (a), (b) or (c), the Assistant Attorney General shall cause a copy of written charges of the violation(s) to be served upon such individual, either personally or by registered mail. The charges shall be accompanied by a notice to the former departmental employee to show cause within a specified time of not less than 30 days after receipt of the notice why he or she should not be prohibited from engaging in representational activities in relation to matters pending in the Department of Justice, as authorized by 18 U.S.C. 207(j), or subjected to other appropriate disciplinary action under that statute. The notice to show cause shall include:

(1) A statement of allegations, and their basis, sufficiently detailed to enable the former departmental employee to prepare an adequte defense,

(2) Notification of the right to a hearing, and

(3) An explanation of the method by which a hearing may be requested.

(b) If a former departmental employee who submits an answer to the notice to show cause does not request a hearing or if the Assistant Attorney General does not receive an answer within five days after the expiration of the time prescribed by the notice, the Assistant Attorney General shall forward the record, including the report(s) of investigation, to the Attorney General. In the case of a failure to answer, such failure shall constitute a waiver of defense.

(c) Upon receipt of a former departmental employee's request for a hearing, the Assistant Attorney General shall notify him or her of the time and place thereof, giving due regard both to such person's need for an adequate period to prepare a suitable defense and an expeditious resolution of allegations that may be damaging to his or her reputation.

(d) The presiding officer at the hearing and any related proceedings shall be a federal administrative law judge or other federal official with comparable duties. He shall insure that the former departmental employee has, among others, the rights:

(1) To self-representation or representation by counsel,

(2) To introduce and examine witnesses and submit physical evidence,

(3) To confront and cross-examine adverse witnesses,

(4) To present oral argument, and

(5) To a transcript or recording of the proceedings, upon request.

(e) The Assistant Attorney General shall designate one or more officers or employees of the Department of Justice to present the evidence against the former departmental employee and perform other functions incident to the proceedings.

(f) A decision adverse to the former departmental employee must be sustained by substantial evidence that he violated 18 U.S.C. 207 (a), (b) or (c).

(g) The presiding officer shall issue an initial decision based exclusively on the transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, and shall set forth in the decision findings and conclusions, supported by reasons, on the material issues of fact and law presented on the record.

(h) Within 30 days after issuance of the initial decision, either party may appeal to the Attorney General, who in that event shall issue the final decision based on the record of the proceedings or those portions thereof cited by the parties to limit the issues. If the final decision modifies or reverses the initial decision, the Attorney General shall specify the findings of fact and conclusions of law that vary from those of the presiding officer.

(i) If a former departmental employee fails to appeal from an adverse initial decision within the prescribed period of time, the presiding officer shall forward the record of the proceedings to the Attorney General.

(j) In the case of a former departmental employee who filed an answer to the notice to show cause but did not request a hearing, the Attorney General shall make the final decision on the record submitted to him by the Assistant Attorney General pursuant to subsection (b) of this section.

(k) The Attorney General, in a case where:

(1) The defense has been waived,

(2) The former departmental employee has failed to appeal from an adverse initial decision, or

(3) The Attorney General has issued a final decision that the former departmental employee violated 18 U.S.C. 207 (a), (b) or (c),

may issue an order:

(i) prohibiting the former departmental employee from making, on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, the Department of Justice on a pending matter of business for a period not to exceed five years, or

(ii) prescribing other appropriate disciplinary action.

(l) An order issued under either paragraph (i) or (ii) of subsection (k) of this section may be supplemented by a directive to officers and employees of the Department of Justice not to engage in conduct in relation to the former departmental employee that would contravene such order.

Dated: May 1, 1980.

Benjamin R. Civiletti,

Attorney General.

[FR Doc. 80-14819 Filed 5-13-80; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Increase in Pension Rates and Income Limitations

AGENCY: Veterans Administration.

ACTION: Final regulation change.

SUMMARY: The Veterans Administration has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the forthcoming social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage that social security benefits will be increased.

EFFECTIVE DATE: These regulation changes are effective June 1, 1980, the effective date of the social security cost-of-living increase.

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

SUPPLEMENTAL INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is required to increase the rates of improved pension and parents' dependency and indemnity compensation (DIC), the income limitations applicable to section 306 pension, old-law pension and parents' DIC, and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits are increased and at the same time.

The Social Security Administration reports that there will be a cost-of-living increase of 14.3 percent in social security benefits effective June 1, 1980. Accordingly, we are amending §§ 3.23, 3.24, 3.25, 3.26 and 32.62(b)(2) to implement this increase.

We are not providing for public participation since no useful purpose would be served by doing so. The Veterans Administration has no discretion in this matter. The statute requires that we increase our benefits by the percentage amount determined by the Social Security Administration and at the same time as the social security increase is effective.

Approved: May 5, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension—(1) Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $4,460;

(ii) Veteran with one dependent, $5,844;

(iii) For each additional dependent, $755.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $7,136;

(ii) Veteran with one dependent, $8,519;

(iii) For each additional dependent, $755.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $5,453;

(ii) Veteran with one dependent, $6,836;

(iii) For each additional dependent, $755.

(4) *Two veterans married to one another; combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $5,844;

(ii) Either veteran in need of aid and attendance, $8,519;

(iii) Both veterans in need of aid and attendance, $11,195;

(iv) Either veteran housebound, $6,836;

(v) Both veterans housebound, $7,828;

(vi) One veteran housebound and one veteran in need of aid and attendance, $9,511;

(vii) For each dependent child, $755.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $2,989;

(ii) Surviving spouse and one child in his or her custody, $3,915;

(iii) For each additional child in his or her custody, $755.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $4,782;

(ii) Surviving spouse with one child in his or her custody, $5,707;

(iii) For each additional child in his or her custody, $755.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $3,654;

(ii) Surviving spouse and one child in his or her custody, $4,579;

(iii) For each additional child in his or her custody, $755.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24.)

* * * * *

(c) *Mexican border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,006. (38 U.S.C. 521 (g))

* * * * *

2. In § 3.24, paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates; surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (See 3.57 (d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $755 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support.* (1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $755 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $755) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $755). The combined amount payable, however, may not exceed the amount by which $755 times the number of eligible children exceeds the sum of the children's countable annual income.

(38 U.S.C. 542)

3. In § 3.25, paragraphs (a), (c), (d), (e) and (f) are revised to read as follows:

§ 3.25 Parents' dependency and indemnity compensation rates.

DIC (dependency and indemnity compensation) shall be paid monthly to parents of a deceased veteran in the following amounts. (38 U.S.C. 415)

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $206 reduced on the basis the parent's annual income according to the following formula:

For Each $1 of Annual Income

The $206 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.04	800	900
.05	900	1,000
.07	1,000	1,200
.08	1,200	5,073

No DIC is payable under this paragraph if annual income exceeds $5,073.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to (1) two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $146, reduced on the basis of each parent's annual income, according to the following formula:

For Each $1 of Annual Income of Each Parent

The $146 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.03	800	1,100
.06	1,100	1,400
.07	1,400	2,000
.08	2,000	5,073

No DIC is payable under this paragraph if annual income exceeds $5,073.

(d) *Two parents living together or remarried parents living with spouses.* The rates in this paragraph apply to (1) each parent living with another parent; and (2) each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $138, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For Each $1 of Combined Annual Income

The $138 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$1,000
.02	1,000	1,400
.03	1,400	2,000
.04	2,000	2,700
.05	2,700	3,600
.06	3,600	6,822

No DIC is payable under this paragraph if combined annual income exceeds $6,822.

The rates in this paragraph are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in paragraph (a) of this section for one parent.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $108 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

(f) *Minimum rate.* The monthly rate of DIC payable to any parent under this section shall not be less than $5.

Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old-law pension annual income limitations.

(a) *Section 306 pension income limitations.*

(1) Veteran or surviving spouse with no dependents, $5,073.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $5,573.

(3) Veteran or surviving spouse with one or more dependents, $6,822.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978) $7,322.

(5) Child (no entitled veteran or surviving spouse), $4,145.

(B) *Old-law pension income limitations.*

(1) Veteran or surviving spouse without dependents or an entitled child, $4,440.

(2) Veteran or surviving spouse with one or more dependents, $6,405.

§ 3.28 [Amended]

5. Immediately following § 3.28, the cross reference is changed to read "Section 306 and old-law pension annual income limitations. See § 3.26.

6. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

* * * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95–588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,616, ($1,413 after May 31, 1979 and prior to June 1, 1980) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements.

(38 U.S.C. 521(f); Section 306(a)(2)(B), of Pub. L. 95–588, 92 Stat. 2497)

* * * * *

[FR Doc. 80–14768 Filed 5–13–80; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL 1474–2]

Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines; Certification and Test Procedures; Parameter Adjustment Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action is a publication of four technical amendments to a Final Rule, commonly referred to as the parameter adjustment regulations, which was published on January 12, 1979 (44 FR 2960). These amendments limit the information manufacturers must submit concerning adjustable parameters, change the definition of "new parameters" to those which appear for the first time on a manufacturer's vehicle, and set a 90-day review period in which EPA must notify a manufacturer of the Administrator's determination with regard to adjustable parameters.

DATE: These amendments are effective June 13, 1980.

ADDRESSES: Copies of material relevant to this rulemaking action are contained in Public Docket No. A–79–53 at the U.S. Environmental Protection Agency, Central Docket Section, Waterside Mall, Room 2903 (EPA Library), 401 M Street SW., Washington, D.C. 20460. The docket may be inspected between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Richard S. Wilcox, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4390.

SUPPLEMENTARY INFORMATION: This action amends test procedures which were published as a Final Rule on January 12, 1979 (44 FR 2960). This rule permits the Environmental Protection Agency (EPA) to test, or require manufacturers to test, light-duty vehicles and light-duty trucks with their engines adjusted to any combination of settings within the physically adjustable ranges of their adjustable parameters prior to testing, rather than set precisely to the manufacturer's specifications. EPA is amending these test procedures in response to petitions for reconsideration which were submitted subsequent to the Final Rule by American Motors Corporation, General Motors Corporation, and Ford Motor Company.

The amendments contained in this rulemaking (1) make nonsubstantive changes which do not alter the intent or effectiveness of the regulation, (2) provide additional information and clarify the regulations, and (3) reduce the potential reporting burden on the regulated industry in complying with the regulations. The technical amendments are described below.

Reporting Requirements

The current regulations allow EPA to require information on any adjustable parameter which may affect emissions. Manufacturers pointed out that the scope of this requirement could lead to an extensive paperwork burden. Since it is unlikely that any important emission related parameter will occur on devices not listed in the application for certification, EPA is limiting the reporting requirements to items described in that application. This amendment will reduce the potential reporting burden while preserving the purpose of the regulatory provision.

Definition of New Parameters

Currently, a "new parameter" is defined as one which was not used in a particular engine family during the preceding model year. EPA has determined that this definition is too restrictive since engine families are fluid from year to year, and that there are situations in which this definition could conceivably work an unnecessary hardship on manufacturers. EPA is, therefore, modifying the definition of new parameters from those which appear on engine families, to those which appear for the first time on a manufacturer's vehicles. This change will have a minimal impact on EPA's ability to effectively administer the regulations.

Determination of Adjustable Parameters

Manufacturers suggested that parameter adjustment information may not be available much in advance of the submission of the application for certification, and that this could result in production delays and costly modifications should EPA decide that the manufacturer's designs were inadequate to prevent maladjustment. The regulations currently permit the manufacturer to submit information on new parameters as early as it deems necessary. EPA finds it difficult to conceive of situations in which a manufacturer would make production commitments without knowing until late in the process what the final design will be. Nevertheless, in an effort to accommodate the manufacturers' concerns, the Agency is amending the regulations to include a 90-day review period in which the Administrator must make a determination regarding adjustable parameters. However, to prevent a situation where a large portion of EPA's review time is spent waiting for a manufacturer to respond to a request for additional information, the 90-day review will exclude such periods. This will ensure that both the Agency and the manufacturer are responsive to each other's needs.

The individual changes to the regulations and the reasons for each change are given in the table that follows.

Public Participation

The amendments modify EPA procedures in a manner that does not alter the intent or the effectiveness of the procedures but that does lessen the administrative burden on the manufacturers. Thus, the amendments do not adversely affect any interested party. For these reasons, EPA finds that notice and opportunity for comment on the amendments are unnecessary.

Note.—The Environmental Protection Agency has determined that this document is not a "significant" regulation and does not require preparation of a Regulatory Analysis under Executive Order 12044.

Dated: April 25, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Section; Change and Reason

1. 86.081–21(b)(1)(ii)(A)(1)—Limits the information manufacturers must submit concerning adjustable parameters—To reduce the potential paperwork burden on manufacturers.
2. 86.081–22(f)—Sets a 90-day review period in which EPA must notify a manufacturer of the Administrator's determination with regard to adjustable parameters—To avoid the possibility of production delays.
3. 86.081–22(e)(1)(i)—Changes the definition of "new parameters" from engine families to vehicles—To remove unnecessary restrictions in the determination of new adjustable parameters.
4. 86.082–22(e)(1)(i)—Changes the definition of "new parameters" from engine families to vehicles—To remove unnecessary restrictions in the determination of new adjustable parameters.

40 CFR Part 86 is amended as follows:

1. Section 86.081–21(b)(1)(ii)(A)(*1*) is revised by adding the phrase, "which are present on any device, system, or assembly described in the application," and by deleting the redundant phrase, "if adjusted to settings other than the manufacturer's recommended setting." As revised, the section reads as follows:

§ 86.081–21 Application for certification.

* * * * *

(b) * * *
(1) * * *
(ii) * * *
(A) * * *

(*1*) A list of those parameters which are physically capable of being adjusted (including those adjustable parameters for which access is difficult); which are present on any device, system, or assembly described in the application; and which may significantly affect emissions.

* * * * *

2. Section 86.081–22(f) is revised to include a 90 day review of the manufacturer's submittal. As revised, the section reads as follows:

§ 86.081–22 Approval of application for certification; test fleet selections; determinations of parameters subject to adjustments for certification and Selective Enforcement Audit testing, adequacy of limits, and physically adjustable ranges.

* * * * *

(f)(1) If the manufacturer submits information specified in § 86.081–21(b)(1)(ii) in advance of its full preliminary application for certification, the Administrator shall review the information and make the determinations required in paragraph (e) of this section within 90 days of the manufacturer's submittal.

(2) The 90-day decision period is exclusive of the elapsed time during which EPA may request additional information from a manufacturer regarding an adjustable parameter, and the receipt of the manufacturer's response.

* * * * *

3. Section 86.081–22(e)(1)(i) is amended by revising a portion of the paragraph's last phrase to read "the manufacturer's vehicles in the previous model year in the same form and function." As revised, the section reads as follows:

§ 86.081–22 Approval of application for certification; test fleet selections; determination of parameters subject to adjustment for certification and Selective Enforcement Audit testing, adequacy of limits, and physically adjustable ranges.

* * * * *

(e) * * *

(1)(i) The Administrator may determine to be subject to adjustment the idle fuel-air mixture on gasoline-fueled vehicles (carbureted or fuel injected); the choke valve action parameter(s) on carbureted, gasoline-fueled vehicles; or any parameter on any vehicle (Diesel or gasoline-fueled) which is physically capable of being adjusted, may significantly affect emissions, and was not present on the manufacturer's vehicles in the previous model year in the same form and function.

* * * * *

4. Section 86.082–22(e)(1)(i) is amended by revising a portion of the paragraph's last phrase to read "the manufacturer's vehicles in the previous model year in the same form and function." As revised, the section reads as follows:

§ 86.082–22 Approval of application for certification; test fleet selections; determination of parameters subject to adjustment for certification and Selective Enforcement Audit testing; adequacy of limits; and physically adjustable ranges.

* * * * *

(e) * * *

(1)(i) The Administrator may determine to be subject to adjustment the idle fuel-air mixture, idle speed, and initial spark timing parameters on gasoline-fueled vehicles (carbureted or fuel injected); the choke valve action parameter(s) on carbureted, gasoline-fueled vehicles; or any parameter on any vehicle (Diesel or gasoline-fueled) which is physically capable of being adjusted, may significantly affect emissions, and was not present on the manufacturer's vehicles in the previous model year in the same form and function.

* * * * *

(Secs. 206, 301(a), Clean Air Act, as amended, (42 U.S.C. 7525, 7601(a)))

[FR Doc. 80–14821 Filed 5–13–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Part 3–1

Protection of Privacy of Individuals

AGENCY: Department of Health, Education, and Welfare.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending its procurement regulations concerning the protection of privacy of individuals (section 3–1.327).

EFFECTIVE DATE: This amendment is effective May 14, 1980.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Office of Procurement Policy, OGP–OASMB–OS, Room 538H, Hubert H. Humphrey Building, Department of Health, Education, and Welfare, Washington, D.C. 20201 (202–245–0481).

SUPPLEMENTARY INFORMATION: On March 10, 1980, the final rule concerning the protection of privacy of individuals was published in the **Federal Register** (45 FR 15177). It required that, along with other responsibilities, the contracting officer make the determination of the applicability of the Privacy Act requirements to each proposed procurement.

Since publication of the final rule, the Department has determined that the contracting officer should not be the official responsible for making that determination. Instead, it should be made by the sponsoring program official since that individual is more knowledgeable of the program or project requirements and should be more qualified to determine whether the Act is or is not applicable. As a result, the Department is amending the regulation to effect necessary changes.

It is the policy of the Department to allow time for interested parties to participate in the rulemaking process. However since the amendments are administrative in nature, the public rulemaking process was deemed unnecessary in this instance. The provisions of these amendments are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: May 1, 1980.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

Under Subpart 3–1.3, General Policies, of Part 3–1, General, § 3–1.327, *Protection of the privacy of individuals,* is amended as set forth below:

§ 3–1.327 [Amended]

1. Under § 3–1.327–4, Applicability, paragraph (b) is deleted and the following is added:

* * * * *

(b) The program official, and, as necessary, the official designated as the activity's Privacy Act Coordinator and the Office of General Counsel, shall determine the applicability of the Act to each proposed procurement. The program official is required to include a statement in the request for contract indicating whether the Privacy Act is or is not applicable to the proposed procurement.

* * * * *

2. Also under § 3–1.327–4, paragraph (c) is modified by deleting the word "determines" and substituting the phrase "is informed" in the first sentence, and by deleting the second and third sentences.

§ 3–1.327–5 [Amended]

3. Under § 3–1.327–5, *Procedures,* the first sentence in paragraph (a) is modified by deleting the word "procurements" and substituting the phrase "requests for contract."

[FR Doc. 80–14053 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–12–M

Public Health Service

42 CFR Part 110

Information Regarding Requirements for Health Maintenance Organizations; Correction

A document regarding requirements for qualified health maintenance organizations was published as a notice (FR Doc. 80–13068) on April 29, 1980 at 45 FR 28654. This document should have been printed in the Rules and Regulations section of the **Federal**

Register because it is related to regulations at 42 CFR Part 110.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5723

[NM-23682]

New Mexico; Withdrawal in Aid of Legislation for Capulin Mountain National Monument

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will withdraw 17.464 acres of land under the general land laws for use as a buffer area in connection with administration by the National Park Service of the Capulin Mountain National Monument.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virture of the authority contained in 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 lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry, under the general land laws.

New Mexico Principal Meridian

T. 29 N., R. 28 E.,
Sec. 5, NE¼ of lot 3, N½SE¼ of lot 3, and NE¼SW¼ of lot 3.

The area described contains 17.464 acres in Union County.

2. This withdrawal shall remain in effect for the period of not more than 5 years from the date of this order. The lands are under consideration by the Congress for addition to the Capulin Mountain National Monument.

Guy R. Martin,

Assistant Secretary of the Interior.

May 7, 1980.

[FR Doc. 80-14808 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5725

Alaska; Public Land Order No. 5716; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct an error in the land description Public Order No. 5716 of April 8, 1980.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Beau McClure, 202-343-6511.

By virture of the authority contained in 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:

The description of lands in paragraph 1 of Public Land Order No. 5716 of April 8, 1980, as published in 45 FR 24890 of the issue of April 11, 1980, is hereby corrected to include

T. 12 S., R. 11 W., Umiat Meridian, sections 1 to 16, inclusive, all; and sections 21 to 28, inclusive, all. Containing approximately 15,336 acres. The acreage for T. 11 S., R. 5 W., Umiat Meridian is corrected to read 5,760 acres. The total aggregate acreage will not change.

Dated: May 8, 1980.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 80-14800 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL MARITIME COMMISSION

46 CFR Part 530

Interpretations and Statements of Policy Interest on Awards of Reparation

AGENCY: Federal Maritime Commission.

ACTION: Policy Statement.

SUMMARY: The Commission announces a policy to grant interest on awards of reparation in certain cases, calculated at the rate of 12%.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: In order to ensure uniform disposition of reparations proceedings involving cargo misratings, the Commission is issuing an interpretative rule announcing that interest will usually be awarded in such cases. The greatly increased cost of money in recent years also indicates that when interest is awarded, it should be calculated at a rate of 12%, rather than the 6% rate previously used by the Commission.

This policy is not intended to create an inflexible rule, however. There may be infrequent circumstances in which award of interest would be inappropriate, and exceptions to this policy may be considered on a case-by-case basis. The Commission will periodically review the interest rate allowed in light of prevailing economic conditions and make adjustments when warranted.

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY INTEREST ON AWARDS OF REPARATION

Therefore, pursuant to sections 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 821, 841a) and section 553 of the Administrative Procedure Act (5 U.S.C. 553), Part 530 of the Code of Federal Regulations is amended by the addition of a new § 530.12 as follows:

§ 530.12 Policy statement—interest on awards of reparation.

It is the intention of the Commission to grant interest on awards of reparation in cases involving the misrating of cargo and arising under section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817(b)(3)) and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844). Interest will be calculated at the rate of 12%, accruing from the date of payment of freight charges. Exceptions from this general policy will be considered on a case-by-case basis.

By the Commission. May 8, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-14847 Filed 5-13-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 80-228]

Delegation of Authority of Chief, Common Carrier Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules to permit the Chief, Common Carrier Bureau to designate for hearing those formal complaints which do not raise novel issues of fact, law, or policy, and to designate for hearing mutually exclusive applications for domestic public land mobile radio services. This action is necessary to alleviate the administrative burden on the Commission.

EFFECTIVE DATE: May 19, 1980.

FOR FURTHER INFORMATION CONTACT: Larry Blosser, Common Carrier Bureau, (202) 632-4890.

In the matter of amendment of Part 0 of the Commission's rules with respect

to delegation of authority to the Chief, Common Carrier Bureau.

Memorandum Opinion and Order

Adopted: April 22, 1980.

Released: May 5, 1980.

1. Under current Commission rules, the Chief, Common Carrier Bureau is not delegated authority to designate any formal complaints for hearing. The present practice, under which the Commission retains authority to determine what issues should be designated for hearing, is inconsistent with other delegations of authority to the Chief, Common Carrier Bureau, such as §§ 0.291(a), (c) and (e)(2) [1] concerning applications.

2. To alleviate the administative burden upon the Commission, and to bring the rules concerning designation of matters for hearing into conformity with our general practice of requiring that only "novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines" (*See* §§ 0.291(a), (c), and (e)(2), *supra*), be brought to the Commission in the first instance, the Commission has concluded that the Chief, Common Carrier Bureau should be delegated authority to designate for hearing all matters except those which raise "novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines." We will therefore amend § 0.291(e) of the rules. Review of such Bureau actions will be subject to Commission review under § 1.115 of the rules, 47 CFR 1.115.

3. By Order, FCC 79–595, released October 4, 1979, 44 FR 60532, a new Part 22 was added to the Commission's Rules. To make it clear that the Bureau's authority to designate mutually exclusive applications for hearing applies to Part 22, the Commission is further amending § 0.291(e) by adding Part 22 to the existing rule.

4. Notice and comment are not required prior to enactment of this rule change because it relates to internal Commission organization, procedure and practice. 5 U.S.C. 553(b). Since the immediate implementation of these changes will expedite the transaction of public business, compliance with the effective date provisions of the Administrative Procedure Act is also not required. 5 U.S.C. 553(d).

5. Accordingly, it is ordered, on the Commission's own motion, pursuant to Sections 4(i), 4(j) and 5(d) of the Communications Act of 1934 as amended, 47 U.S.C. 154(i), 154(j) and 155(d), that the Rules are amended, effective May 19, 1980, by substituting for Subsection 0.291(e), as redesignated by Order, FCC 79–880, Adopted December 19, 1979, the revised language which appears as Appendix A to this Order.

6. It is further ordered, that the Secretary shall cause this order to be published in the **Federal Register.**

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

§ 0.291 Authority delegated.

* * * * *

(e) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any applications except: (1) Applications for radio facilities filed pursuant to Parts 21, 22, 23 and 25 of this chapter which are mutually exclusive and (2) applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

* * * * *

[FR Doc. 80–14843 Filed 5–13–80; 8:45 am]

BILLING CODE 6712–01–M

[1] Subsection 0.291(d) was recently deleted by Order FCC 79–880, released January 19, 1980, 45 FR 6104 and §§ 0.291 (e) through (h) were redesignated (d) through (g), respectively.

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47 CFR Part 76

[FCC 80–264; 27189]

Carriage of Subscription Television Programing of Subscription Television Stations by Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Order editorially amending the cable television signal carriage rules.

SUMMARY: The Commission editorially amended the cable television signal carriage rules to make it clear that cable television carriage of the subscription (pay) programing of subscription television stations is not required.

DATE: Effective June 10, 1980.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William H. Johnson (202) 632–6468.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 24, 1980.

Released: May 5, 1980.

By the Commission: Commissioner Lee Absent.

1. In its *Memorandum Opinion and Order in RM–3223 and CSR–1567,* FCC 80–242, the Commission set forth its opinion that the cable television signal carriage rules (47 CFR §§ 76.57, 76.59, 76.61, and 76.63) were not intended to and do not require cable television system operators to carry subscription (scrambled or pay) television programs broadcast by subscription television stations.

2. So as to avoid further confusion on the question of the obligations of cable television systems and the rights of subscription television stations regarding the carriage of subscription broadcast program, we are hereby amending Subpart D of Part 76 of the Commission's Rules as set forth in the attached Appendix.

3. The amendment of our Rules, contained in the attached Appendix, is an interpretive rule and is therefor exempt from the prior notice requirements of the Administrative Procedure Act under 5 U.S.C. 553(A).

Authority for the rule amendment adopted herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, that effective June 10, 1980, Subpart D of Part 76 of the Commission's Rules and Regulations IS AMENDED as set forth in the attached appendix.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Note.—Rules changes herein will be covered by T.S. XI (76)–7.

Part 76 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

PART 76—CABLE TELEVISION SERVICE

A new § 76.64 is added to read as follows:

§ 76.64 Carriage of subscription television broadcast programs.

The provisions of §§ 76.57, 76.59, 76.61, and 76.63 shall not operate to require carriage of any subscription television broadcast program.

[FR Doc. 80–14726 Filed 5–13–80; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No.1469]

The Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co. at Winfield, Kans.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1469.

SUMMARY: The Atchison, Topeka and Santa Fe Railway Company is authorized to operate over tracks of St. Louis-San Francisco Railway Company at Winfield, Kansas.

EFFECTIVE DATE: 12:01 a.m., May 7, 1980, and will continue in effect until 11:59 p.m., August 5, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER IMFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840

Decided May 8, 1980.

The St. Louis-San Francisco Railway Company (SLSF) is unable to serve Winfield Iron and Metal Company at Winfield, Kansas, due to a defective crossing frog. The Winfield Iron and Metal Company is dependent upon continued rail service. The Atchison, Topeka and Santa Fe Railway Company (ATSF) connects with SLSF at Winfield, Kansas. ATSF has consented to provide switching service to Winfield Iron and Metal Company. SLSF has concurred with the operation of ATSF trains over its tracks.

It is the opinion of the Commission that an emergency exists requiring the operation of ATSF trains over these tracks of the SLSF in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1469 Service Order No. 1469.

(a) *The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of St. Lous-San Francisco Railway Company at Winfield, Kansas.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) is authorized to operate over tracks of St. Louis-San Francisco Railway Company (SLSF) at Winfield, Kansas, to provide switching service to Winfield Iron and Metal Company.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of ATSF seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., May 7, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 5, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14791 Filed 5-13-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[S.O. No. 1470]

Norfolk and Western Railway Co. Authorized to Operate Over Tracks of Consolidated Rail Corporation and of Illinois Central Gulf Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1470.

SUMMARY: Norfolk and Western Railway Company authorized to operate over tracks of Consolidated Rail Corporation and of Illinois Central Gulf Railroad Company in Champaign and Urbana, Illinois.

EFFECTIVE DATE: 12:01 a.m., May 10, 1980, and will remain in effect tunil 11:59 p.m., August 8, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–7840.

Decided: May 8, 1980.

Norfolk and Western Railway Company (NW) has a heavy volume of interchange traffic with Illinois Central Gulf Railroad Company (ICG) at Champaign, Illinois. NW can expedite the movement of this traffic and eliminate street crossings at grade by establishing trackage rights over tracks of Consolidated Rail Corporation (CR) and ICG. This will permit the elimination of numerous street crossings at grade in the cities of Champaign and Urbana, Illinois. CR and ICG have agreed to this operation by the NW. This authority is conditioned to the timely filing of appropriate applications.

It is the opinion of the Commission that an emergency exists requiring the operation of NW trains over these tracks of the CR and ICG in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1470 Service Order No. 1470.

(a) *Norfolk and Western Railway Company authorized to operate over tracks of Consolidated Rail Corporation and Illinois Central Gulf Railroad Company in Champaign and Urbana, Illinois.* Norfolk and Western Railway Company (NW) is authorized to operate over tracks of Consolidated Rail Corporation (CR), a distance of approximately 3.1 miles, and of Illinois Central Gulf Railroad Company (ICG), a distance of approximately .56 miles, in Champaign and Urbana, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgment of the application of NW seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., May 10, 1980.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 8, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11121–11126.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14792 Filed 5-13-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 12

Seizure and Forfeiture Procedures

Correction

In FR Doc. 80-8264, published at page 17862, on Wednesday, March 19, 1980, on page 17864 make the following corrections:

1. In the second column, in § 12.2 paragraph (e) "16 U.S.C. 742j-l" should be corrected to read "16 U.S.C. 742j-1";

2. In the third column, in § 12.6 paragraph (a), in the fourteenth line "U.S.C. 742 j-l" should be corrected to read "U.S.C. 742 j-1".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 45, No. 95
Wednesday, May 14, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 911 and 944

Limes Grown in Florida and Imported Limes; Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposal which would extend the current grade and size requirements for Florida limes and imported limes through April 30, 1981. Under the current regulation these requirements would expire June 16, 1980. The proposed extension of these requirements is designed to assure the continued shipment and importation of ample supplies of limes of acceptable grades and sizes for the rest of the 1980–81 season, in the interest of producers and consumers.

DATES: Comments must be received on or before June 2, 1980.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: Section 911.343 Lime Regulation 41, and § 944.207 Lime Regulation 8, which were published in the April 25, 1980, issue of the **Federal Register** (45 FR 27910), set forth grade and size requirements for limes grown in Florida and for limes imported into the United States for the period May 1, through June 16, 1980. The Florida lime regulation was issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import regulation was issued under section 8e (7 U.S.C. 608e–1) of this act, which requires that when specified commodities, including limes, are regulated under a federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality, or maturity requirements as those for the domestically produced commodity. The regulation applicable to limes grown in Florida was based on information submitted by the Florida Lime Administrative Committee, the agency established under the order, which requested that the regulatory requirements be effective for the entire 1980–81 season, and upon other available information. This proposed rule would amend both the Florida and import lime regulations, to extend them for the rest of the 1980–81 season.

Under these proposed amendments, both Florida limes and imported limes would need to continue meeting the following minimum requirements: *True "seeded" limes*—U.S. No. 2 grade, except as to color, with no minimum size; and *Persian "seedless" limes*—U.S. Combination, Mixed Color, except that stem length is not considered a factor of grade, and a minimum diameter of 1¾ inches. Florida limes shipped within the production area would be exempted from the grade requirements, if they have at least 42% juice content and are in containers not authorized for shipment of Florida limes out of the production area. Appropriate packing tolerances, with respect to the minimum size requirement, for limes smaller than 1¾ inches apply.

The committee estimates the 1980–81 season Florida lime crop at a record 2,200,000 bushels. Of this amount, it estimates 1,200,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. Preliminary data for the 1979–80 season indicate Florida limes have substantially recovered from the freeze damage that reduced production in the two prior seasons. Fresh sales in 1979–80 are expected to approximate 600,000 boxes (equivalent to 960,000 bushels), compared with 480,000 boxes in 1978–79 and 240,000 in 1977–78. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1980–81 season.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which these proposals are based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that these actions should not be classified "significant." A Draft Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5975.

The proposal is that § 911.343 Lime Regulation 41, and § 944.207 Lime Regulation 8, be amended to read as follows:

§ 911.343 Lime Regulation 41.

(a) During the period June 17, 1980, through April 30, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided,* That stem length not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are

handled in containers other than those authorized in § 911.329.

(3) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1¾ inches in diameter: *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirement: *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms used in this section shall mean the same as in the marketing order, and terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

§ 944.207 Lime Regulation 8.

(a) *Applicability to imports.* Pursuant to § 8e of the act, Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited during the period June 17, 1980, through April 30, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.343 Lime Regulation 41.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any person may recondition any shipment of limes prior to importation, to make it eligible for importation.

(e) *Minimum quantity exemption.* Any person may import up to 250 pounds of limes exempt from the requirements specified in this section.

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

Dated: May 9, 1980.

D. S. Kuryloski,

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

[FR Doc. 80–14838 Filed 5–13–80; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523 and 545

[No. 80–291]

Federal Home Loan Bank System and Federal Savings and Loan System; Reduction in Reporting Requirements

May 5, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Withdrawal of proposed amendments; publication of revised reporting requirements not requiring regulatory amendment.

SUMMARY: The Board is conducting a comprehensive review of its reporting requirements in order to lessen costs and paperwork burdens by collecting only such information as is deemed essential to performance of the agency's regulatory responsibilities. In June of 1979, the Board published revisions it was considering making to certain of its report forms, which revisions would have required minor technical amendments to Parts 523 and 545 of the Board's regulations. After reviewing public comments received and other available information, the Board has decided to reduce and modify its reporting requirements in a manner not requiring regulatory amendment. Descriptions of the new reports, and samples of two of the reports, all of which may be modified further prior to implementation, are included below to provide information to the public. The Board notes that collection of additional information may be necessary in connection with implementation of the Depository Institutions Deregulation and Monetary Control Act of 1980.

DATES: Proposed amendments are withdrawn effective May 5, 1980. Comments on revised reporting requirements must be received by June 9, 1980.

FOR FURTHER INFORMATION, PLEASE CONTACT: Donna Margolis, Special Assistant to the Chairman (202–377–6256), J. Ralph Bender, Information Systems Division (202–377–6106), or Nancy L. Feldman, Office of General Counsel (202–377–6440), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board, by Resolution No. 79–341, dated June 14, 1979 (44 FR 36398; published on June 22, 1979), proposed to modify its reporting requirements for savings and loan associations in order to reduce costs and paperwork burdens, in a manner consistent with the Board's regulatory responsibilities. Briefly, the Board proposed to replace semi-annual reports with shortened quarterly reports, eliminate monthly reports for all but a sample of approximately 1000 institutions, and reduce the frequency of certain reporting items. The Board further proposed to require Federal associations to use the calendar year as their fiscal year for reporting purposes, in order to correlate reports and improve comparisons.

Responses to the proposal were received from 93 commenters: 85 savings and loan associations, five savings and loan trade groups, and three state regulators. Commenters overwhelmingly supported the concept of reducing reporting requirements. However, while 31 commenters favored the proposed modifications, 48 others expressed the view that the proposals would actually increase their reporting burden, while five found them unsatisfactory and suggested alternative methods of reorganizing the reporting requirements. In addition, 37 commenters opposed the proposed requirement to use the calendar year as fiscal year for reporting purposes, while only one commenter favored this proposal.

Commenters' objections to the proposed modification of reports, as set forth in report forms published with the June 14 proposal, were frequently accompanied by detailed estimates of present and projected costs. Commenters pointed out that a reduction in line items would not decrease the work necessary to provide summary totals in the shortened monthly reports, and that the increased frequency of quarterly reports as compared to the present semi-annual reports would more than eliminate any time or cost savings in preparation.

It was further indicated by commenters that the proposed redesigning of present systems and collection of the same data in different formats, depending on the specific report to be submitted, would involve substantial start-up costs which may not be justified. In addition, many commenters objected to the expansion of the number of sampling associations for the monthly report, approximately double the present number, and stressed that those associations would have a

much greater paperwork burden than at present.

As a result of information gained from the comment letters and otherwise available, the Board has determined to substantially revise the report forms published with Resolution No. 79–341. The changes described herein pertain to the reporting requirements which were the substance of Resolution No. 79–341; these changes constitute the first phase of a comprehensive review of all of the Board's reporting requirements.

The proposed quarterly report and expanded monthly reporting sample will not be adopted; instead, the present monthly report will be revised as follows (effective for forms filed in January 1981 and thereafter):

A. "Selected Income and Expense Items"

This section will be elminated.

B. "Liabilities and Net Worth"

One field will be added. Instead of "Total Net Worth", the following two data items will be required: "Net Undistributed Income" and "Other Net Worth". This will improve the quality of the Net Worth data for monitoring purposes.

C. "Commitments to Sell"

One field will be added to reflect this number at month's end. The addition will be made under the "Mortgage Loan Commitments" section.

The monthly report will also contain a memorandum section to allow collection of information not likely to be needed on a recurring basis; advance notification and instructions will be sent to institutions concerning the data required. This modification will avoid frequent format changes and the ongoing collection of information only occasionally needed.

The present March/September reports will be amended as follows:

A. Sections J and L ("Cash, Deposits, and Investment Securities", and "Deposits and Savings Accounts by Office")

The reporting frequency for both will be reduced to once a year, in September (effective as of 1981).

B. Section K ("Interest/Dividend Rates and Deposit Account Structure)

The following changes will be made to the current semi-annual reports: Sections F and G ("Slow Loans" and "Supplemental Data")

The number of fields in each will be reduced substantially. (See attached sample form.) Provision will be made on Section G for reporting balances in variable rate mortgages, renegotiable rate mortgages and miscellaneous nonstandard mortgages beginning in June, 1980. The implementation date for Section F and for the other changes in Section G is June 1981.

The Board has determined not to adopt the proposed change in fiscal-year reporting, which would have required institutions to report on a calendar-year basis. The Board is not convinced at this time that the number of institutions reporting on a non-calendar year basis is substantial enough to distort necessary report analyses, and recognizes the desire of institutions, particularly smaller institutions, to spread reporting workloads through the year. In addition, a number of institutions changed to a non-calendar-year reporting system several years ago when authorized by an amendment to Board regulations, and the Board is reluctant to require these institutions to incur the additional administrative costs necessary to revert to the calendar-year system.

As the Board has determined to retain the present reporting format, current regulations pertaining to reports need not be amended, and the Board is therefore withdrawing the proposed amendments to Part 523 of the regulations for the Federal Home Loan Bank System and Part 545 of the rules and regulations for the Federal Savings and Loan System, as set forth in Resolution No. 79–341. While report forms are not required to be codified in the Board's regulations, sample formats of revised Sections F and G of the Semiannual Report are published as part of this document to provide the information to the public.

The described forms will include any data collection necessary to the Board's implementation of the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96–221), and may be modified further prior to report implementation dates. The Board therefore specifically solicits comments, through June 9, 1980, on the content and form of the samples and the content of the monthly and semi-annual reports described above.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

BILLING CODE 6720-01-M

No. 30 291
Page Five

Federal Home Loan Bank Board Management Information System SEMIANNUAL FINANCIAL REPORT	DISTRICT/DOCKET 1 6	NAME AND ADDRESS OF ASSOCIATION (Please use preprinted label)

SECTION G
SUPPLEMENTAL DATA

	BALANCE AT CLOSE OF PERIOD			
	NUMBER		AMOUNT	
PARTICIPATIONS SOLD			123	
PARTICIPATIONS PURCHASED			124	
LOANS SERVICED FOR OTHERS			125	
LOANS SERVICED BY OTHERS			126	
BROKER-ORIGINATED SAVINGS			127	
TOTAL NUMBER OF CONVENTIONAL LOANS AND CONTRACTS	119			
TOTAL NUMBER OF VA/FHA-HUD LOANS AND CONTRACTS	120			
BALANCE OF LOANS IN PROCESS ON HOMES AND OTHER DWELLING UNITS			128	
GNMA PASS-THROUGHS SECURED BY SINGLE-FAMILY DWELLINGS			129	
PARTICIPATION SALE CERTIFICATES PURCHASED FROM FHLMC			131	

MEMO ITEMS

SPECIFIED ASSETS (As defined by Insurance Regulation 561.17; Refer to Instructions for Calculation Worksheet)	132	
HOLDINGS IN VARIABLE RATE MORTGAGES	133	
HOLDINGS IN ROLLOVER MORTGAGES	134	
HOLDINGS IN MISCELLANEOUS OTHER NONSTANDARD MORTGAGES	135	

FHLBB Form 777
PROPOSED REVISION FOR JUNE 1981

Federal Home Loan Bank Board Management Information System SEMIANNUAL FINANCIAL REPORT	DISTRICT/DOCKET 1 | | 6	NAME AND ADDRESS OF ASSOCIATION (Please use preprinted label)

SECTION F
SLOW LOANS AND OTHER SCHEDULED ITEMS

	GROSS AMOUNT		ALLOWABLE DEDUCTIONS		NET AMOUNT	
SLOW MORTGAGE LOANS AND CONTRACTS						
TOTAL - VA/FHA-HUD	100		107		114	
TOTAL - Conventional	101		108		115	
OTHER SLOW LOANS						
TOTAL - Insured	102		109		116	
TOTAL - Other	103		110		117	
OTHER SCHEDULED ITEMS						
Nonconforming Loans and Contracts	104		111		118	
REAL ESTATE	105		112		119	
Investment securities past due and Deposits in closed banks	106		113		120	

FORECLOSURE DATA FOR SEMIANNUAL PERIOD	NUMBER		AMOUNT	
Foreclosures:				
VA/FHA-HUD	200		204	
Conventional	201		205	
Deeds in Lieu of Foreclosure:				
VA/FHA-HUD	202		206	
Conventional	203		207	

FHLBB Form 776
PROPOSED REVISION FOR JUNE 1981

[FR Doc. 80-14642 Filed 5-13-80; 8:45 am]
BILLING CODE 6720-01-C

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 21

Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders; Proposed Rule

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission is publishing for comment a proposed rule intended to facilitate the Commission's ability to acquire essential market data concerning futures trading on United States exchanges by foreign persons. The Commission's proposal generally would require a futures commission merchant ("FCM") to obtain and maintain a list of beneficial owners of foreign futures accounts which it carries and to furnish to the Commission upon special call pertinent market information about positions held in those accounts. If unable to provide the information requested by the Commission, the FCM would be required to liquidate the futures positions in the account.

DATE: Comments on the proposed rule should be submitted on or before June 30, 1980.

ADDRESS: Send comments to Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Maureen A. Donley or Mark D. Young, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254–9880.

SUPPLEMENTARY INFORMATION: The Commission recognizes the international character of the futures markets which it regulates. Foreign participation in these markets allows commodities traded on domestic exchanges to reflect more accurately international supply and demand factors and provides additional market liquidity thereby facilitating the price discovery function of U.S. futures exchanges. Consequently, the Commission believes that providing market access to as many participants as possible facilitates the proper functioning of the futures markets.

The Commission's overriding responsibility, however, is to preserve orderly markets. In order to monitor conditions in the markets effectively, the Commission must be able to gather and assess current trading data. The Commission's market surveillance program seeks to identify market participants and to obtain accurate and current information concerning their trading activities. This information permits the Commission to ascertain whether the markets are functioning normally or whether there exists any threat of congestion or other abnormal market condition warranting remedial action by the Commission. In large measure, the Commission gathers market information through its reporting and special call requirements set forth in Parts 15 through 21 of its regulations, 17 CFR Parts 15–21 (1979). These provisions require foreign as well as domestic market participants to furnish pertinent information to the Commission.

By engaging in futures trading on United States exchanges, foreign persons, like domestic market participants, become subject to the regulatory scheme of the Commodity Exchange Act, 7 U.S.C. § 1 *et seq.*, and the Commission's regulations thereunder.[1] However, the Commission repeatedly has encountered difficulties in trying to identify and communicate with foreign market participants. In this connection the Commission has observed that:

> Because of communication difficulties, the failure of some foreign brokers to identify their customers and of some foreign traders to provide information as required by the Commission's regulations, prompt and accurate identification of foreign traders and determination of their positions and intentions with regard to their use of the futures markets has not always been possible. If permitted to continue, this situation could hamper the Commission in discharging its regulatory responsibilities promptly, particularly in identifying persons who may potentially be in a position to disrupt the markets.[2]

In order to ameliorate some of these concerns, the Commission recently adopted new Rule 15.05, under which a domestic FCM effecting futures transactions for foreign brokers, customers of foreign brokers and/or foreign traders is designated as the agent of these foreign persons for purposes of accepting delivery and service of communications issued to them by the Commission.[3] While new Rule 15.05 should resolve the difficulties the Commission has experienced in communicating with foreign market participants, the Commission believes additional procedures are needed to ensure that the Commission will be able to obtain needed market information. Difficulties have been encountered in receiving prompt responses to Commission special calls and requests for information made to foreign brokers and traders under Rules 18.05, 18.07 and 21.02 and in obtaining access to the records in foreign countries needed for critical market information. As a consequence, the information which the Commission receives from foreign entities is often less timely, less complete and less verifiable than the information which the Commission receives from their domestic counterparts. In part, this has been due to foreign laws that seek to maintain the confidentiality of their citizens' business affairs.

While the Commission is not insensitive to the international nature of the futures markets and the interests of foreign countries and their citizens, the Commission is not free to ignore its statutory responsibilities under the Commodity Exchange Act. In order to correct the existing disparity between foreign and domestic market participants in complying with the informational requirements of the Act and regulations, the Commission is proposing new Rule 21.03. The rule is designed to utilize more fully the relationship established between foreign market participants and domestic FCMs as an integral part of the Commission's reporting and other informational requirements.[4] In this way the Commission believes it will be able to achieve prompt access to necessary market data.

The Commission's Proposed Rule

Paragraph (a) of the proposed rule defines three terms for purposes of Rule 21.03: "futures contract" is defined as any contract for the purchase or sale of any commodity for future delivery traded or executed on or subject to the rules of any contract market; "beneficial owner" is defined as any person who directly or indirectly, through any

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[1] See *In the Matter of Wiscope, S.A.*, CFTC Docket No. 79–14, [1977–1980 Transfer Binder] CCH Comm. Fut. L. Rep. ¶20,785 (1979), *vacated on other grounds*, 604 F.2d 764 (2d Cir. 1979).

[2] 42 FR 62148 (Dec. 9, 1977); see also 44 FR 28678 (May 16, 1979). Congress has recognized that inherent in foreign participation is also the potential for foreign abuse of the commodity markets. The concern over the threat of unchecked foreign trading in the United States was so great that one Senator questioned whether Congress should permit any foreign participation whatsoever in domestic commodity markets. *Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 before the Senate Committee on Agriculture and Forestry*, 93d Cong., 2d Sess. pt. 1 at 218 (1974) (remarks of Senator Henry Bellmon).

[3] 45 FR 30426 (May 8, 1980). For discussion of this rule, as previously proposed, see 42 FR 62147 (Dec. 9, 1977) and 44 FR 28678 (May 16, 1979).

[4] Presently, an FCM through the filing of 01 reports provides the Commission with position information on all traders including foreign brokers and traders who hold reportable positions in accounts carried by the FCM. See 17 CFR Part 17 (1979).

contract, understanding, arrangement, relationship or otherwise, has or shares the rights, obligations or financial interest in any futures contract, but does not include the futures commission merchant or foreign broker who carries the account in which the futures contract was established for another person; and the term "foreign person" includes a foreign broker as defined by Rule 15.00(a)(1) and a foreign trader, as defined by Rule 15.00(a)(2), who makes futures contract transactions for an account which he controls.

Proposed Rule 21.03 would, in essence, impose three duties upon FCMs. First, it would be unlawful for an FCM to open a futures account for a foreign person or to effect transactions in futures contracts for an existing account of a foreign person until the FCM receives a list of all beneficial owners of all futures contracts carried or to be carried in the account (§ 21.03(c)). The FCM would be required to exercise due diligence in assuring that a foreign entity supplements the list of beneficial owners in order to reflect any new beneficial owners of positions in an existing account. Second, it would be unlawful for an FCM to open an account or to effect transactions for an existing account until the FCM has fully explained to the foreign person the requirements of Rule 21.03 and has obtained the foreign person's written consent that it will abide by these requirements (§ 21.03(g)). The FCM may explain the provisions of the rule in any manner it deemed appropriate as long as the foreign person is made aware of these requirements for trading on United States markets. Since a basic purpose of the proposed rule is to provide to the Commission the identity of market participants which foreign entities have otherwise chosen to keep confidential, the Commission is considering making the rule inapplicable to the account of a foreign person which is carried with the FCM on a fully disclosed basis (§ 21.03(b)).

The third duty requires the FCM to provide upon special call certain information regarding the foreign person's account to the Commission within 24 hours or such other time as specified by the Commission (§ 21.03(d)). Under this provision the Commission could request information concerning the identity of the beneficial owner or owners of each open contract carried in the account, the number of open contracts held by or in the name of the beneficial owner on specified dates, and cash commodity transaction and position information for each beneficial owner who holds or controls a reportable position.[5]

The proposed rule thus seeks to permit the Commission to obtain timely market information from the FCM who, by virtue of its duties in effecting trades, has direct and continual contact with the foreign broker or trader.[6] However, the Commission recognizes that contract markets also continually utilize current information in fulfilling their self-regulatory responsibility to preserve orderly markets. In this connection, the Commission is specifically interested in receiving comments on whether it may be more appropriate to have contract markets share with FCMs the responsibility for obtaining and providing to the Commission specific ownership and position information regarding trading through their facilities for foreign accounts.

The foregoing requirements are intended to provide the Commission with a means of immediately obtaining the identities of beneficial owners of futures positions when needed, such as in periods of market congestion. This proposal will thus complement existing Rule 1.37, 17 CFR § 1.37, under which FCMs are required to keep records showing the names and addresses of the person for whom an account is carried. In the case of domestic accounts, this information enables the Commission promptly to trace and monitor beneficial ownership through access to the FCM's records and contact with the account owner. By requiring the FCM to retain records of beneficial owners of foreign accounts and to provide position information upon special call, the Commission seeks to achieve a similar capability. In addition, by imposing these requirements as a prerequisite to effecting futures transactions, the Commission seeks to avoid any problems for foreign brokers in those jurisdictions where the identity of customers could not lawfully be disclosed without the consent of the customer. The Commission is concerned, however, that proposed § 21.03(c) may unduly burden FCMs with paperwork insofar as it requires information to be obtained and retained to which the Commission might never seek access by a special call. The Commission therefore particularly encourages public comment on the need and potential effect of this aspect of its proposal. The Commission also invites the public to suggest alternatives which could provide an expeditious procedure for obtaining names of beneficial owners when needed.

Under proposed § 21.03(e), if the FCM fails to provide to the Commission the information requested in a special call, the FCM must effect a liquidation of the contracts in the futures contract account for which the information covered by the special call was not provided to the Commission. The liquidation would be taken pursuant to authority set forth in the FCM's customer agreement with the foreign entity[7] and in accordance with directions the FCM would receive from the appropriate contract market.

Where an FCM is obligated to liquidate a foreign person's positions, the proposed rule would require the FCM immediately to notify the contract market upon which this liquidation would occur. Under § 21.03(f), the contract market, within one day, would be required to direct the FCM to take appropriate measures necessary to ensure an orderly liquidation. This facet of the proposal is designed to provide contract markets with the ability to ensure that any liquidation of a foreign account that proves necessary will not disturb the orderly trading of the particular futures contract involved. Upon request from the Commission, the contract market also would be required

[5] Under Rule 18.05, 17 CFR § 18.05 (1979), large traders with reportable positions must maintain books and records on their positions in the cash and futures markets. Rule 18.00, 17 CFR § 18.00 (1979), requires these traders to file reports with the Commission. Rule 18.07, 17 CFR § 18.07 (1979), exempts from these regular reporting requirements foreign traders to the extent they are trading commodities that first became subject to regulation under the Act in 1974; however, that rule specifically requires foreign traders to be ready to supply these reports within one business day of a special call upon such trader by the Commission. Under Rule 21.02, 17 CFR § 21.02 (1979), the Commission may issue special calls to FCMs, contract market members and foreign brokers for information concerning the identities and market positions of all traders.

[6] Of course, in appropriate cases, the Commission may make a special call directly to the foreign broker under Rule 21.02, either in addition to, or instead of, utilizing the procedures of proposed Rule 21.03.

[7] The Commission understands that in virtually all customer agreements presently used by futures commission merchants the futures commission merchant is authorized, for any reason it should deem necessary for its protection, to liquidate any of the futures contract positions which the futures commission merchant is carrying for the customer's account. In addition, it is standard in a customer agreement to provide that this liquidation may be made according to the futures commission merchant's judgment and discretion at a market and time of its choice without providing notice of any kind to the customer.

to furnish the Commission with a copy of the directions given to the FCM.

Accordingly, pursuant to the authority in Section 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. §§ 6g, 6i, 7, 7a and 12a, the Commission proposes to add new § 21.03 to Part 21 of its regulations as follows:

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS, AND MEMBERS OF CONTRACT MARKETS

§ 21.03 Futures commission merchants—duties concerning accounts carried for foreign brokers and traders.

(a) For purposes of this section the term "futures contract" means any contract for the purchase or sale of any commodity for future delivery traded or executed on or subject to the rules of any contract market; the term "beneficial owner" means any person who directly or indirectly, through any contract, understanding, arrangement, relationship or otherwise, has or shares the rights, obligations or financial interest in any futures contract, but shall not include the futures commission merchant or foreign broker who carries the account in which the futures contract was established for another person; the term "foreign person" shall include a foreign broker as defined by § 15.00(a)(1) and a foreign trader, as defined in § 15.00(a)(2), who makes futures contract transmissions for an account which he controls.

(b) The requirements of this section shall not apply in the case of an account of a foreign person which is carried with a futures commission merchant on a fully disclosed basis.

(c) It shall be unlawful for any futures commission merchant to open a futures contract account for a foreign person, or to effect transactions in futures contracts for an existing account of a foreign person, until the futures commission merchant receives from the foreign person a list of the names of all beneficial owners of all futures contracts carried or to be carried in the account.

A futures commission merchant shall exercise due diligence to ensure that the foreign person supplements the list of beneficial owners required by this paragraph in order to reflect the names of any additional beneficial owners of futures contracts carried or to be carried in the account.

(d) Upon special call from the Commission, a futures commission merchant carrying an account for a foreign person must provide to the Commission within twenty-four hours or such other time as specified by the Commission (1) the identity of the beneficial owner or owners of each open contract in each futures contract carried in the account, (2) the number of open contracts held by or in the name of the beneficial owner on such dates as the Commission shall specify or (3) for each beneficial owner of futures contracts in the account who holds or controls a reportable position, as defined by § 15.00(b)(1) of this chapter, the cash commodity transaction and position information required to be maintained pursuant to § 18.05 of this chapter.

(e) If a futures commission merchant fails to provide to the Commission the information covered by the special call within the period of time required by paragraph (d), the futures commission merchant shall effect a liquidation of the open contracts in the account for which the information covered by the special call was not provided to the Commission, pursuant to authority set forth in the customer agreement with the foreign person and in accordance with the directions received from the appropriate contract market pursuant to paragraph (f).

(f) The futures commission merchant obligated under paragraph (e) to liquidate positions must immediately notify the contract market upon which this liquidation will occur. The contract market shall, within one business day, direct the futures commission merchant to take such appropriate measures as are necessary to ensure an orderly liquidation of the open contracts. The contract market shall furnish to the Commission, upon request, a copy of the directions given to the futures commission merchant.

(g) It shall be unlawful for a futures commission merchant to open a futures account for a foreign person or to effect transactions in futures contracts for an existing account of a foreign person until the futures commission merchant has fully explained to the foreign person, in any manner the futures commission merchant deems appropriate, the provisions of this section and has obtained, and maintains in its records, the written consent of the foreign person to abide by the provisions of this section.

Issued by the Commission on May 9, 1980.

Jane K. Stuckey,

Secretary of the Commission, Commodity Futures Trading Commission.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240

[Release Nos. 33-6210, 34-16785, 35-21550, IC-11156; File No. S7-835]

Uniform and Integrated Reporting Requirements: Management Remuneration; Proposed Amendments to Item 4 of Regulation S-K

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for public comment proposed amendments to Item 4 of Regulation S-K (17 CFR 229.20.4). In general, the proposed amendments deal with pension, option and stock appreciation right plans, the definition of an executive officer, compensation relating to the termination of employment, indebtedness of management and certain other technical amendments. These proposals are in response to concerns that have come to the Commission's attention during the administration of new requirements with respect to disclosure of remuneration adopted in December 1978.

DATES: Comments should be submitted on or before June 30, 1980.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-835. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Bruce S. Mendelsohn (202-272-2589), or Joseph G. Connolly, Jr. (202-272-3208), Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment proposed amendments to Item 4 of Regulation S-K pursuant to Sections 6, 7, 8, 19, and 19(a) of the Securities Act of 1933 [15 U.S.C. 77a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)] and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975)]. These proposals involve the disclosure of management remuneration and specifically address pension, option and stock appreciation rights plans, the

definition of an executive officer, compensation relating to the termination of employment, indebtedness of management and certain other technical amendments. These proposals are in response to concerns that have come to the Commission's attention during the administration of the amended management remuneration disclosure requirements discussed below.

On December 4, 1978, the Commission adopted amendments to Item 4 of Regulation S–K which represented a substantial revision of the disclosure requirements relating to management remuneration.[1] The amendments require tabular and other forms of disclosure as to all remuneration from the registrant and its subsidiaries for services during the latest fiscal year by certain specified directors, executive officers and officers of the registrant.[2] The amendments to remuneration disclosure resulted in part from a recognition by the Commission that remuneration packages had become more diverse and complex and, as a result, disclosure had become less uniform.[3] Many forms of remuneration were not being included in the then required table [4] but instead were being disclosed through narrative discussions set forth in footnotes or paragraphs following the table which, in many cases, obscured the total remuneration received. Therefore, it was the Commission's intention that the Item 4(a) remuneration table reflect all remuneration which can be quantified and related to services performed by individual members of management during the fiscal year.

Since the adoption of the amendments, the Commission has monitored the efficacy of the remuneration requirements and has issued written [5] and oral interpretations. As a result of this substantial experience, the Commission believes that, while the remuneration table has generally worked well, certain modifications are necessary. In this regard, the Commission recognizes that there are forms of remuneration that are difficult to quantify and relate to a particular year's services and, accordingly, the Commission believes that remuneration resulting from stock option, pension and stock appreciation right plans may be better suited to uniform disclosure outside the parameters of the Item 4(a) table.[6]

The amendments are being proposed at this time in order that any subsequently adopted rule changes can be in effect for the 1981 proxy season. Because the Commission desires to allow ample time to comply with any new rules, all comments on these proposals should be submitted by the June 15, 1980 date and it is not anticipated that any extension of the comment period will be made.

The following discussion summarizes the proposed amendments and generally compares them with the existing provisions. However, for a more complete understanding of the new requirements reference should be made to the Text of the Proposed Amendments set forth herein.

Clarification of Remuneration Included in Column C

Allocation of amounts to the proper tabular columns continues to create some confusion. In particular, Instructions 3(a), 3(b) and 3(c) to Item 4(a), which list forms of compensation that may require reporting in Column D, have been the subject of many interpretive questions. It appears that some registrants have had the misconception that amounts attributable to the remuneration plans specified in these instructions should always be reported in Column D rather than Column C. This is not the case. Column D is to be used for remuneration amounts that have been expensed for financial reporting purposes but as to which the distribution, unconditional vesting or measurement of benefits is contingent upon future events. Therefore, if an amount under a specified plan is not subject to a contingency, a Column C entry may be proper.[7]

Accordingly, the Commission is proposing to add a parenthetical note in Instruction 2 to Item 4(a) which would state that the specific forms of remuneration referred to in Instruction 3 are properly reported in Column C if the distribution of such remuneration or the unconditional vesting or measurement of benefits thereunder is not subject to future events.

The proposal will not change the substance of the item and is intended only as assistance to the reader. Indeed, staff interpretations have always been consistent with the proposed note.[8]

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[1] Securities Act Release No. 6003 (December 4, 1978) [43 FR 58151].

[2] Item 4(a) of Regulation S–K requires tabular disclosure (the "remuneration table") of total aggregate remuneration for the five most highly compensated executive officers and directors of reporting entities, naming such persons, and for all officers and directors as a group. The remuneration table consists of 4 main columns. Columns A and B call for the name of the individual or the number of persons in the group and the capacities in which such persons served during the year. Column C reports cash and cash-equivalent forms of remuneration ("current remuneration") and is separated into 2 subcolumns. Instruction 2 to Item 4(a) provides for the inclusion in Column C1 of all salaries and fees paid with respect to services rendered during the registrant's last fiscal year and the inclusion in Column C2 of other cash or cash-equivalent amounts. Column D includes remuneration for which the distribution, the unconditional vesting or the measurement thereof is subject to future events ("contingent remuneration").

[3] See Securities Act Release No. 5950 (July 28, 1978) [43 FR 34415] which proposed the Item 4 amendments for comment.

[4] Required by old Item 7(a) of Schedule 14A.

[5] In Release Nos. 33–6027 (February 22, 1979) [44 FR 16368] and 33–6166 (December 12, 1979), the Commission authorized the Division of Corporation Finance to publish its views with regard to certain interpretations of Item 4. Registrants are advised that, with the exception of Interpretive Responses 4 through 11 of Release No. 33–6166 which will be rendered irrelevant if these proposals are adopted, the staff positions expressed in these releases are still in effect.

Prior to these amendments, the Commission had also issued two interpretive releases in the area of management remuneration. In Securities Act Release No. 5856 (August 18, 1977) [42 FR 43058], the Commission expressed the view that the existing remuneration reporting provisions required registrants to report as remuneration certain personal benefits or "prequisites." These views were codified in Instruction 2(d) to Item 4(a) of Regulation S–K. In Release No. 33–5904 (February 6, 1978) [43 FR 6060], the Commission's Division of Corporation Finance was authorized to publish its interpretive views regarding specific aspects of personal benefits disclosure. Although the adoption of the amendments to Item 4 did not alter the majority of the interpretive responses expressed in that release, several interpretations were modified or superseded by certain provisions of the new Item and by subsequent staff interpretation. See Release 33–6166 (December 12, 1979) [44 FR 74808], Part V, "Personal Benefits."

[6] The Commission is of the view that management should be permitted a measure of flexibility in determining the placement of the various remuneration disclosure tables in its proxy or information statement and accordingly has not proposed specific requirements in this area. In this regard, the Commission notes that since the adoption of the amendments to Item 4 registrants have generally presented all remuneration disclosure together in their material. The revisions proposed today envision that this practice will continue and that all tables relating to the various components of remuneration will remain concentrated in one section of the proxy or information statement.

[7] Column C is to be used for remuneration that has been (1) distributed to or for the account of the specified person or group or (2) accrued and with reasonable certainty will be distributed or unconditionally vested in the future. See Instruction 2 to Item 4(a). For example, if amounts relating to a deferred compensation plan are vested, reporting of such amounts would be in Column C even though "deferred compensation plans" are specifically addressed in Instructions 3(a)(i) respecting Column D1.

[8] In interpretive Response 17 of Release No. 33–6166, the Division of Corporation Finance stated that with regard to deferred compensation plans (an enumerated plan under Instruction 3(a)) for which amounts are *expensed*, Column D is to be used only if the distribution of remuneration under the plan or the unconditional vesting or measurement of benefits under the plan is subject to future events which represent true contingencies.

Instruction 1(b) to Item 4(a)

Instruction 1(b) which defines the term "executive officer" [9] is proposed to be amended by adding the following sentence:

"Executive officers" of subsidiaries may be deemed "executive officers" of the registrant if they perform policy-making functions for the registrant.

This proposal reflects the initial intention of the instruction. In the adopting release, the Commission advised registrants that they should give careful consideration to the question of who are the appropriate persons to be included in the table, and to whether certain highly compensated directors or employees of subsidiaries are in fact "executive officer" of the registrant.[10] Additionally, the Commission stated that it would monitor the disclosure practices in this area to determine whether further actions were appropriate. Because misconceptions appear to have persisted, the Commission believes that the proposal would provide an appropriate guide to registrants.

Item 4(b), Proposed Remuneration [11]

Item 4(b) requires a brief description of all remuneration payments proposed to be made in the future pursuant to any plan or arrangement to the persons and groups specified in the remuneration table. The disclosure required by this provision is parallel to that which had been required for some time by Item 7 of Schedule 14A. (17 CFR 14a–101.7).

Because of numerous public inquiries, the Commission believes that it is necessary to add an instruction which would make clear that disclosure is necessary for any remunerative plan or arrangement which is operable for more than the latest fiscal year, *notwithstanding* the fact that amounts attributable to such plan or arrangement are included in the latest remuneration table. This proposed instruction would reflect the intent of the item and staff interpretations.[12] In this regard, Release No. 33–5950 indicated that " * * * Item 4(b) would require a narrative description of plans under which remuneration is proposed to be made in the future. This requirement would reach plans for which amounts are included in the table specified by Item 4(a). * * * " [13] In this manner, the Commission contemplated that the shareholders would be provided a full appreciation of the types of remuneration to be paid to management in the future.[14]

Pension Plan Disclosure—Item 4(a) and Item 4(b)

Many questions have arisen with regard to the disclosure of amounts relating to defined benefit or actuarial plans. In Release No. 33–6166, the staff discussed this area in detail and offered an alternate format of disclosure by way of interpretation. The purpose of this proposal is to codify the staff's suggested alternative as a uniform mandatory requirement.

The treatment of pension and retirement plans under the present rule is set forth in Instruction 3(a)(i) to Item 4(a) which requires that the amount expensed for financial reporting purposes by a registrant or its subsidiaries for the year representing the contribution, payment or accrual for the account of the specified persons or group is to be included in Column D if the distribution of such remuneration or the unconditional vesting or measurement of benefits thereunder is subject to future events.[15] However, in the case of the overwhelming majority of defined benefit or actuarial plans, the same Instruction 3(a)(i) provides that if the "amount of the contribution, payment or accrual [with] respect [to] a specified person is not and cannot readily be separately or individually calculated by the regular actuaries of the plan" then such amounts may be omitted from the remuneration table provided a footnote is included.[16] The footnote requires disclosure of the excluded amounts, indicating the percentage which the aggregate contributions to the plan bears to the total covered remuneration of the plan participants, and a brief description of the remuneration covered by the plan. In turn, Item 4(b) requires that, with respect to amounts so excluded under Instructions 3(a) (i) and (ii), a separate table is to be included showing estimated annual benefits payable upon retirement to persons in specified remuneration and years-of-service classifications.

Because of the apparent difficulty in calculating the amount of contribution attributable to each participant under most subject plans, the footnote disclosure required by Instruction 3(a)(ii) and the Item 4(b) pension table is extensively utilized. When this has not been the case, the Commission has reason to believe that there has been an inconsistency regarding the inclusion of amounts relating to these plans in the remuneration table. In any event, the Commission perceives little reason to continue requiring different disclosure for the same form of remuneration and, accordingly, the proposal deals with *all* defined benefit and actuarial pension plans.

The proposal would exclude amounts relating to defined benefit or actuarial plans from the remuneration table by amending Instruction 3(a)(i) and deleting the footnote requirement of Instruction 3(a)(ii). Proposed Item 4(b)(2) would require with regard to these plans (1) a pension table; (2) a description of the compensation covered by the plan (e.g. salary, salary and bonus, etc.);[17] and (3) disclosure of the expected years of service at normal retirement of the individuals named in the remuneration table. Unlike the current provision, the proposal would not require disclosure of the percentage which aggregate remuneration bears to the total covered remuneration of plan participants. Because of past service costs respecting such plans and other factors, it has been the Commission's experience that such information is not a significant indicator of management remuneration.

The Commission believes that the proposed approach would combine the

[9] Instruction 1(b) states, "An 'executive officer' of a person includes its president, secretary, treasurer, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), and any other person who performs similar policy-making functions."

[10] In Release No. 33–6027, the Division of Corporation Finance issued its interpretive views regarding certain aspects of the management remuneration disclosure requirements of Item 4, including that Division's views on the determination of which members of management comprise the five most highly compensated officers or directors. As set forth in that Release, Item 4(a) requires disclosure of the five most highly compensated, key policy making executive officers or directors of the registrant.

[11] It should be noted that this item is proposed to be renumbered and stylistically reworded.

[12] See Interpretive Response 41, Securities Act Release No. 6166.

[13] By way of illustration, consider the situation where amounts attributable to an ongoing bonus plan have been disclosed in Column C1 of the table. Since the bonus plan will be operable in future years a description of the plan is necessary and, in this case, should include, among other things, brief disclosure with regard to the payment formula and general payment schedule. See Interpretive Response 40 of the Securities Act Release No. 6166.

[14] By way of illustration, the registrant may have an ongoing performance incentive or bonus plan under which amounts have been included in Column C1 for the latest fiscal year and, since the plan will be operable in future years, Item 4(b) would require a brief description of the plan terms.

[15] It should be noted that certain plans may involve arrangements to which this condition does not apply and, instead, there is accrued or distributed for the account of the participant a cash or cash-equivalent amount. In this situation, Instruction 2 to Item 4(a), which pertains to Column C, would govern and the relevant amount reflecting the contribution for the year should be included in Column C2. See Securities Act Release No. 6027.

[16] Instruction 3(a)(ii) to Item 4(a).

[17] Such is presently required in the footnote disclosure of Instruction 3(a)(ii).

best of the past and present rules.[18] In order to ascertain the "estimated annual benefits upon retirement" as required by the old rules, the company would have had to use a table similar to that required by present Item 4(b) and proposed Item 4(b)(2). Instead of relying on static assumptions, however, the pension table would contain information as to potential benefits reflecting increases in remuneration and years of service. Furthermore, the disclosure of individual years of service would make the pension table more meaningful.

The Commission invites specific comment as to whether there are other types of retirement or pension plans that should receive similar treatment, i.e., separate disclosure outside of the remuneration table. In this regard, commentators are asked to furnish the rationale and proposed methodology relating to any additional types of plans addressed.

Proposed Revisions to the Disclosure Requirements for Option, Stock Appreciation Rights and Phantom Stock Plans

The Commission is proposing certain revisions to the instructions to Item 4(a) of Regulation S–K which, if adopted, would remove from the Item 4(a) table the remuneration disclosure relating to option, stock appreciation right and phantom stock plans. The Commission is further proposing that all disclosure relating to such plans, previously included in the remuneration table, be set forth in an expanded option table pursuant to Item 4(d) of the Regulation.[19]

A. *Option Disclosure.* Currently, Instruction 2(b) to Item 4(a) requires that with regard to stock options the spread, if any, between the acquisition price and the fair market price of the underlying security on the date of exercise be reported in Column C2 (less any amount that may have been previously reported with respect to such option prior to exercise). The Commission is concerned that the present method of option disclosure may not be meaningful and may tend to distort the remuneration reported in Column C2 for a particular officer or director for that period. While option plans may represent a significant element in many compensation packages, the calculation of remuneration thereunder is not easily attributable to a given year's services. Accordingly, such information may bear no relationship whatsoever to the executive remuneration for services rendered to the registrant during the fiscal year. For example, there have been instances where an officer has exercised during the latest fiscal year, either because of the state of the stock market or other factors, numerous options received over a number of years. Under existing rules, the spread between the acquisition price and the fair market value of the underlying securities with regard to *all* options on the date of exercise would be reported in Column C2 in the remuneration table for the year of exercise.

Since option plans present such disclosure problems, the Commission proposes to exclude the "spread" resulting from the exercise of stock options from disclosure in the remuneration table. This would be accomplished by amending Instruction 2(b) of Item 4(a) to exclude the fair market value of the securities received upon the exercise of stock options. All option information, however, would be disclosed pursuant to an expanded Item 4(d) requirement.[20] In order that this purpose can be accomplished, the Commission is also proposing that Instruction 3 to Item 4(d) providing an exclusion for de minimus option information be deleted. The Commission questions whether the thresholds that are present in Instruction 3 are appropriate since Item 4(d) will contain the sole requirement in Item 4 with regard to options. However, the Commission solicits comments on whether some *de minimus* exclusion for options information should be incorporated into Item 4(d) and, if so, whether the threshold should be (1) an absolute dollar amount, (2) a percentage of compensation reported in the remuneration table or (3), a combination of (1) and (2) above.

A new Instruction 3 to Item 4(d) is being proposed. This instruction would allow, but would not require, option information to be reported separately for (1) option transactions during the past fiscal year; and (2) option transactions since the close of the fiscal year to the latest practicable date. This instruction is being proposed to permit registrants to reflect their option information in accordance with the time period covered by the remuneration table.[21]

The Commission is also proposing the addition of a new category for the option disclosure requirements of Item 4(d). Proposed Item 4(d)(3) would call for option disclosure, currently required for only officers and directors, for all employees of the registrant. This revision is being proposed to facilitate further the integration of the disclosure provision of the Securities Act of 1933[22] and the Securities Exchange Act of 1934.[23] In this regard, reference is made to Instruction 4 to Item 3, "Purchase of Securities Pursuant to the Plan," of the recently amended Form S–8[24] which permits the incorporation by reference of the option information appearing in an issuer's proxy statement meeting the requirements of section 14(a) (or information statement meeting the requirements of Section 14(c)) of the Securities Exchange Act and the rules promulgated thereunder. As noted in that instruction, the information regarding options required under Item 3 of the Form S–8 is more extensive than presently called for by Item 4(d) of Regulation S–K.[25] If adopted, this proposal will satisfy the requirements of Item 3 and the Commission believes that it will further reduce or eliminate unnecessary or duplicative disclosure in the Commission's disclosure documents.

The Commission believes that these proposals will allow the remuneration table to more closely reflect the registrant's remunerative arrangements for services rendered by its officers and directors during the fiscal year[26] while at the same time affording full disclosure pursuant to Item 4(d) of the relationship between the aggregate option price and the aggregate market value of stock acquired by an officer or director upon the exercise of stock options since the beginning of the last fiscal year.

The Commission specifically invites comment with regard to the period covered by Item 4(d) with regard to options. Currently, and under the

[18] In doing so, the Commission agrees with the position taken by its Division of Corporation Finance in Securities Act Release No. 33–6166.

[19] If adopted, these proposals would render moot Interpretive Responses 4 through 11 of Securities Act Release 6166 relating to the reporting in the remuneration table of amounts attributable to stock options, stock appreciation rights and phantom stock plans.

[20] Instruction 5 to Item 4(d), which will remain unchanged, in pertinent part states that the information called for by the Item may be furnished in the form of the table set forth in Appendix A to Schedule 14A.

[21] Unlike the Item 4(a) remuneration table which calls for information relating to the last fiscal year, the time period covered by Item 4(d) is "since the beginning of the registrant's last fiscal year."

[22] 15 U.S.C. 77a et seq.

[23] 15 U.S.C. 78a et seq.

[24] Securities Act of 1933 Release No. 6202 (April 2, 1980) [45 FR 23653].

[25] Item 4 of Regulation S–K is incorporated into Item 7 of Schedule 14A (17 CFR 240.14a–101.7).

[26] In Securities Act Release 6166, the Division of Corporation Finance set forth the basic disclosure concepts involved in the remuneration table. As noted in that release, the purpose of the remuneration disclosure is to match all services rendered in a given year with all remunerative amounts attributable to employees received for performing those services.

proposed Item 4(d), the period for which information must be disclosed with regard to options is since the beginning of the last fiscal year. However, as discussed below, the proposed stock appreciation rights information would cover only the last fiscal year. In this regard, commentators are requested to address the issue of whether stock option information should be geared to a fiscal year period.

B. *Stock Appreciation Rights* [27] *and Phantom Stock Plans.* The Commission is also concerned that the inclusion of the remuneration table of amounts expensed for financial reporting purposes for stock appreciation rights ("SARs") as well as interests in phantom stock plans may tend to confuse the shareholder as to the nature of the registrant's compensation arrangements for the fiscal year. The Commission has been advised that this is particularly true for unexercised rights under such market based award plans since these rights are subject to the unpredictable fluctuations of the marketplace and the amount reported in the remuneration table may bear no resemblance to what the officer or director actually realizes. Furthermore, like options, the attribution of remuneration under these plans to a given year's services is difficult.

At present, Instruction 3(b)(i) to Item 4 requires that Column D reflect the annual market change that is expensed for financial reporting purposes with regarding to SAR's and phantom stock plans.[28] Furthermore, Instruction 3(b)(ii) permits a credit to be taken against any amounts previously reported in Column D, if, in a subsequent fiscal year, the registrant, in connection with the same plan or arrangement, credits its remuneration expense for financial reporting purposes. As a result of these provisions, the reporting of stock appreciation rights may consist of positive entries in one year followed by a series of negative entries in subsequent years depending on the movement of the market price of the underlying security.

Because of the above mentioned concerns, as well as the fact that stock appreciation and phantom stock plans appear to contribute a significant percentage of the negative amounts reflected in Column D, the Commission believes that the present reporting requirements may not serve the purpose of the remuneration table which is to reflect remuneration attributed to service rendered in the latest year.

In response to these considerations, the Commission is proposing certain revisions to Instructions 2(b) and 3(b) to Item 4(a) and to Item 4(d) of Regulation S–K. Generally, the proposals would exclude amounts relating to stock appreciation rights and interests in phantom stock plans from inclusion in the remuneration table while requiring certain disclosure regarding awards under such plans pursuant to an expended Item 4(d) requirement. In this regard, Item 4(d) is proposed to be amended by adding two new subparts which would require separate disclosure with respect to stock appreciation rights and interests in phantom stock plans. Proposed Item 4(d)(iv) would require that the following information be disclosed with regard to all such plans: (1) the number of SARs granted during the last fiscal year; (2) the number of SARs exercised during the last fiscal year; and (3) the number of SARs outstanding as of the end of the fiscal year. Likewise, proposed Item 4(d)(v) would require disclosure of: (1) the unrealized gain relating to all SARs held under these plans as of the beginning of the last fiscal year; (2) the unrealized gain with respect to SARs granted during the year; (3) the value of cash or securities received upon exercise during the last fiscal year; and (4) the unrealized gain relating to all SARs held at the end of the last fiscal year. It should be noted that for purposes of proposed Item 4(d)(iv), "unrealized gain" for SARs and similar rights would not be a net figure, but rather would be calculated only as to those rights with respect to which base prices were below the current market price.[29] In this manner, the amounts realizable if exercise occurred on the reporting date would be disclosed.[30]

The Commission is also proposing Item 4(d)(vi) which would require disclosure of the value of all SARs held at the end of the fiscal year by all employees other than officers and directors. This requirement would provide shareholders with an understanding of the scope of such plans.

A proposed amendment to Instruction 1 to Item 4(d) would define the term "stock appreciation rights" as including interests in phantom stock plans. It should be noted that Item 4(b), Proposed Remuneration, would still call for a description of such plans including the number of shares upon which the interests are based.

Appendix A of Schedule 14A[31] is proposed to be expanded to accommodate the above information in a table separate from the option disclosure. As with options, use of the Appendix A format would not be mandatory. In addition, unlike the option disclosure requirement which requires information for the period since the beginning of the last fiscal year, proposed Items 4(d) (iv), (v) and (vi) would require information only as to the last fiscal year.

The Commission believes that this method of disclosure when coupled with the removal of stock options from the remuneration table will provide meaningful information to stockholders in a more easily understandable manner. Furthermore, the proposed disclosure requirements concerning SARs and phantom stock plans will afford the shareholder an appreciation of the full extent of these compensation arrangements.

In the past, questions have arisen concerning the reporting under Item 4(d) of stock options that are granted in Tandem with SARs. Since the holder, in most cases, may exercise either the SAR or the option but not both, the Commission requests specific comment on whether an instruction should be included in Item 4(d) which would address possible double reporting and, if so, what reporting the instruction should permit.

As with options, the Commission is soliciting specific comment concerning whether a *de minimus* exception should be included in the proposed stock appreciation rights disclosure requirements and, is so, whether the threshold should be (1) an absolute dollar amount, (2) a percentage of compensation reported in the remuneration table, or (3), a combination of (1) and (2) above.

Item 4(e)—Indebtedness of Management

The Commission is proposing to include savings and loan associations and broker-dealers extending credit under Federal Reserve Regulation T [32]

[27] Stock appreciation rights represent the right to receive an amount equal to the spread between the market price of a number of shares of an employer's common stock credited to the participant's account on the date the right is granted and/or the date of exercise.

[28] For a further discussion of this area, see Interpretive Responses 8 through 11 in Release No. 33–6166.

[29] For example, if the fair market price of the underlying stock is $25/share and SAR was granted at $30, no loss would be reported for such SAR.

[30] Proposed Instruction 8 to Item 4(d) would allow registrants to disclose, at their option, the amount of unrealized gain that relates to SARs that are not currently exercisable.

[31] 17 CFR 240.14a–103.

[32] 12 CFR Part 220.

within the exception in Item 4(e) which currently relates only to banks. Under the proposal, the specified entities would not have to furnish detailed disclosure with regard to loans extended to management if a statement is included that the loans to such persons (1) were made in the ordinary course of business; (2) were made on substantially the same terms, including interests and collateral, as those prevailing at the time for comparable transactions with unaffiliated persons; and (3) did not involve more than the normal risk of collectibility or present other unfavorable features.

In the Commission's view, the same policy considerations regarding bank loans to management should apply to these other regulated industries. In addition, the proposal reflects current interpretations and administrative practice.[33]

Proposed Item 4(h)—Termination of Employment

In its administration of the remuneration disclosure requirements, the Commission has become aware of situations where no disclosure has been presented with regard to remunerative plans or arrangements resulting from the termination of employment. The Commission believes that such arrangements are significant to an assessment of the company's compensation policy and should be disclosed. Accordingly, a new Item 4(h) is being proposed which will require a description of any remunerative plans or arrangements that result or will result from the termination of employment of any indivudial named in the remuneration table in any of the last three years.

Proposed Renumbering

The Commission is also proposing the renumbering of certain paragraphs of Item 4 to conform these paragraphs and their subparts to the other sections of the Item.[34] The Commission believes that the elimination of the present inconsistent numbering scheme will improve the readability of the Item. If the proposals, as renumbered, are adopted, corresponding changes will be made throughout Schedule 14A of the Commission's proxy rules wherever reference to the renumbered paragraphs may appear.

[33] See Interpretive Response 53, Securities Act Release No. 6166.

[34] The Commission is proposing renumbering paragraphs (d) and (e) of Item 4 as well as certain subparts in Instruction 2 of Item 4(a) and Instruction 3 of Item 4(f).

General and Specific Inquiries

Any interested person wishing to submit written comments on the proposed amendments to Item 4 of Regulation S–K, as well as on other matters which might have an impact upon the proposals contained herein, is invited to do so. Moreover, commentators are urged to address any alternatives or modifications which may assist the Commission in resolving the disclosure problems set forth in this release.

The Commission also solicits comment as to whether the proposed amendments would have an adverse effect on competition or would impose a burden on competition. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a)(2) of the Exchange Act.

Specific Inquiry

The Commission solicits comment as to whether the amendment of Item 4 of Regulation S–K would have an adverse effect on competition or would impose a burden on competition.

Text of Proposals

The text of the proposals is set forth below:

(Attention—The text of the following proposed amendments uses ►◄ arrows to indicate additions and [ ] to indicate deletions.)

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. 17 CFR 229.20 is proposed to be amended by revising Item 4 as follows:

§ 229.20 Information required in document.

* * * * *

Item 4. Management remuneration.

(a) *Current remuneration.* Furnish the information required in the table below, in substantially the tabular form as specified, concerning all remuneration, except remuneration resulting from any pension, ► stock option or stock appreciation right plan, ◄ of the following persons and groups for services in all capacities to the registrant and its subsidiaries during the registrant's last fiscal year, or, in specified instances, certain prior fiscal years:

(1) *Five executive officers or directors.* Each of the five most highly compensated executive officers or directors of the registrant as to whom the total remuneration required to be disclosed in Columns C1 and C2, below would exceed $50,000, naming each such person; and

(2) *All officers and directors.* All officers and directors of the registrant as a group, stating the number of persons in the group without naming them.

(3) *Specified Tabular Format:*

Remuneration Table

(A)	(B)	(C) Cash and cash-equivalent forms of remuneration		(D)
		(C1)	(C2)	
Name of individual or number of persons in group	Capacities in which served	Salaries, fees, directors fees, commissions, and bonuses	Securities or property insurance benefits or reimbursement, personal benefits	Aggregate of contingent forms of remuneration

Instructions to Item 4(a). 1. *Columns A and B. Persons subject to this item.*

(a) This item applies to any person who was an executive officer, officer, or director of the registrant at any time during the fiscal year. However, information need not be given for any portion of the period during which such person was not an executive officer, officer, or director of the registrant, provided a statement to that effect is made. Item 4(a)(1) applies to "executive officers" and directors. Item 4(a)(2) applies to "executive officers," other officers, and directors.

(b) "An executive officer" of a [person] ►registrant◄ includes its president, secretary, treasurer, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), and any other [person] ►employee◄ who performs similar policy-making functions. ►Executive officers of subsidiaries may be deemed "executive officers" of the registrant if they perform policy-making functions for the registrant.◄

2. *Column C.* Column C shall include remuneration for services rendered during the fiscal year distributed to or for the account of the specified person or group, or which is accrued and with reasonable certainty will be distributed or unconditionally vested in the future. Column C shall also include any amount actually distributed in the latest fiscal year which relates to services rendered in a prior fiscal year, less any amount relating to the same contract, agreement, plan, or arrangement previously included in the remuneration table for a prior fiscal year. However, if this calculation results in a credit, any such credit should be reflected in Column D and not Column C2. See

Instruction 3(b)(2). Column C should be segregated into two subcolumns; the first, C1, should include the forms of remuneration described in Instruction 2(a), below; the second, C2, should include the forms of remuneration described in Instruction 2(b), (c) and (d), below. Column C shall include cash or cash-equivalent amounts distributed or accrued, including but not limited to the following:

►(The specific forms of remuneration referred to in Instructions 3(a), 3(b) and 3(c) to this item are properly reported in Column C if the distribution of such remuneration or the unconditional vesting or measurement of benefits thereunder is *not* subject to future events.)◄

(a) *Salaries.* All cash remuneration distributed or accrued in the form of salaries, fees, directors' fees, commissions and bonuses.

(b) *Securities or property.* The spread between the acquisition price, if any, and the fair market price of all securities or property acquired, under any contract, agreement, plan or arrangement, [including securities issued on exercise of options] ►excluding any spread relating to securities issued on the exercise of options, or cash or securities received pursuant to the exercise of a stock appreciation right or interest in a phantom stock plan for which disclosure is called for by Item 4(d),◄ for the benefit of any of the specified persons or groups, less any amount previously reported in the remuneration table for a prior fiscal year with respect to the same contract, agreement, plan or arrangement. The fair market price of any such securities or property shall be determined as of the date during the fiscal year that either of the following events occurs; or if the plan or arrangement contemplates that both such events may occur, the fair market price shall be determined as of the date during the fiscal year that the later event occurs:

(1) The recipient exercises [any option, right or similar] ►an◄ election ►(similar to the exercise of an option or right)◄ in connection with the contract, agreement, plan or arrangement; or

(2) The recipient becomes entitled without further contingencies to retain the securities or property.

(c) *Life or health insurance; medical reimbursement plans.* The cost of premiums paid by the registrant or any of its subsidiaries on life insurance policies insuring any such person or group, unless the sole beneficiary under the policy is the registrant or its subsidiaries. Also, the cost of any premium for health insurance and the costs of any medical reimbursement plans (which may be the benefits paid under any such plans) for the benefit of the specified persons and groups shall be allocated to such persons and groups and reflected in Column C. Information need not be furnished pursuant to this Instruction 2(c) for any costs under group life, health, hospitalization, or medical reimbursement plans which do not discriminate in favor of officers or directors of the registrant and which are available generally to all salaried employees.

(d) *Personal benefits.* The value of personal benefits which are not directly related to job performance, other than those provided to broad categories of employees and which do not discriminate in favor of offices or directors, furnished by the registrant or its subsidiaries directly or through third parties to each of the specified persons and groups, or benefits furnished by the registrant or its subsidiaries to other persons which indirectly benefit the specified persons.

[(i)] ►(1)◄ *Valuation.* Such benefits shall be valued on the basis of the registrant's and subsidiaries' aggregate actual incremental costs; however, if such aggregate costs are significantly less than the aggregate amounts the recipient would have had to pay to obtain the benefits, appropriate disclosure, including the aggregate value to the recipient, should be made in a footnote to the table.

[(ii)] ►(2)◄ *Conditional exclusion of personal benefits.* If the registrant cannot determine without unreasonable effort or expense the specific amount of certain personal benefits, or the extent to which benefits are personal rather than business, the amount of such personal benefits may be omitted from the table provided the following condition is met:

[(A.)] ►(i)◄ *Inquiry.* After reasonable inquiry, the registrant has concluded that the aggregate amounts of such personal benefits which cannot be specifically or precisely ascertained do not in any event exceed $10,000 as to each person or, in the case of a group, $10,000 for each person in the group and has concluded that the information set forth in the table is not rendered materially misleading by virtue of the omission of the value of such personal benefits.

[(iii)] ►(3)◄ *Footnote disclosure.* If as to a person named in the table an amount representing personal benefits included in Column C2 exceeds 10 percent of the aggregate amount disclosed in Columns C1 and C2 or $25,000, whichever is less, include a footnote to the table stating the dollar amount or percentage of Column C2 represented by such personal benefits and briefly describing the kinds of such benefits.

3. *Column D.* Column D shall include remuneration of the specified persons and groups in whole or in part for services rendered during the fiscal year, including but not limited to the forms of remuneration described in paragraphs (a) through (c) below, if the distribution of such remuneration or the unconditional vesting or measurement of benefits thereunder is subject to future events.

Note.—Registrants need only report remuneration in accordance with Column D as it relates to the latest fiscal year. They need not for example, report amounts accrued in previous periods.

(a) *Pension or retirement plans; annuities; employment contracts; deferred compensation plans.* [(i)] As to each of the specified persons and groups, the amount expensed for financial reporting purposes by the registrant and its subsidiaries for the year which represents the contribution, payment, or accrual for the account of any such person or group under any existing pension or retirement plans ►(except the amount of contribution, payment, or accrual relating to a defined benefit or actuarial plan for which information is required by Item 4(b)(2)),◄ annuity contracts, deferred compensation plans, or any other similar arrangements. Such amounts should be reflected as remuneration for the fiscal year under all such plans or arrangements, including plans qualified under the Internal Revenue Code. [unless, in the case of a defined benefit or actuarial plan, the amount of the contribution, payment, or accrual in respect of a specified person is not and cannot readily be separately or individually calculated by the regular actuaries of the plan.

(ii) If amounts are excluded from the table pursuant to the previous provision, include a footnote to the table: (A) stating such fact; (B) disclosing the percentage which the aggregate contributions to the plan bears to the total remuneration of plan participants covered by such plan; and (C) briefly describing the remuneration covered by the plan.]

(b) *Incentive and compensation plans and arrangements.*

(1) With respect to [stock options, stock appreciation right plans, phantom stock plans and any other] incentive or compensation plans or arrangements, ►other than stock option, stock appreciation right and phantom stock plans,◄ pursuant to which the measure of benefits is based on objective standards or on the value of securities of the registrant or another person, granted, awarded or entered into at any time in connection with services, to the registrant or its subsidiaries, include as remuneration of each of the specified persons and groups any amount expensed by the registrant and its subsidiaries for financial reporting purposes for the fiscal year as remuneration for any such specified person or group attributable to an interest in any such plan or arrangement.

(2) If the registrant has expensed amounts for financial reporting purposes and reported such amounts in the remuneration table and in a subsequent year, in connection with the same plan or arrangement, credits its remuneration expense for financial reporting purposes, for any proper reason, including a decline in the market price of the securities, such credit may be reflected as a reduction of the remuneration reported in Column D. If amounts credited pursuant to this instruction are so reflected in the table, include a footnote stating the amount of such credit and briefly describing such treatment.

[(3) The term "options" as used in this item includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.]

(c) *Stock purchase plans; profit sharing and thrift plans.* Include the amount of any contribution, payment or accrual for the account of each of the specified persons and groups under any stock purchase, profit sharing, thrift, or similar plans which has been expensed during the fiscal year by the registrant and its subsidiaries for financial reporting pruposes. Amounts reflecting contributions under plans qualified under the Internal Revenue Code may not be excluded.

4. *Transactions with third parties.* Item 4(a), among other things, includes transactions between the registrant and a third party when the primary purpose of the transaction is to furnish remuneration to the persons specified in Item 4(a). Other

transactions between the registrant and third parties in which persons specified in Item 4(a) have an interest, or may realize a benefit, generally are addressed by other disclosure requirements concerning the interest of management and others in certain transactions. Item 4(a) does not require disclosure of remuneration paid to a partnership in which any officer or director was a partner; any such transactions should be disclosed pursuant to these other disclosure requirements, and not as a note to the remuneration table presented pursuant to Item 4(a).

5. *Other permitted disclosure.* The registrant may provide additional disclosure through a footnote to the table, through additional columns, or otherwise, describing the components of aggregate remuneration in such greater detail as is appropriate.

6. *Definition of "plan".* The term "plan" as used in this item includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal documents.

(b) *Proposed remuneration.*

►(1)◄ Briefly describe all remuneration payments proposed to be made in the future, pursuant to any [existing] ►ongoing◄ plan or arrangement to the persons and groups specified in Item 4(a). [As to defined benefit or actuarial plans with respect to which amounts are not included in the table pursuant to Instruction 3(a) to Item 4(a), include a separate table showing the estimated annual benefits payable upon retirement to persons in specified remuneration and year-of-service classification.] Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in favor of officers or directors of the registrant and which are available generally to all salaried employees.

►(2) As to defined benefit and actuarial plans with respect to which amounts are not included in the remuneration table pursuant to Instruction 3(a) to Item 4(a), include a separate table showing estimated annual benefits payable upon normal retirement to persons in specified remuneration and years-of-service classifications. In addition the registrant shall (i) describe the compensation covered by the plan; and (ii) state the years of service at normal retirement of the individuals named in the table required by Item 4(a).◄

►*Example of Tabular Format:*

Remuneration	Years of service				
	15	20	25	30	35
125,000	xxx	xxx	xxx	xxx	xxx
150,000	xxx	xxx	xxx	xxx	xxx
175,000	xxx	xxx	xxx	xxx	xxx
200,000	xxx	xxx	xxx	xxx	xxx
225,000	xxx	xxx	xxx	xxx	xxx

Note.—Remuneration levels should reflect reasonably expected increases in compensation.

Instruction to Item 4(b). Paragraph (1) of this item requires a brief description of the operation of any remuneration plan or arrangement which is operable for more than the latest fiscal year, notwithstanding the fact that amounts attributable to such plan were reported pursuant to Item 4(a) or 4(d) of this regulation.◄

(c) *Remuneration of directors.* (1) *Standard arrangements.* Describe any standard arrangement, stating amounts, by which directors of the registrant are compensated for all services as a director, including any additional amounts payable for committee participation or special assignments.

(2) *Other arrangements.* If a director of the registrant received remuneration for services as a director during the fiscal year in addition to or in lieu of that specified by any standard arrangement, state the name of such directors and the amount of such remuneration earned by each; if this information is given as to a person named in the table required by Item 4(a), a cross-reference may be used.

(d) *Options, warrants, or rights.* Furnish the following information as to all ►stock appreciation rights◄ and options to purchase securities from the registrant or any of its subsidiaries which were granted to or exercised by the following persons since the beginning of the registrant's last fiscal year ►with regard to options and during the last fiscal year with regard to stock appreciation rights◄, and as to all options held by such persons as of the latest practicable date ►and stock appreciation rights held at the end of the last fiscal year◄: [(i)] ►(1)◄ each director or officer named in answer to paragraph (a)(1), naming each such person; [(ii)] ►(2)◄ all directors and officers of the registrant as a group, without naming them; and ►(3)◄ all other employees.

[(1)] ►(i)◄ As to options granted during the period specified, state [(I)] ►(A)◄ the title and aggregate amount of securities called for; [(II)] ►(B)◄ the average option price per share; and [(III)] ►(C)◄ if the option price was less than 100 percent of the market value of the security on the date of grant, such fact and the market price on such date shall be disclosed.

[(2)] ►(ii)◄ As to options exercised during the period specified, state [(I)] ◄(A)◄ the title and aggregate amount of securities purchased; [(ii)] ►(B)◄ the aggregate purchase price; and [(iii)] ►(C)◄ the aggregate market value of the securities purchased on the date of purchase.

[(3)] ►(iii)◄ As to all unexercised options held as of the latest practicable date (state date), regardless of when such options were granted, state [(i)] ►(A)◄ the title and aggregate amount of securities called for, and [(ii)] ►(B)◄ the average option price per share.

►(iv) As to stock apprication rights state the number (A) granted during the last fiscal year; (B) exercised during the last fiscal year; and (C) outstanding at the end of the last fiscal year.

(v) As to stock appreciation rights state the value of (A) the unrealized gain on the outstanding rights at the beginning of the last fiscal year; (B) the cash or securities received upon exercise of the rights during the last fiscal year; (C) the unrealized gain at the end of the fiscal year on rights granted during the last fiscal year; and (D) the unrealized gain on outstanding rights at the end of the last fiscal year.

(vi) As to stock appreciation rights, information with regard to all other employees shall only consist of the value of the unrealized gain on all rights outstanding at the end of the fiscal year.◄

Instructions. 1. The term "options" as used in this paragraph (d) includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis. Where the average option price per share is called for, the weighted average price per share shall be given.►The term "stock appreciation right" includes interests in phantom stock plans.◄

2. The extension, regranting or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

[3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $40,000 for all officers and directors as a group, this item need not be answered with respect to options granted such person or group.

(ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such period or $40,000 for such group, this item need not be answered with respect to options exercised by such person or group.

(iii) Where the total market value as of the latest practicable date of the securities called for by all options held at such time does not exceed $10,000 for any such person or $40,000 for such group, this item need not be answered with respect to options held as of the specified date by such person or group.]

3. ►The information called for by this paragraph with regard to options may, but need not, be reported separately for option transactions during the past fiscal year and option transactions since the close of the last fiscal year to the latest practicable date. Additionally, it should be noted the information with regard to stock appreciation rights need only be reported on a fiscal year basis rather than since the beginning of the last fiscal year.◄

4. If the options relate to more than one class of securities the information shall be given separately for each such class.

The information called for by this paragraph may be furnished in the form of the table set forth in Appendix A to Schedule 14A wherever it is required.

6. If the information called for by Item 4(d)[(3)]►(iii)◄ is being presented in a registration statement filed pursuant to the Securities Act of 1933, the information required by that subparagraph shall be reported for all options outstanding (regardless of who holds them) as of a period 30 days prior to the date of filing of the registration statement. Instructions 1 through 5 do apply.

►7. In calculating the unrealized gain on outstanding stock appreciation rights, issuers should report the realizable value had the rights been exercised at the end of the fiscal year. All outstanding rights granted at prices currently above present market should be disregarded in determining this calculation.◄

►8. If securities rather than cash are received upon the exercise of a stock appreciation right, the fair market value of said securities on the date of exercise should be reported pursuant to this Item.

9. With regard to Item 4(d)(v), registrants may disclose, at their option, that portion of the total unrealized gain reported which relates to rights that are not currently exercisable.◄

(e) *Indebtedness of management.* State as to each of the following persons who was indebted to the registrant or its subsidiaries at any time since the beginning of the last fiscal year of the registrant, [(i)]►(1)◄ the largest aggregate amount of indebtedness outstanding at any time during such period, [(ii)]►(2)◄ the nature of the indebtedness and of the transaction in which it was incurred, [(iii)]►(3)◄ the amount thereof outstanding as of the latest practicable date, and

[(iv)] ► (4) ◄ the rate of interest paid or charged thereon:

[(1)] ► (i) ◄ Each director or officer of the registrant;

[(2)] ► (ii) ◄ Each nominee for election as a director; and

[(3)] ► (iii) ◄ Each associate of any such director, officer or nominee.

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. This paragraph does not apply to any person whose aggregate indebtedness did not exceed $10,000 or 1 percent of the registrant's total assets, whichever is less, at any time during the period specified. Exclude in the determination of the amount of indebtedness all amounts due from the particular person for purchases subject to usual trade terms, for ordinary travel and expense advances and for other transactions in the ordinary course of business.

3. Notwithstanding Instruction 2, if the registrant or any of its subsidiaries is engaged primarily in the business of making loans and loans to any of the specified persons in excess of $10,000 or one percent of its total assets, whichever is less, were outstanding at any time during the period specified, such loans shall be disclosed. However, if the lender is a bank, ►savings and loan association, or a broker-dealer extending credit under Federal Reserve Regulation T [12 CFR Part 220],►such disclosure may consist of a statement, if such is the case, that the loans to such persons [(1)] ►(a)◄ were made in the ordinary course of business, [(ii)] ►(b)◄ were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and [(iii)] ►(c)◄ did not involve more than normal risk of collectibility or present other unfavorable features.

4. If any indebtedness required to be described arose under Section 16(b) of the Act and has not been discharged by payment, state the amount of any profit realized, that such profit will inure to the benefit of the issuer or its subsidiaries and whether suit will be brought or other steps taken to recover such profit. If in the opinion of counsel a question reasonably exists as to the recoverability of such profit, it will suffice to state all facts necessary to describe the transaction, including the prices and number of shares involved.

5. If the information called for by Item 4(e) is being presented in a registration statement filed pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934, the information called for by that paragraph shall be presented for the last three years.

(f) *Transactions with management.* Describe briefly any transaction since the beginning of the registrant's last fiscal year or any presently proposed transactions, to which the registrant or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the registrant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the registrant;

(2) Any nominee for election as a director;

(3) Any security holder who is known to the registrant to own of record or beneficially more than five percent of any class of registrant's voting securities; and

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant.

Instructions 1. No information need be given in response to this item, Item 4(f), as to any remuneration or other transaction reported in response to Item 4(a), (b), (c), (d) or (e), or as to any transaction with respect to which information may be omitted pursuant to Instruction 2 to Item 4(b), the instruction to Item 4(c), Instruction 3 to Item 4(d) of Instruction 2 or 3 to Item 4(c). Instruction 2 to Item 4(a) applies to this Item 4(f).

2. No information need be given in answer to this Item 4(f) as to any transaction where:

(a) The rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier, or public utility, at rates or charges fixed in conformity with law or governmental authority;

(b) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction or series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000; or

(d) The interest of the specified person arises solely from the ownership of securities of the registrant and the specified person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class.

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item 4(f) where:

(a) The interest arises only [(i)] ►(1)◄ from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or [(ii)] ►(2)◄ from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (4) above, in the aggregate, of less than a 10-percent equity interest in another person (other than a partnership) which is a party to the transaction, or [(iii)] ►(3)◄ from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (4) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the registrant or any of its subsidiaries and the transaction is not material to such other person.

4. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

5. In describing any transaction involving the purchase or sale of assets by or to the registrant or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller. If the information prescribed by this instruction is to be included in a registration

statement filed on Form S–11, disclose the aggregate depreciation claimed by the seller for federal income tax purposes, if acquired by the seller within five years prior to the transaction. Indicate the principle followed in determining the registrant's purchase or sale price and the name of the person making such determination.

6. If the information called for by Item 4(f) is being presented in a registration statement filed pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934, the period for which the information called for shall be reported is the previous three years.

7. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

8. Information shall be furnished in answer to this item with respect to transactions not excluded above which involve remuneration from the registrant or its subsidiaries, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10% of any class of equity securities of another corporation furnishing the services to the registrant or its subsidiaries.

9. If the filing to which this item relates is a registration statement under the Securities Act, information should be included as to any material underwriting discounts and commissions upon the sale of securities by the registrant where any of the specified persons was or is to be a principal underwriter or is a controlling person, or member, of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the registrant or its subsidiaries.

10. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item. The materiality of any interest or transaction, is to be determined on the basis of the significance of the information to investors in light of all of the circumstances of the particular case. The importance of the interest to the person having the interest, the relationship of the parties to the transaction to each other and the amount involved in the transaction are among the factors to be considered in determining the significance of the information to investors.

(g) *Transactions with pension or similar plans.* Describe briefly any transactions since the beginning of the registrant's last fiscal year or any presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the registrant, or any of its parents or subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the registrant, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the registrant;

(2) Any nominee for election as a director;

(3) Any security holder who is known to the registrant to own of record or beneficially more than 5 percent of the outstanding voting securities of the registrant;

(4) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same home as such person or who is a director or officer of any parent or subsidiary of the registrant; or

(5) The registrant or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4 and 5 to Item 4(f) shall apply to this Item 4(g).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to paragraph (g) with respect to:

(a) payments to the plan, or payments to beneficiaries, pursuant to the terms of the plan;

(b) payment of remuneration for services not in excess of 5 percent of the aggregate remuneration received by the specified person during the registrant's last fiscal year from the registrant and its subsidiaries; or

(c) any interest of the registrant or any of its subsidiaries which arises solely from its general interest in the success of the plan.

►(h) *Termination of employment.* If any person named in the Item 4(a) table in any of the last three fiscal years resigned, retired or had his employment with the registrant terminated since the beginning of the last year, describe, unless previously disclosed, any remunerative plans or arrangements with such persons, including payments to be received from the registrant, which result or will result from the termination of employment.

Instructions. 1. No information need be given in response to this item as to any remuneration or other transactions reported in response to Item 4(a), (b), (c), (d) or (e).◄

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

2. 17 CFR 240.14a–103 is proposed to be amended by revising Appendix A as follows:

§ 240.14a–103 Appendix A (to Schedule 14A (§ 240.14a–101)).

The table ►s◄ set forth below ►are◄ [is an] illustration ►s◄ of the presentation in tabular form of the information required by Item [7] ►4◄ (d) ►of Regulation S-K (17 CFR 229.20.4(d))◄ and Instruction 3(c) to Item 9(d) of Schedule 14A, which also applies to Items 10(d) and 11(c). If only Item [7] ►4(d) of Regulation S-K◄ applies and Items 9, 10 and 11 are inapplicable, information need only be furnished for the period specified in Item [7] ►4◄ (d), information called for in Table I as to shares sold may be omitted. [and the reference at the foot of the table to options granted to employees may be omitted] See Instruction [4] ►5◄ to Item [7] ►4◄ (d) ►of Regulation S-K.◄ Other tabular presentations are, of course, acceptable if they include the necessary data. Tabular presentation may not be needed if only a very few options ►or stock appreciation rights◄ have been granted.

Table I—Stock Options

"The following tabulation shows as to certain directors and officers and as to all directors and officers as a group ►and all other employees◄ (i) the amount of options granted since the beginning of the fifth previous full fiscal year, (ii) the amount of shares acquired since that date through the exercise of options granted since that date or prior thereto, (iii) the amount of shares sold during such period of the same class as those so acquired, and (iv) the amount of shares subject to all unexercised options held as of (Insert Date)."

Common shares [1]	John Jones	James Smith	Richard Roe	All directors and officers as a group	►All other employees◄
Granted—19— to date:					
Number of shares					
Average per share option price	$	$	$	$	$
Exercised—19— to date:					
Number of shares					
Aggregate option price of options exercised	$	$	$	$	$
Aggregate market value of shares on date options exercised.	$	$	$	$	$
Sales—19— to date:					
Number of shares				([2])	([3])
Unexercised at 19—:					
Number of shares					
Average per share option price	$	$	$	$	$

[In addition, during the period employees were granted options for shares at an average option price per share of $.....]

[1] All common share figures have been adjusted in accordance with the terms of the options to reflect the stock split in 19— and, where applicable, to give effect to share dividends.

[2] Sales by directors and officers who exercised options during the period 19—to date.

►[3] Registrants may but need not provide this information for all other employees.◄

► TABLE II—STOCK APPRECIATION RIGHTS

The following tabulation shows as to certain directors and officers and as to all directors and officers as a group information with regard to (1) the number of stock appreciation rights (or interests in phantom stock plans) (i) granted since the beginning of the fifth full fiscal year, (ii) exercised during that period and (iii) outstanding at the end of that period and (2) the value of the stock appreciation rights (or interests in phantom stock plans) (i) at the beginning of the fifth full fiscal year period (iii) granted during the period but unexercised at end of period, and (iv) outstanding at the end of the period. ◄

	► Number of stock appreciation rights [1] from (date) to (date)				Value of stock appreciation rights from (date) to (date)		
	Granted during period	Exercised during period	Outstanding end of period	Unrealized gain at beginning of period [2]	Unrealized gain with respect to unexercised grants during period [2]	Amounts received as a result of exercise during period	Unrealized gain at end of period [2 3]
John Jones							
James Smith							
Richard Roe							
All directors and officers as a group							

All other employees held SARs at the end of the period with unrealized gain of $——.

[1] All stock appreciation right figures have been adjusted in accordance with the terms of the stock appreciation rights and where applicable to reflect the stock split in 19—.
[2] Based upon a closing price of $—— per common share on the New York Stock Exchange on ——— 19—.
[3] Of the unrealized gain at the end of period ——% relates to exercisable SARs and ——% relates to unexercisable SARs. ◄

[Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), 1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a)]

Authority: These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, 19, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 6, 1980.

[FR Doc. 80-14624 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. 1

[Dockets Nos. RM80-35, RM76-13, RM76-37, RM77-3, RM77-20, RM79-71, RM79-77, RM78-21, and RM78-3]

Notice of Termination of Various Rulemakings

Issued: May 9, 1980

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Termination of Various Rulemakings.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby gives notice of the termination of nine rulemaking proceedings. Pursuant to a review of the Commission's rulemaking dockets, certain rulemaking proceedings have been assigned priority status. This order terminates those rulemakings found to be unnecessary or duplicative during the review process.

EFFECTIVE DATE: May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Clarence C. Burris, Office of the General Counsel, 825 North Capitol Street, N.E., Room 8106–A, Washington, D.C. 20426, (202) 357–8161.

The Federal Energy Regulatory Commission hereby gives notice of the termination of various rulemaking proceedings because they are either unnecessary or duplicative. The terminated rulemakings are listed below:

1. *Docket No. RM75–14 National Rates for Jurisdictional Sales of Natural Gas Dedicated to Interstate Commerce on or after January 1, 1973, for 75–76 Biennium.*

This order was issued by the Commission December 4, 1974 in order to institute national rate proceeding for the 1975–76 biennium.

2. *Docket No. RM76–13 Site Selection for LNG Terminals.*

This docket was opened in response to a petition to institute rulemaking filed May 6, 1976. The petition suggested criteria for site selection and facilities operation for LNG importation and storage terminals.

3. *Docket No. RM76–37 Access to Regulatory Information Service.*

This policy statement identified those persons to be granted access to RIS data

bases, established general standards for the use of computer resources, and encouraged the use of electronic media data by state and other Federal agencies. It also set general policy on access to RIS data and reports.

4. *Docket No. RM77–3 Implementation of sections 382(b) and 382(c) of the Energy Policy and Conservation Act of 1975.*

Under the Energy Policy and Conservation Act regulated utilities that file applications involving a "major Federal action" are required to submit statements to the FERC indicating how such an action affects energy efficiency and energy conservation. The notice of proposed rulemaking defined a "major regulatory action" for certain physical connections of electric power transmission facilities, exports of electric power, imports and exports of natural gas, certificates of approval for abandonment in interstate natural gas transmission, and establishing electric power transmission facilities at an international boundary.

5. *Docket No. RM77–20 Pipeline Transportation Rate Schedules.*

This docket was opened in response to an Associated Gas Distribution petition requesting the Commission to clarify the responsibilities of interstate pipelines with respect to the transportation of non-system gas and to establish a uniform system for determining rates to be charged for such transportation.

6. *Docket No. RM79–71 Transportation Service of Natural Gas Supplied or Derived from Distributors.*

This docket was opened in response to a petition filed by Associated Gas Producers requesting a rulemaking regarding gas supplies resulting from exploration and development programs.

7. *Docket No. RM79–77.*

Nothing was ever issued in this docket. A decision has been made to issue the Phase II regulations under Docket No. RM80–10.

8. *Docket No. RM78–21 Applications for Stays of Commission Orders.*

This rulemaking proposed to standardize Commission procedures with respect to requests for stays by requiring that such applications be filed together with applications for rehearing. The rule also proposed to establish a specific effective date for orders where application for rehearing is denied by operation of law.

9. *Docket No. RM78–3 Rule to Alleviate Interstate Gas Supply Shortages.*

This docket was opened in response to a petition filed November 14, 1977, by Consumer Coalition. That petition asks the Commission to: eliminate existing reservations of gas by producers for their own use and require that gas to be sold in interstate commerce; regulate interstate activities of gas producers which also sell interstate; assure that producers are meeting minimum daily delivery obligations of their contracts; and immediately review the national $1.42-cent rate for the newest vintage of gas and $.93-cent rate for 1973–74 vintage gas, particularly the Federal income tax component. In consideration of the foregoing, Docket Nos. 75–14, 76–13, 76–37, 77–3, 77–20, 79–71, 79–77, 78–21, and 78–3 are hereby terminated.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–14789 Filed 5–13–80; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Parts 2 and 271

[Docket No. RM79–67]

Procedures Governing Applications for Special Relief Under Sections 104, 106 and 109 of the Natural Gas Policy Act of 1978

May 9, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is giving notice of proposed regulations establishing substantive standards for granting special relief rates to encourage the production of natural gas that would not be produced at applicable NGPA maximum lawful prices. These rates would be granted under the Commission's authority to grant higher just and reasonable rates for gas subject to sections 104, 106 and 109 of the NGPA.

The Commission received public comments on a Notice of Proposed Rulemaking in this docket, issued August 14, 1979. On January 16, 1980, the Commission issued a staff draft of a final rule which set out both substantive and procedural rules governing applications for special relief, and solicited further public comment on certain issues raised in the staff draft.

In this notice the Commission is soliciting comments on newly proposed §§ 271.1001–271.1006 of Subpart J, which set out proposed regulations governing standards of applicability for special relief, definitions, conditions of eligibility, methods of rate computation and the maximum special relief rate. The Commission believes that public comments received in prior public proceedings have fully explored the issues related to procedural and administrative aspects of special relief, and does not solicit further comments on these provisions.

DATE: Written comments are to be submitted by June 9, 1980.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Reference Docket No. RM79–67.

FOR FURTHER INFORMATION CONTACT:

Susan Tomasky, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8461

Lou Engel, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8667

Procedures governing applications for Special Relief Under Sections 104, 106 and 109 of the Natural Gas Policy Act of 1978, Docket No. RM79–67.

On August 14, 1979, a Notice of Proposed Rulemaking in this docket was issued proposing administrative procedures and substantive standards governing applications for special relief. [1] In that notice, the Commission proposed to implement its authority under the Natural Gas Policy Act of 1978 (NGPA) to establish higher just and reasonable rates for gas subject to maximum lawful prices under sections 104, 106 and 109 of the NGPA.

In January 1980, the Commission published a staff draft of a final rule, [2] and solicited further public comment on certain issues raised by the staff draft. Specifically, the Commission requested comments on the two-stage procedure described in the staff draft for review of special relief applications and on the appropriate rate of return on investment for gas from special relief projects. The Commission also asked commenters to discuss whether an applicant should be required to make a binding election to receive only the special relief rate for gas produced from the special relief project and whether the Commission should set a ceiling on rates granted under special relief.

In this notice of proposed rulemaking, the Commission is requesting comment on newly proposed §§ 271.1001–.1006 of subpart J, which set out the substantive standards for determinating special relief rates. We believe that comments received in the prior public proceedings have fully explored the issues related to administrative procedures, retroactive

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[1] 44 FR 49468 (August 23, 1979).

[2] Notice of Request for Public Comment and Notice of Public Discussion, (issued January 16, 1980); 45 FR 5321 (January 23, 1980).

collection, and filing requirements, and we therefore do not request additional comment on these provisions as previously proposed.

I. The Proposed Rule

Under the proposed regulation, a first seller may apply for a cost-based rate for natural gas subject to a maximum lawful price under sections 104, 106 or 109, where it is expected that the costs of additional investment, or of ongoing operating and maintenance expense, would not be compensated for at the applicable NGPA rate. Applicants for special relief, of for optional pricing certificates under prior Commission regulations, [3] would be permitted to pursue their pending applications under the provisions of this regulation.

Special relief would be available for new investment projects, and for wells for which there is no planned investment. In the case of a new investment project—either production enhancement work on a previously producing well or wells, or a new production project—the special relief rate is calculated to permit recovery of and return on investment costs in addition to recovery of ongoing operating and maintenance expense. The regulation also provides for a special relief rate designed to permit recovery of the operating and maintenance expenses of existing wells for which no new investment is planned, plus an incentive allowance on those expenses.

A. *Applicability.* This rulemaking provides special relief for natural gas subject to a maximum lawful price under section 104, 106 and 109, on the basis of the Commission's authority to prescribe higher just and reasonable rates for gas subject to those sections. Several comments received in response to the August notice of proposed rulemaking urged the Commission to extend special relief to other categories of natural gas, particularly gas subject to section 105.

The Commission is requesting further comment on its authority to provide a higher just and reasonable rate for natural gas subject to maximum lawful prices under other sections of Title I. Specifically, comments should discuss the extent to which the Commission may use its incentive pricing authority under section 107(c)(5) to establish just and reasonable rates for gas from production enhancement projects and existing wells where on-going operating and maintenance expenses exceed the applicable maximum lawful price. Also, commenters are requested to discuss the extent to which a just and reasonable rate, within the meaning of the Natural Gas Act, need not be cost-based.

B. *Definitions.* Section 271.1002 sets out definitions for this subpart. Paragraph (a) defines new investment project as a new production project or a production enhancement project. Section 271.1002(b) provides that a new production project may be an individual well or a platform and wells drilled thereon. Alternatively, under § 271.1002(b)(iii), a producer may designate any combination of wells or facilities as a new production project, and may receive a special relief rate computed on the basis of project costs incurred after designation. Also a producer who has included a number of wells or facilities in a special relief or optional procedure application now pending before the Commission [4] may pursue the application as one for a new production project to obtain for a special relief rate applicable to *all* wells and facilities included in the pending application. In such a case, the new production project would include only that investment incurred after the pending application was filed.[5]

Section 271.1002(b) defines a pending application as an application filed prior to April 16, 1980, the date that the Commission agreed in principle to issue these substantive standards as a Notice of Proposed Rulemaking. The Commission believes that applicants who file subsequent to that date have sufficient notice of the rules which will govern their application. Section 271.1002 also defines, for purposes of subpart J, the terms "production enhancement project," "related production facilities," "first seller," and "small project."

C. *Eligibility.* Section 271.1003 would establish the terms of eligibility for special relief. Under § 271.1003(a), a first seller may apply for special relief for natural gas from a new investment project, or for a well for which there is no planned investment. Also, under § 271.1003(b), a first seller who has filed a pending application may give notice of intent to proceed with his pending application.[6]

The Commission is aware, however, that offering special relief to first sellers would in many cases deny special relief to pipeline producers, because a pipeline's sale of natural gas which is not exclusively attributable to the pipeline's own production is not a first sale under the NGPA.[7] The Commission specifically requests comments discussing whether special relief should be available to pipeline producers, and whether the substantive provisions set out in this notice are appropriate for computing special relief rates for pipeline producers.

As a further condition of eligibility for special relief, a producer, at the time of application and prior to the commencement of any new investment, would be required under § 271.1003(c) to elect to receive only the cost-based special relief rate for gas produced from the well or project. This election would preclude a producer who applies for a special relief rate from subsequently filing for or collecting a higher price under any other provision of the NGPA. The election would also be binding on the applicant's successors in interest.

This election is intended to insure that special relief will work to complement the pricing scheme of Title I of the NGPA, by providing price incentive which induce the development of gas reserves that would not be produced at applicable NGPA prices. Absent the requirement of a binding election, a producer who finds the NGPA price to be ample incentive to undertake a particular project may nevertheless be tempted to apply for special relief as insurance against substantial cost-overruns or inadequate reserves. Then, at the completion of the investment, the producer would simply choose the higher of the special relief rate or the applicable NGPA rate. As a result, the

[3] 18 CFR 2.56a(g), 2.56b(h), 2.75, 2.76, and 2.77.

[4] Under §§ 2.56a(g), 2.75, 2.76 or § 2.77.

[5] Applicants with pending applications may wish to seek special relief under this subpart for only a portion of the wells or facilities included in the original application, rather than for all wells and facilities originally included. Nothing in these proposed provisions is intended to preclude such a applicant from pursuing special relief applications for such wells or facilities on a well-by-well or platform basis. In this situation, the application for each well or platform would be considered a pending application. *See* discussion *infra* of § 271.1004, regarding pending applications for new production projects comprised of individual wells or platforms.

[6] Under the procedural scheme set out in the August Notice of Proposed Rulemaking, the applicant would be required to submit, in the form of conforming filings, any additional information necessary for Staff review of a special relief application. *See* Notice of Proposed Rulemaking, § 271.1004(c)(3), (issued August 14, 1979); 44 FR 49468, 49474 (August 23, 1979).

[7] Section 270.203(a) of the Commission's regulations. *See*, Order No. 58, *mimeo* at 3–4 (Docket No. RM80–7, issued Nov. 14, 1979); 44 FR 66577, 66580 (November 20, 1980). A sale of a pipeline's own production is a first sale if it is an off-system sale, or if the gas is produced from an identifiable well and committed by contract to a particular purchaser. In such a case, the pipeline-producer would be eligible for special relief for gas from the well or project. However, a large proportion of pipeline production is commingled with purchased gas prior to sale, and thus is not subject to first sale treatment, *id.* As a result, a pipeline ordinarily would be precluded from seeking special relief for commingled volumes.

higher special relief rate would often serve merely to guarantee a recovery of and a certain return on the costs of successful ventures, rather than to induce investment that would not be undertaken at NGPA prices.[8]

D. *The Special Relief Rate for New Investment Projects.* The proposed methods of computation and the substantive standards for determining special relief rates for new investment projects are set out in § 271.1004. In the case of future applications for new production projects, the proposed regulation provides for recovery of and return on incremental investment, other than lease acquistion costs, incurred subsequent to the date of application. This sunk cost exclusion is premised on the view that the date of application represents the point at which the producer must decide whether or not to undertake additional investment, and therefore, is the point at which the assurance of a cost-based rate for gas produced from the project may provide a meaningful inducement to additional investment. Under this provision, a producer electing special relief immediately after lease acquisition could recover all costs associated with exploration and development.

However, because the Commission's prior practice encouraged pending applicants for what would now be defined as new production projects to apply at the completion of their investment, the date of application does not represent the point at which the availability of special relief induced those producers to undertake further investment. Therefore, in the case of pending applications for new production projects comprised of individual wells or platforms, the special relief rate would be based upon all costs incurred, exclusive of lease acquisition costs.

In the case of both pending and future applications for production enhancement projects, only costs incurred after the date of application may be included in the rate. This rule is consistent with prior Commission practice.

The proposed regulation would permit a producer to choose either of two methods of computing a special relief rate for new investment projects. The first method, described in §§ 271.1004 (b) and (c), would require the Commission to determine a special relief rate composed of a capital recovery component and an operating and maintenance expense component. The capital recovery component would provide for the recovery of all eligible project costs and a return on that investment after Federal income taxes. The Commission would compute this component using the discounted cash flow (DCF) method on the basis of volumes of gas estimated to be produced over the life of the project. To avoid any windfall that may result if the actual volumes prove to exceed the estimated reserves, the special relief rate would not include the capital recovery component for volumes delivered in excess of 110 percent of the estimated reserves. The rate for the excess volumes would be equal to the operating and maintenance expense component. The Commission specifically requests comments on its proposal to terminate the capital recovery component for excess volumes of gas.

Section 271.1004(c) sets out a formula for computing a "tilted" operating and maintenance expense component which escalates periodically to provide the recovery of current operating and maintenance expense. The operating and maintenance expense component for the initial delivery period (the period preceding and including the first calendar month of delivery) would be computed on the basis of the first year's estimated volumes and operating expenses. The rate would be recomputed monthly according to a formula set out in the regulation, which would adjust the rate for the previous month to account for any fluctuation in volumes and inflation.

As an alternative, the producer may choose to seek authority to collect a contract price, negotiated with his purchasers, to provide for capital recovery and the recovery of operating and maintenance expense. The contract price would include a capital recovery component which would provide for the recovery of and return (after Federal income taxes) on actual investment costs; the terms of the contract would specify the period of time, or volumes of production, over which the capital component would be recovered. The operating and maintenance expense component would be calculated using the "tilt" method described above. Commission review would be limited to a staff review of actual costs to determine that they include only eligible investment, *i.e.*, exploration and development costs in the case of a pending application, and incremental costs in the case of a future application.

The producer would be required to keep accounts which show the recovery of the capital recovery component over the period of time or volumes of production specified in the contract. No capital recovery including the applicable return on investment would be permitted beyond the specified time period of recovery, or of production volumes in excess of 110 percent of the original estimates (whichever is applicable under the contract). When the capital recovery component is terminated, the producer would forward to the Commission the records which were maintained to show the recovery of investment. The Commission specifically requests comment on this alternative method of rate computation.

Section 271.1004 provides for a rate of return equivalent to the rate of return established in the 1976 nationwide ratemaking under Opinion No. 770, adjusted to account for fluctuations in the investor's cost of capital. The fifteen percent rate of return adopted in Opinion No. 770, and used in subsequent special relief and optional procedure cases, was computed on the basis of 1975 financial data. The fifteen percent figure can be reduced to the 1975 yield on ten-year constant maturity U.S. Treasury bonds (7.99%), plus a seven percent risk premium

On this basis, the Commission proposes to provide a rate of return which is equal to the sum, rounded to the nearest one-half percentage point, of a seven percent risk premium and the yield on ten-year constant maturity bonds for the calendar year prior to the year in which application for special relief is made.[9] This computation offers the producer the same risk premium implicit in the 1976 national rate. The portion of the rate which corresponds to the return on ten-year government bonds is intended to assure the recovery of the producer's current cost of capital as of the time of application.

The rate of return would be computed in the same manner for both pending and future applications. For example, a producer who files an application for special relief in calendar year 1980 would receive a 16.5 return on investment; a producer who has currently pending an application which was filed in 1979 would receive a 15.5 return on investment.

E. *The Special Relief Rate for Wells for Which There is No Planned Investment.* In the case of a well for

[8] The staff memorandum published in connection with the January Notice of Request for Public Comment, *supra*, note 2, contains a fuller discusssion of issues related to the election requirement.

[9] These data are published annually by the Federal Reserve Board in the February issue of the Federal Reserve Bulletin. In order to provide a more current reflection of the producer's cost of capital, the rate of return could be indexed to reflect the yield on ten-year bonds for the four calendar quarters or the twelve months preceding the date of application. If the Commission chooses to index the rate on a quarterly or monthly basis, the Commission would publish the applicable rate for each quarter or for each month.

which there is no planned investment, the special relief rate would provide for the recovery or operating and maintenance expenses computed under the "tilt" method described above. In addition, the producer would be granted a five percent return after Federal income taxes on such expenses. This return is intended as an incentive allowance, to encourage the continued production of flowing gas, where the recovery of only out-of-pocket expense may be less attractive to the producer than the resulting salvage value if the well were abandoned.

F. *The Maximum Special Relief Rate.* Underlying the establishment of a special relief program is the belief that the Commission should use its authority to grant cost-based rates to encourage the production of high cost or high risk natural gas to the extent that such production is economically efficient. The Commission sees no benefit in inducing the production of natural gas which can only be produced at prices in excess of the Btu equivalent price of alternative fuels. Therefore, § 271.1006 of the proposed regulation provides that the special relief rate may not exceed the average refinery acquisition cost of imported crude oil, for the month in which the special relief application is filed, or, if greater, the first month in which gas from the special relief project is delivered. Under the proposed regulation, the maximum special relief rate for any month would be determined by converting the national average refinery acquisition cost of imported crude oil [10] by a Btu conversion factor of 5.8 MMBtu's per one barrel of oil.

II. Written Comment Procedures

The Commission invites interested persons to submit written comments on the matter proposed in this notice. An original and 14 conformed copies of such comments should be filed with the Commission by June 9, 1980. Comments submitted by mail should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should refer to Docket No. RM79–67.

The Commission requests that commenters who have already submitted comments in this docket limit their discussions to matters which they have not fully addressed in earlier submissions. As noted above, the Commission believes that the issues relating to administrative procedures, interim collections, and filing requirements have been fully explored in earlier public proceedings. However, to the extent that a commenter's views on proposed §§ 271.1001–.1006 are influenced by procedural considerations, we welcome further articulation of those considerations. Commenters are also requested to specify the section of the regulation to which their comments are addressed.

Written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426. The Commission will consider all timely comments before acting on the matters proposed in this notice.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.;* Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350; Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.;* Exec. Order No. 12009, 42 FR 46267).

In consideration of the foregoing Parts 2 and 271 of Chapter I, Title 18, Code of Federal Regulations are proposed to be amended as set forth below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 2—GENERAL POLICY AND INTERPRETATIONS

§§ 2.56a, 2.56b [Amended]; 2.75, 2.76, and 2.77 [Deleted]

1. Part 2 is amended in the Table of Contents where appropriate and in the text of the regulations by deleting §§ 2.56a(g), 2.56b(h), 2.75, 2.76, and 2.77. Paragraphs (h) through (p) of § 2.56a are redesignated as paragraphs (g) through (o). Paragraphs (i) through (n) of § 2.56b are redesignated as paragraphs (h) through (m).

PART 271—CEILING PRICES

§ 271.402 [Amended]

2. Part 271, Subpart D is amended by deleting § 271.402(c)(3).

Subparagraph (4) of § 271.402(c) is redesignated as paragraph (3).

3. Part 271 is further amended in the Table of Contents by deleting "Subpart J—[Reserved]" and substituting the following in lieu thereof:

Subpart J—Special Relief

Sec.

Authority: Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.;* Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350; Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.;* Exec. Order No. 12009, 42 FR 46267).

Subpart J—Special Relief

§ 271.1001 Applicability.

This subpart sets forth the conditions under which special relief may be obtained for any natural gas which is subject to a maximum lawful price under section 104 or 106, (whether or not such gas qualifies under any other section of the NGPA) or 109 of the NGPA, except that this subpart does not apply to natural gas produced from the Prudhoe Bay unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976.

§ 271.1002 Definitions.

For purposes of this subpart:

(a) "New investment project" means a new production project or a production enhancement project.

(b)(1) "New production project" means

(i) An individual well;

(ii) An individual platform, and wells drilled thereon; or

(iii) Investment in any wells or facilities designated in a special relief application under this subpart or included in a pending application, which investment was incurred subsequent to such designation or inclusion.

(2) A new production project may not include any well which produced oil or natural gas in commercial quantities more than 60 days before the date of application, absent waiver by the Director for good cause.

(c) "Production enhancement project" means investment for maintenance, increase, or restoration of production of a well which produced oil or natural gas in commerial quantities before the date of application (or a group of such wells). Such terms include reconditioning workover, deeper drilling, replacing or adding major equipment or related production facilities, or any other additional work necessary to prevent the loss of gas production or reserves.

(d) "Related production facilities" means the equipment and facilities of

[10] These data are published in the Monthly Entitlements Notice, issued by the Economic Regulatory Administration of the Department of Energy pursuant to 10 CFR 211.67(i).

the first seller which connect the wellhead to the purchaser's facilities.

(e) "First seller" means a seller in a first sale, except that it shall exclude a reseller as defined in § 270.202(e).

(f) "Small project" means a new investment project which meets the following criteria at the time an application for special relief is made, or in the case of a pending application, at the time conforming filings are made under the procedures for application under this subpart:

(1) The proposed new investment will result in estimated additional revenues (at the proposed rate) over the life of the project to the applicant of less than 100,000 times the proposed rate; and

(2) The proposed new investment exceeds 25 percent of the estimated additional revenues (at the proposed rate) to be generated by the project.

(g) "Director" means the Director of the Office of Pipeline and Producer Regulation.

(h) "Pending application" means an application filed before April 16, 1980, under §§ 2.56a(g), 2.56b(h), 2.75, 2.76 or 2.77.

§ 271.1003 Eligibility.

(a) *General rule.* Except as otherwise provided in paragraph (b) of this section, a first seller may apply for a special relief rate under this subpart for natural gas produced from:

(1) A new investment project; or

(2) A well for which there is no planned investment.

(b) *Pending applications.* A first seller who has filed a pending application may, in accordance with procedures for application under this subpart, file notice of intent to proceed with such application for a special relief rate under this subpart.

(c) *Election not to receive higher rate.* In order to apply for a special relief rate under this subpart, the first seller must elect not to file for, or collect, under any provision of this subchapter (other than this subpart), a rate which is higher than the applicable rate under this subpart. Such election is binding on the first seller and any successor in interest to the first seller.

§ 271.1004 Special relief rate for new investment projects.

(a) *Computation of rate.* Except as provided in § 271.1006, the special relief rate for a new investment project, other than a small project, at the election of the applicant shall be:

(1) The contract price for sale of natural gas from the project, subject to the provisions of paragraph (e) of this section; or

(2) The rate, in cents per unit of production (MMBtu), which is the sum of the following two components:

(i) A capital recovery component, determined under paragraph (b) of this section; and

(ii) An operating expense component, determined under paragraph (c) of this section.

(b) *Capital recovery component*—(1) *General rule.* The capital recovery component of the special relief rate shall be determined using the discounted cash flow method (described in the Appendix to this subpart) and shall be constant over the life of the project (unless terminated under subparagraph (5) of this paragraph).

(2) *Computation.* The values used in the discounted cash flow computation shall reflect:

(i) Subject to subparagraph (4) of this paragraph, any investment in the project (exclusive of lease acquisition costs and costs incurred prior to lease acquisition);

(ii) The net working interest (gross interest less royalty interest) production (in MMBtu's) of all natural gas and other hydrocarbons estimated to be produced over the life of the project;

(iii) Depreciation computed on a unit of production (MMBtu) basis;

(iv) A discount rate equal to the sum, rounded to the nearest one-half percentage point, of 7 percentage points plus the average ten year constant maturity interest rate on U.S. Treasury bonds for the calendar year prior to the calendar year in which the application is filed, as published in the *Federal Reserve Bulletin;*

(v) An allowance for Federal income tax which is attributable to the taxable income from the project (after consideration of any applicable percentage depletion allowance). This tax allowance shall be determined by applying the statutory rate applicable to such taxable income of the investor. Any investment tax credits generated by the investment incurred in completing the project will be taken into account in the discounted cash flow computation of the investment.

(3) *Investment prior to delivery.* Except for purposes of subparagraph (4) of this paragraph, investment incurred prior to one year before the commencement of deliveries attributable to the project shall be treated as if incurred on the date one year prior to the commencement of deliveries, absent reasonable justification.

(4) *Costs incurred prior to application.* In the case of a pending application for a production enhancement project, or an application for a new investment project under this subpart, no costs shall be included which were incurred prior to the date such application was filed.

(5) *Termination of capital recovery component.* No capital recovery component may be included as a part of a special relief rate for deliveries in excess of 110 percent of the amount of natural gas estimated to be produced over the life of the project under paragraph (b)(2)(ii) of this section.

(c) *Operating expense component.* The operating expense component of the special relief rate shall be determined for each calendar month as follows:

(1) By using the formula:

$$Rc = \frac{Rp \times I \times Vp}{Vc}$$

Where:

Rc = The rate for the current month;

Rp = The rate for the previous month in which production occurred;

I = The inflation adjustment for the current month as published by the Commission under § 271.101(c);

Vp = Actual gross volume (Mcf) of gas delivered during the previous month in which production occurred;

Vc = Actual gross volume (Mcf) of gas delivered during the current month.

(2) For the initial delivery period (the period prior to and including the first full calendar month) the rate for the previous month (Rp) shall be determined by dividing the first year's estimated operating expense as determined under clause (4) of this subparagraph, by the net working interest (gross interest less royalty interest) production (in MMBtu's) of hydrocarbons estimated to be produced during the first year of the eligible project.

(3) For the initial delivery period (the period prior to and including the first full calendar month) the actual gross volume (Mcf) of gas delivered during the previous month (Vp) shall be the annualized (divided by 12) gross volume of gas estimated to be produced during the first year of the project.

(4) The first year's estimated operating expense shall be estimated for the first year in which deliveries are made under the special relief rate, according to the following standards:

(i) Operating expenses shall be estimated on the basis of normal, recurring operating and maintenance expenses, incurred and charged on the books and records of the producer for the production of hydrocarbons from the project;

(ii) Regulatory expense shall be determined by multiplying the estimated first year's net working interest (gross interest less royalty interest) gas production (in MMBtu's) by $.001;

(iii) A return on working capital including an allowance for Federal income tax thereon shall be determined

by multiplying the estimated operating expense as defined in this clause (exclusive of regulatory expense and return on working capital) by a 12.5 percent working capital allowance times the applicable percent rate of return and dividing the product by a divisor of one minus the tax rate applicable to the applicant under subparagraph (2)(v) of this paragraph.

(iv) Operating expense shall not include capital investment, depreciation, depletion, amortization, return on investment (profit), amounts repaid on borrowed funds, State income taxes, Federal income tax (except as allowed for in subdivision (iii) of this Subparagraph), any overhead which is not directly related and charged to the eligible project, and any other adjustments allowed under subpart K of this part.

(v) Only those expenses shall be considered which are to be prudently incurred and which are in line with comparable industry expenditures for such equipment, services and expenses for similar projects.

(d) *Small projects.* The special relief rate proposed for a small project (exclusive of State severance tax, as defined in § 271.1001(a)) may not exceed the applicable rate for large producer sales under section 106(a) of the NGPA.

(e) *Alternative special relief rate.*—(1) *Computation.* Except as provided in § 271.1006, a first seller may elect to receive, instead of the special relief rate computed under § 271.1004(b)–(c), a price determined by contract negotiation that is no greater than the sum of:

(i) A capital recovery component which includes:

(A) Actual investment costs, other than costs incurred prior to lease acquisition, lease acquisition costs, and, in the case of applications under this subpart, costs incurred prior to date of application;

(B) A return on such investment costs computed in accordance with § 271.1004(b)(iv); and

(C) An allowance for Federal income tax computed in accordance with § 271.1004(b)(v); and

(ii) An operating and maintenance expense component, computed in accordance with § 271.1004(c).

(2) *Terms of the contract.* The sale of natural gas at a special relief rate under this section shall be pursuant to a contract the terms of which specify:

(i) The portion of the sale price allocable over time to recovery of and return on investment costs; and

(ii) The time period, or estimated volumes of production, upon which this calculation was based.

(3) *Recordkeeping.* The first seller shall, for each project for which a rate is determined under this section, keep such records as are necessary to show the recovery of the capital investment component of the special relief rate including separate accounts describing:

(i) The depreciation expense attributable to the project;

(ii) The return on investment;

(iii) Taxes attributable to the project; and

(iv) Operating and maintenance expenses attributable to the project.

(4) *Termination of the capital recovery component.* No capital recovery component may be included as a part of a special relief rate for deliveries made after the time period specified in the contract for recovery of such component, or for deliveries in excess of 110 percent of the amount of natural gas estimated to be produced under subparagraph (2)(ii) of this paragraph, whichever is applicable.

(5) *Reports.* At the termination of the recovery of the capital investment component, the first seller shall report to the Commission the information contained in the accounts kept under subparagraph (3) of this paragraph.

§ 271.1005 Special relief rate for a well for which there is no planned investment.

(a) *Computation of rate.* The special relief rate for gas sold from a well for which there is no planned investment shall be the rate, in cents per unit of production (MMBtu's), under which it is predicted that the applicant will recover those operating expenses which are reasonably assigned or allocated to gas production from the well and an incentive allowance of 5 percent after allowance for Federal income tax. Such rate shall be determined for each calendar month by using the formula set forth in § 271.1004(c)(1). Paragraphs (2) through (4) (other than (4) (iii)) of § 271.1004(c) shall apply to such determination.

(b) *Incentive allowance.* An incentive allowance of 5 percent after allowing for Federal income tax shall be determined by multiplying the operating expense determined under this section (exclusive of regulatory expense and incentive allowance) by .05 and dividing the product by a divisor of one minus the tax rate applicable to the applicant, computed under § 271.1004(b)(2)(v).

§ 271.1006 Maximum special relief rate.

A special relief rate under this subpart may not exceed the national average refinery acquisition cost of imported crude oil, calculated and published pursuant to 10 CFR 211.67(i) by the Department of Energy in the Monthly Entitlements Notice, for the month in which the special relief application is filed (or, if greater, that for the month in which the gas is delivered), divided by 5.8.

Special Relief Rate Determination—Prepared by the Staff of the Federal Energy Regulatory Commission

The cost calculations presented herein demonstrate the methodology the staff would use to determine a special relief rate for a project in conformance with the regulations for special relief as set forth in Subpart J of Part 271. The methodology allocates costs between natural gas and liquids by the straight Btu method.

I. The Computation of the Two-Component Rate for New Investment Projects Other Than Small Projects

The Hypothetical Project

The hypothetical new investment project used in this example of the determination of a special relief rate consists of a new well drilled in a known gas field at an actual cost of $3,000,000, 70 percent of which represents intangible costs. The new well is successfully drilled and completed in a formation producing natural gas and liquids (condensate). It is estimated that the well will cost $12,000 to operate during the first year, have a productive life of 10 years, and produce for delivery and sale the gross

quantities of natural gas (1030 Btu/cu. ft.) and condensate (5.448 MMBtu/Bbl) set forth in attached Schedule 1, Columns (b) and (c) subject to a 12.5 percent royalty interest.

Calculation of the Special Relief Rate

The following pages show the formulae and calculations which produce a starting special relief rate of $2.645 per MMBtu for the project. Schedules 1 through 3 show the derivation of the numbers used in the calculations. Schedule 4, the proof of the discounted cash flow method, shows that the discounted cash flow of the investment in and Federal income tax liability of the project is zero when the rate for this component, $2.606, is used.

This is a starting special relief rate related to an annualized gross gas production of 27,046 Mcf. The actual rates for deliveries during the period prior to and including the first full calendar month of production and subsequent calendar months would be determined by recomputing the component related to operating expense ($.039) in accordance with the procedure set forth in § 271.1004(c)(1) and adding the component related to investment ($2.606) which remains constant over the life of the project. An illustration of the calculation of subsequent rates appears on pages 8 and 9.

Determination of Rate Components

1. *The component reflecting a 16.5 percent true yield on investment*

This component is computed using the discounted cash flow methodology. The basic equation is:

Discounted Annual Revenue—(Discounted Investment+FIT)=0 which becomes
R (Discounted Production)=Discounted Investment+FIT Tax Rate [R (Discounted Production)—Discounted Income Tax Deductions)—Discounted Investment Tax Credit.

For the hypothesis given, the values of the variables are:

Variable	Value	Source
R, which is the Rate	(1)	
Discounted Production	1,207,778	Sch. 2, Col. (e), line 13.
Discounted Investment	$2,980,457	Sch. 2, Col. (f), line 13.
FIT Tax Rate (percent)	46	Current Statutory Rate.
Discounted Income Tax Deductions.	$2,589,149	Sch. 3, Col. (g), line 12.
Discounted Investment Tax Credit.	$90,000	Sch. 3, Col. (h), line 12.

[1] Unknown.

The solution of the equation follows:

1,207,778 R=2,980,457+.46 (1,207,778 R—2,589,149)—90,000
652,200 R=1,699,448
R=$2.60572 per MMBtu (rounds to $2.606)

2. *The component reflecting recovery of operating expenses.*

This component is computed using the estimated first-year's operating expense and net working interest production volume (in MMBtu). The equation is:

R=Operating Expense+Return on Working Capital+Regulatory Expense÷Net Working Interest Production

For the hypothesis given, the values of the variables are:

Variable	Value	Source
R, which is the Rate	(1)	Unknown
Operating Expense	$12,000	Hypothesis.
Return on Working Capital.	$459	($12,000×.125×.165)÷(1—FIT Tax Rate). I62Regulatory Expense
	$292	292,497×$.001.
FIT Tax Rate (percent)	46	Current Statutory Rate.
N.W.I. Production (MMBtu).	325,000	Sch. 1, Col. (h), line 1.

[1] Unknown.

The solution of the equation follows:

$$R=\frac{12,000+459+292}{325,000}$$

R=$0.039234 per MMBtu (rounds to $0.039)

Schedule 1.—*Production Volumes*

Line No.	Year	Gross volumes		N.W.I. volumes		N.W.I. production unit		
		Gas (Mcf)	Liquids (Bbls)	Gas (Mcf)	Liquids Bbls)	Gas (MMBtu)	Liquids MMBtu)	Total (MMBtu)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	1	324,546	6,818	283,978	5,966	292,497	32,503	325,000
2	2	299,587	6,293	262,139	5,506	270,003	29,997	300,000
3	3	274,616	5,769	240,289	5,048	247,498	27,502	275,000
4	4	249,653	5,244	218,446	4,589	224,999	25,001	250,000
5	5	224,688	4,720	196,602	4,130	202,500	22,500	225,000
6	6	199,722	4,195	174,757	3,671	180,000	20,000	200,000
7	7	149,787	3,147	131,064	2,754	134,996	15,004	150,000
8	8	124,828	2,622	109,225	2,294	112,502	12,498	125,000
9	9	99,858	2,098	87,376	1,836	89,997	10,003	100,000
10	10	49,929	1,049	43,688	918	44,999	5,001	50,000
11	Total	1,997,214	41,955	1,747,564	36,712	1,799,991	200,009	2,000,000

Column (b)—Estimated natural gas production.
Column (c)—Estimated liquids (condensate) production.
Column (d)—Column (b) times .875 net working interest.
Column (e)—Column (c) times .875 net working interest.
Column (f)—Column (d) times 1.03 MMBtu/Mcf.
Column (g)—Column (e) times 5.448 MMBtu/Bbl.
Column (h)—Sum of columns (f) and (g).

Schedule 2.—*Present Value of Production and Investment*

Line No.	Year	N.W.I. production (MMBtu)	investment	Discount factors	Discounted production (MMBtu)	Discounted investment
	(a)	(b)	(c)	(d)	(e)	(f)
1	Start		$3,000,000	1.00000		$3,000,000
2	1	325,000		.92648	301,106	
3	2	300,000		.79526	238,578	
4	3	275,000		.68263	187,723	
5	4	250,000		.58595	146,488	
6	5	225,000		.50296	113,166	
7	6	200,000		.43173	86,346	
8	7	150,000		.37058	55,587	
9	8	125,000		.31809	39,761	
10	9	100,000		.27304	27,304	
11	10	50,000		.23437	11,719	
12	End		(90,000)	.21714		(19,543)
13	Total	2,000,000	2,910,000		1,207,778	2,980,457

Column (b)—Net working interest production from schedule 1, column (h).
Column (c)—Line 1: Total investment. Line 12: Net salvage value of tangible investment.
Column (d)—Lines 2–11 are mid-year factors at 16.5 percent. Line 12 is the end-of-year factor for year 10 at 16.5 percent.
Column (e)—Column (b) times Column (d).
Column (f)—Column (c) times Column (d).

Schedule 3.—*Present Value of Income Tax Deductions and Investment Tax Credit*

Line No.	Year	Intangible Drilling costs	Depreciation	Total deductions	Investment tax credit	Discount factors	Discounted total deductions	Discounted investment tax credit
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Start	$2,100,000		$2,100,000	$90,000	1.00000	$2,100,000	$90,000
2	1		$131,625	131,625		.92648	121,948	
3	2		121,500	121,500		.79526	96,624	
4	3		111,375	111,375		.68263	76,028	
5	4		101,250	101,250		.58595	59,327	
6	5		91,125	91,125		.50296	45,832	
7	6		81,000	81,000		.43173	34,970	
8	7		60,750	60,750		.37058	22,513	
9	8		50,625	50,625		.31809	16,103	
10	9		40,500	40,500		.27304	11,058	
11	10		20,250	20,250		.23437	4,746	
12	Total	2,100,000	810,000	2,910,000	90,000		2,589,149	90,000

Column (b)—70 percent of total investment of $3,000,000.
Column (c)—Unit-of-production depreciation of net tangible investment ($810,000). Net tangible investment is 30 percent of total investment of $3,000,000 less salvage value of $90,000.
Column (d)—Sum of columns (b) and (c).
Column (e)—Investment tax credit is 10 percent times tangible investment of $900,000. Tangible investment is 30 percent times total investment of $3,000,000.
Column (f)—From schedule 2, column (d).
Column (g)—Column (d) times column (f).
Column (h)—Column (e) times column (f).

Schedule 4.—*Discounted Cash Flow at $2.60572 per MMBtu*

Line No.	Year	N.W.I. production (MMBtu)	Revenue ($)	Investment ($)	Federal income tax ($)	Net cash flow ($)	Discount factor	Discounted cash flow ($)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1	Start			3,000,000	(1,056,000)	(1,944,000)	1.00000	(1,944,000)
2	1	325,000	846,859		329,008	517,851	.92648	479,778
3	2	300,000	781,716		303,699	478,017	.79526	380,148
4	3	275,000	716,573		278,391	438,182	.68263	299,116
5	4	250,000	651,430		253,083	398,347	.58595	233,411
6	5	225,000	586,287		227,775	358,512	.50296	180,317
7	6	200,000	521,144		202,466	318,678	.43173	137,582
8	7	150,000	390,858		151,850	239,008	.37058	88,572
9	8	125,000	325,715		126,541	199,174	.31809	63,355
10	9	100,000	260,572		101,233	159,339	.27304	43,506
11	10	50,000	130,286		50,617	79,669	.23437	18,672
12	End			(90,000)		90,000	.21714	19,543
13	Total	2,000,000	5,211,440	2,910,000	968,663	1,332,777		

Column (b)—Net working interest production from schedule 1, column (h).
Column (c)—Column (b) times $2.60572.
Column (d)—Total investment.
Column (e)—Line 1: [(Column (c) minus schedule 3, column (d)) times 46 percent] minus schedule 3, column (e). Lines 2-11: (column (c) minus schedule 3, column (d)) times 46 percent.
Column (f)—Column (c) less Columns (d) and (e).
Column (g)—From schedule 2, column (d).
Column (h)—Column (f) times column (g).

Illustrating the Calculation of Subsequent Rates

This illustration showing the calculation of subsequent rates once the starting rate has been determined is based on the following hypothesis:

1. Deliveries under the special relief rate start in mid-March.

2. Actual gross gas deliveries in April are 26,000 Mcf.

3. The published inflation adjustment for April is 1.00713.

4. Actual gross gas deliveries in May are 24,000 Mcf.

5. The published inflation adjustment for May is 1.00774.

(a) To calculate the rate for initial delivery period, mid-March through April, you simply:

1. Recalculate the component related to operating expense (Rc) using the formal set forth in § 271.1004(c)(1) and the following values:

Variable	Value	Source
Rp	$.039	The value of the component related to operating expense in the starting rate.
I	1.00713	The published inflation adjustment as stated in the hypothesis.
Vp	27,046 Mcf	The annualized gross gas production related to the starting rate.
Vc	26,000 Mcf	The actual gross gas deliveries for April as stated in the hypothesis.

$$\text{Thus: } Rc = \frac{.039 \times 1.00713 \times 27{,}046}{26{,}000}$$

= $0.040858 per MMBtu (rounds to $0.041)

2. Add the component related to investment ($2.606).

This results in a rate of $2.647 for deliveries during the period mid-March through April.

(b) To calculate the rate for deliveries during May, you simply:

1. Recalculate the component related to operating expense (Rc) using the same formula and the following values:

Variable	Value	Source
Rp	$.041	The value of the component related to operating expense as determined above.
I	1.00774	The published inflation adjustment as stated in the hypothesis.
Vp	26,000 Mcf	The actual gross gas deliveries for April as stated in the hypothesis.
Vc	24,000 Mcf	The actual gross gas deliveries for May as stated in the hypothesis.

$$\text{Thus: } Rc = \frac{.041 \times 1.00774 \times 26{,}000}{24{,}000}$$

= $0.044760 per MMBtu (rounds to $0.045)

2. Add the component related to investment ($2.606).

This results in a rate of $2.651 for deliveries during May.

(c) To calculate the rate for subsequent monthly periods, simply repeat the procedure in (b), above, using the values applicable to the variables.

II. *The Computation of the Rate for a Well for Which There Is No Planned Investment.*

The Hypothetical Project

The hypothetical well for which there is no planned investment used in this example of the determination of a special relief rate consists of a currently producing well whose revenues are insufficient to cover the out-of-pocket expense incurred in its operation. It is

estimated that during the next year, an out-of-pocket expenditure of $48,000 will be required to produce gross volumes of 72,000 Mcf of 1020 Btu per cu. ft. gas (73,440 MMBtu) and 200 Bbls. of 5.448 MMBtu per Bbl. condensate (1090 MMBtu). This gross production volume of 74,530 MMBtu is subject to a 12.5 percent royalty interest.

Calculation of The Special Relief Rate

The following page shows the formula and calculation which produce a starting special relief rate of $.805 per MMBtu. This is a starting special relief rate related to an annualized gross production of 6,000 Mcf. The actual rates for deliveries during the period prior to and including the first full calendar month of production and subsequent calendar months would be determined by recomputing this rate in accordance with the procedure set forth in § 271.1004(c)(1). An illustration of the calculation of subsequent rates appears on page 12.

Determination of Rate

The starting rate is computed using the estimated first-year's out-of-pocket expense and net working interest production volume (in MMBtu). The equation is:

R = *Out-of-pocket Expense + Incentive Allowance + Regulatory Expense ÷ Net Working Interest Production*

For the hypothesis given, the values of the variables are:

Variable	Value	Source
R, which is the Rate	Unknown	
Out-of-pocket Expense.	$48,000	Hypothesis.
Incentive Allowance	$4,444	($48,000 × .05) ÷ (1—FIT Tax Rate).
Regulatory Expense	$64	73,440 × .875 × $.001.
FIT Tax Rate	46%	Current Statutory Rate.
N.W.I. Production	65,214 MMBtu	74,530 × .875.

The solution of the equation follows:

$$R = \frac{48{,}000 + 4{,}444 + 64}{65{,}214}$$

R = $0.805165 per MMBtu (rounds to $0.805)

Illustrating the Calculation of Subsequent Rates

This illustration showing the calculation of subsequent rates once the starting rate has been determined is based on the following hypothesis:

1. Deliveries under the special relief rate start in mid-March.
2. Actual gross gas deliveries in April are 5,500 Mcf.
3. The published inflation adjustment for April is 1.00713.
4. Actual gross gas deliveries in May are 5,000 Mcf.
5. The published inflation adjustment for May is 1.00774.

(a) To calculate the rate for the initial delivery period, mid-March through April, you simply recalculate the starting rate (Rc) using the formula set forth in § 271.1004(c)(1) and the following values:

Variable	Value	Source
Rp	$.805	The starting rate.
I	1.00713	The published inflation adjustment as stated in the hypothesis.
Vp	6,000 Mcf	The annualized gross gas production related to the starting rate.
Vc	5,500 Mcf	The actual gross gas deliveries for April as stated in the hypothesis.

$$\text{Thus: } Rc = \frac{.805 \times 1.00713 \times 6{,}000}{5{,}500}$$

= $0.884444 per MMBtu (rounds to $0.884)

(b) To calculate the rate for deliveries during May, you simply recalculate the rate (Rc) using the same formula and the following values:

Variable	Value	Source
Rp	$.884	The rate determined above.
I	1.00774	The published inflation adjustment as stated in the hypothesis.
Vp	5,500 Mcf	The actual gross gas deliveries for April as stated in the hypothesis.
Vc	5,000 Mcf	The actual gross gas deliveries for May as stated in the hypothesis.

$$\text{Thus: } Rc = \frac{.884 \times 1.00774 \times 5{,}500}{5{,}500}$$

= $0.979926 per MMBtu (rounds to $0.980)

(c) To calculate the rate for subsequent monthly periods, simply repeat the procedure in (b), above, using the values applicable to the variables.

[FR Doc. 80-14788 Filed 5-13-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Grant Teton National Park; Snowmobile Use

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of the Environmental Assessment, Advance Notice of Proposed Rulemaking and Request for Public Comment.

SUMMARY: The subject actions are necessary to determine the availability and scope of oversnow motorized access to areas of Grand Teton National Park in winter. On August 13, 1979, the National Park Service published a Servicewide snowmobile policy in the

Federal Register (44 FR 47412) which recognized snowmobile use in parks as a legitimate form of transportation during winter months and confined their use to properly designated routes and water surfaces. The policy states that routes and water surfaces to be designated for snowmobile use shall be promulgated as special regulations in the Code of Federal Regulations (Title 36, Part I, Sec. 1). In accordance with this policy and in compliance with applicable Executive Orders, Grand Teton National Park is proposing to develop special regulations for snowmobile use.

With this Notice of Intent, the National Park Service is seeking comments on the Assessment of Alternatives and the selection of the preferred alternative (see Alternative "B" of the assessment). These comments will assist the National Park Service in the preparation of the proposed regulations for snowmobile use in Grand Teton National Park.

DATE: Written comments, suggestions or objections will be accepted through June 30, 1980. Public meetings will be held at 7 p.m., local time, on May 28, 1970, in Golden, Colorado, and May 30, 1980, in Jackson, Wyoming.

ADDRESSES: Comments should be directed to: Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyoming 83012.

The National Park Service has also scheduled public meetings on the subject matter and scope of the proposed rulemaking. All meetings will begin at 7:00 p.m. local time. National Park Service personnel will be available to answer questions at 6:00 p.m. at each of the following meeting locations:

May 28, 1980—Holiday Inn West, Golden, Colorado

May 30, 1980—Grand Room of the Ramada Snowking Inn, Jackson, Wyoming

FOR FURTHER INFORMATION CONTACT: Ms. Rebbecca Griffin, Public Information Officer, Grand Teton National Park, Telephone: (307) 733–2880.

SUPPLEMENTARY INFORMATION:

Background

In August of 1977, the National Park Service appointed a task force to review snowmobile use in all areas of the National Park System and develop a policy concerning the legitimate use of mechanized oversnow travel in the parks and enable the superintendents to address the question uniformly. This task force was formed in response to requests from pro-snowmobiling and anti-snowmobiling interests, both of whom were seeking a uniform policy nationwide. In addition, Executive Order 11644 pertaining to the use of off-road vehicles on public lands, directed land management agencies to develop policies to implement the order.

Under these guidelines, the task force developed a snowmobile policy which first went to the public for review and comment on December 7, 1978, and after analysis of the comments, was made final on August 13, 1979, in the **Federal Register** (44 FR 47412). The policy establishes snowmobiles as an alternative form of transportation providing access to parks in winter when snow cover interrupts normal vehicular access. Where permitted, snowmobiles shall be confined to properly designated routes and water surfaces which are used by motorized vehicles or motorboats during other seasons.

The nationwide policy further requires proper designation of routes open to snowmobiles be published as special regulations in Title 36, Section 7 of the Code of Federal Regulations. An environmental assessment and review are also required.

Assessment of Alternatives

In accordance with this policy and in compliance with applicable Executive Orders, Grand Teton National Park is proposing to develop special regulations for snowmobile use. An assessment of alternatives for such regulations and route designations have been developed for review and comment by the public. In addition to this **Federal Register** Notice and local press releases, two public meetings will be held to solicit opinions and suggestions which the National Park Service will consider in selecting the alternative to promulgate the special regulations.

A summary of alternatives included in this assessment is provided below. The National Park Service has chosen Alternative "B" as the one preferred for future snowmobile use management. A copy of the assessment of alternatives is available by writing to Grand Teton National Park, Wyoming.

Alternative "A"—Designation of all unplowed roads, and frozen waterways in the park open to snowmobiling that meet criteria of the snowmobile policy. This alternative would designate 85.3 miles of unplowed road and 27,150 acres of waterways open to snowmobiling. This alternative could create conflict in some areas with wildlife, increase conflict between snowmobilers and cross-country skiers, and increase the probability of snowmobiles entering wilderness areas adjacent to the park.

Alternative "B"—Designation of most unplowed roads, and frozen waterways in the park open to snowmobiling that meet the criteria of the snowmobile policy. This alternative would designate 72.3 miles of unplowed road and 26,700 acres of waterways as open to public snowmobiling. This alternative would provide access to most areas of the park open to vehicles in other seasons. Conflicts with wildlife, cross-country skiers, and the possibility of incursion by snowmobiles into wilderness areas adjacent to the park would be less than under Alternative "A". This alternative also guarantees motorized access to major winter fisheries in the park. This is the alternative preferred by the National Park Service.

Alternative "C"—Designation of most unplowed roads, and frozen waterways in the park that meet criteria of the snowmobile policy and the Potholes-Baseline Flats Area as open to snowmobiling. This alternative would designate the same unplowed roads and frozen water surfaces open to snowmobiling as Alternative "B" and approximately 29,000 acres of the Potholes-Baseline Flats area. This alternative reflects the status quo in public snowmobiling since 1971. This alternative is not in compliance with the Servicewide snowmobile policy. Large increases in either (or both) snowmobiling or ski touring could result in increased conflicts between user groups and increase resource impact under this alternative.

Alternative "D"—Prohibition of public snowmobiling in Grand Teton National Park. Under this alternative, public snowmobiling would be prohibited in the park. The use of snowmobiles would be restricted to administrative and emergency purposes. Snowmobiles could also be used for access to private lands by landowners or others with their permission. This alternative would result in a substantial reduction in winter fishing and eliminate the opportunity for people to visit portions of the park who are unable or not inclined to ski or snowshoe.

Impact Analysis

With respect to the permanent rulemaking on snowmobile use in Grand Teton National Park, the National Park Service decided to issue a Notice of Intent regardless of the "significance" of the regulation in order to maximize the opportunity for public involvement in the preparation of the regulations. The National Park Service had made a preliminary determination that the anticipated rulemaking is not "significant" and does not require a "regulatory analysis" under the criteria of Executive Order No. 12044 and the Department's regulations. The National Park Service will make a final determination of these matters after analysis of the responses generated by this Notice of Intent.

In this notice, the National Park Service identifies, among other things, the subject matter of the anticipated rulemaking. The Service does not describe the specific content of the

anticipated rulemaking. Following the analysis of comments and suggestions specific to this Notice of Intent, Proposed Rulemaking will be published in the **Federal Register** for public review and comment for a 30-day period of time.

Boyd Evison,

Acting Associate Director, Management and Operations.

[FR Doc. 80-14822 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FI-1020]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administation, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Des Plaines, Cook County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base-(100-year) flood elevations published in 41 FR 14778 on April 7, 1976, and in the *Des Plaines Suburban Times*, published on April 15, and April 22, 1976, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Planning-Zoning Department, Civic Center, 1420 Miner Street, Des Plaines, Illinois. Send comments to: Honorable Herbert H. Volberding, Jr., Mayor of the City of Des Plaines, Civic Center, 1420 Miner Street, Des Plaines, Illinois 60016.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Des Plaines, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Illinois	Des Plaines, City, Cook County	Des Plaines River	Interstate 294 (Upstream side)	*628
			Miner Street (Upstream side)	*630
			Rand Road (Upstream side)	*631
			Golf Road (Upstream side)	*633
			Central Road	*634
		Willow Creek	Higgins Road	*638
			Soo Line Railroad (Upstream side)	*640
			U.S. Route 45 (Downstream side)	*641
			Wolf Road (Upstream side)	*646
			Confluence of Higgins Creek	*647
		Higgins Creek	Confluence with Willow Creek	*647
			New Mount Prospect Road (Upstream side)	*650
			Touhy Avenue (Downstream side)	*651
			Wille Road (Upstream side)	*656
			Elmhurst Road (Upstream side)	*657
			Upstream Corporate Limits	*660
		Weller Creek	Soo Line Railroad	*640
			Seegers Road	*641
			Approximately 850' downstream of Wolf Road at culvert outlet	*642
			Approximately 250' upstream of Wolf Road at culvert inlet	*646
			Washington Street	*647
			Golf Road (Upstream side)	*650
			Upstream Corporate Limits	*651
		Farmer's Creek	Busse Highway	*630
			Rand Road (Upstream side)	*631
			Dempster Street	*632
			Church Street (Upstream side)	*633
			Upstream Corporate Limits	*635
		Prairie Creek	Confluence with Farmer's Creek	*633
			Upstream Corporate Limits	*634
		Feehanville Ditch	U.S. Route 45 (Upstream side)	*634
			Soo Line Railroad (Upstream side)	*644
			Upstream Corporate Limits	*645

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14457 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5726]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Fairfield, Lycoming County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Williamsport Sun Gazette* on October 24, 1979, and October 31, 1979, and in the **Federal Register** published at 44 FR 64462, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Fairfield Township Building, Route 543, Montoursville, Pennsylvania. Send comments to: Mr. Harold Brooks, Chairman of the Township of Fairfield, R.D. 1, P.O. Box 47, Montoursville, Pennsylvania 17754.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Fairfield, Lycoming County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Township of Fairfield, Lycoming County (Docket No. FEMA-5726).	West Branch Susquehanna River.	Downstream Corporate Limits	*511
			Upstream Corporate Limits	*517
		Tules Run	Conrail	*513
			Township Route 541 (upstream)	*527
			Old U.S. Route 220 (Upstream)	*533
			U.S. Route 220 Culvert (downstream)	*580
			U.S. Route 220 Culvert (upstream)	*603
			Township Route 543 (upstream)	*613
			245 feet (upstream) Township Route 543	*617
		Bennetts Run	Conrail (downstream)	*516
			Old U.S. Route 220 (upstream)	*524
			Private Road 1,200 feet downstream of U.S. Route 220 (upstream side).	*554
			U.S. Route 220 (upstream)	*580
			Township Route 543 (upstream)	*593
		Loyalsock Creek	Downstream Corporate Limits	*544
			Upstream Corporate Limits	*559
		Mill Creek	Downstream Corporate Limits	*544
			Pennsylvania Route 87	*544
			Legislative Route 41055 (upstream)	*560
			Upstream Corporate Limits	*564

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14458 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5600]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Mount Pleasant, Columbia County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 44 FR 37638 on June 28, 1979, and in the *Morning Press* on June 25, 1979, and June 29, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Mount Pleasant Municipal Building, Bloomsburg, Pennsylvania. Send comments to: Mr. Harvey Oman, Chairman of the Mt. Pleasant Board of Supervisors, R. D. 4, Bloomsburg, Pennsylvania 17815.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Mount Pleasant, Columbia County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	#Depth *Elevation
Fishing Creek	Corporate Limits (Downstream).	*497
	Legislative Route 239	*500
	Backwater area (Upstream) U.S. Route 80 Culvert.	*504
	Conrail (Upstream)	*519
	Legislative Route 19026	*535
	Corporate Limits (Upstream	*556
Little Fishing Creek	Legislative Route 239 (Upstream).	*501
	Covered Bridge No. 69 (Upstream).	*519
	Township Route 519 (Downstream).	*544
	Township Route 519 (Upstream).	*549
	Legislative Route 19058 (Upstream).	*556
	Pennsylvania State Route 42 (Upstream).	*574
	Conrail (Upstream)	*580
	Corporate Limits (Upstream)	*582
Appleman's Run	Corporate Limits	*516

Depth in feet above ground.
* Elevation in feet, National Geodetic Vertical Datum.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: April 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14459 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5738]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Montour Falls, Schuyler County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** on November 23, 1979, and in the *Watkins Review*, published on November 21, 1979, and November 30, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Municipal Building, Montour Falls, New York. Send comments to: Honorable Gwen Snow, Mayor of Montour Falls, Municipal Building, 33 West Main Street, Montour Falls, New York 14865.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Montour Falls, Schuyler County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Montour Falls, Village, Schuyler County.	Barge Canal	Downstream Corporate Limits	*449
			Confluence of Diversion channel	*449
			Confluence of Catharine Creek	*449
		Diversion Channel	Confluence with Barge Canal	*449
			Upstream Access Bridge	*451
			Upstream Clawson Boulevard, Route	*457
			Confluence of Catlin Mill Creek	*459
			Ayres Street, Route 14	*468
			Confluence of Catharine Creek	*469
		Catlin Mill Creek	Confluence with Diversion Channel	*459
			500' upstream of confluecne with Catharine Creek	*465
			420' downstream, Skyline Drive	*470
			Skyline Drive	*476
			490' upstream, Skyline Drive	*485
			930' upstream, Skyline Drive	*493
		Havana Glen Creek	Confluence with Diversion Channel	*469
			Ayres Street, Route 14	*469
			695' upstream Ayres Street, Route 14	*475
			1,270' upstream Ayres Street, Route 14	*482
		Catharine Creek	Confluence with Barge Canal	*449
			Ayres Street	*450
			Confluence of Shequaga Creek	*451
			Upstream Corporate Limits	*470
		Shequaga Creek	Confluence with Catharine Creek	*451
			Downstream Genesee Street	*454
			Approximately 520' upstream of Steuben Street	*462

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14460 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5724]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Porter, Huntingdon County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 44 FR 64449 on November 7, 1979, and in the *Huntingdon Daily News* on August 28, 1979, and September 4, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Porter Township Building. Send comments to: Mr. Cletus Rhodes, Chairman of the Porter Board of Supervisors, R.D. 1, Alexandria, Pennsylvania 16611.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Porter, Huntingdon County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Porter, Township, Huntingdon County	Juniata River	3.20 miles downstream of the confluence of Little Juniata River and Frankstown Branch Juniata River.	*671
			1.35 miles downstream of the confluence of Little Juniata River and Frankstown Branch Juniata River.	*675
			Confluence of Little Juniata River and Frankstown Branch Juniata River.	*679
		Little Juniata River	Confluence with Frankstown Branch Juniata River	*679
			Upstream side of State Route 305	*687
			Upstream side of Conrail (1.2 miles upstream of State Route 305)	*700
			Upstream side of Legislative Route 31051)	*719
			Upstream side of Conrail (1.2 miles upstream of Legislative Route 31051.	*738
		Frankstown Branch Juniata River	Confluence with Little Juniata River	*679
			Upstream side of Legislative Route 31098	*680
			Upstream side of Legislative Route 855	*694
			Upstream side of State Route 305	*705
			Upstream side of U.S. Route 22	*720
		Robinson Run	U.S. Route 22	*695
			Upstream side of Legislative Route 31075	*696
			.234 mile upstream of Legislative Route 31075	*704
		Emma Creek	Confluence with Robinson Run	*698
			Upstream side of Township Route 477	*700
			Private Drive (0.5 mile upstream of Route 477)	*727
			Private Drive (0.5 mile upstream Private Drive)	*747
			Upstream side of Legislative Route 31046	*786
			.1 mile upstream of Legislative Route 31046	*793

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 28, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14461 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Adminisration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Jamaica, Windham County, Vermont.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Brattleboro Reformer* on September 21, 1979, and September 28, 1979, and in 44 FR 63554, published on November 5, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each communuity.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Office of the Town Clerk, Jamaica, Vermont. Send comments to: Mr. Roy Coleman Chairman of the Board of Selectment of Jamaica Town office Jamaica, Vermont 05343.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell National Flood Insurance Program, office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Jamaica, Windham County, Vermont, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (Presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Town of Jamaica, Windham County.	West River	Corporate Limits (Downstream)	*539
			Centerline of State Highway 100 (downstream crossing)	*551
			2,500' downstream of State Highways 30 and 100	*568
			Centerline of State Highways 30 and 100	*584
			3,440' upstream of State Highways 30 and 100	*610
			3,360' downstream of confluence of Ball Mountain Brook	*634
			230' upstream of confluence of Ball Mountain Brook	*658
		Wardsboro Brook	Confluence with West River	*548
			Downstream of Private Road (downstream crossing)	*556
			Upstream of Private Road (upstream crossing)	*560
			4,810' downstream of State Highway 100 (downstream crossing)	*577
			2,465' downstream of State Highway 100 (downstream crossing)	*629
			1,862' downstream of State Highway (downstream crossing)	*643
			Upstream State Highway 100 (downstream crossing)	*679
			900' upstream of State Highway 100 (downstream crossing)	*696
			2,200' upstream of State Highway 100 (downstream crossing)	*719
			5,160' upstream of State Highway 100 (downstream crossing)	*767
			7,261' upstream of State Highway 100 (downstream crossing)	*803
			1,860' downstream of State Highway 100 (upstream crossing)	*869
			410' downstream of State Highway 100 (upstream crossing)	*902
			Corporate Limits	*921
		Winhall River	Corporate Limits (downstream)	*1,052
			Centerline of Town Highway No. 8	*1,062
			2,420' upstream of Town Highway No. 8	*1,085
			1,500' downstream of State Highway 100	*1,110
			Centerline of State Highway 100	*1,136
			1,170' downstream of State Highway 30 (downstream crossing)	*1,150
			Downstream of State Highway 30 (downstream crossing)	*1,166
			Upstream of State Highway 30 (downstream crossing)	*1,173
			1,950' upstream of State Highway 30 (downstream crossing)	*1,195
			Centerline of State Highway 30 (upstream crossing)	*1,218
			500' downstream of County Boundary	*1,246
			County Boundary	*1,251
		Ball Mountain Brook	Confluence with West River	*657
			765' upstream of confluence with West River	*675
			Centerline of Back Street	*692
			465' upstream of Back Street	*700
			Centerline of State Highwaya 100 and 30	*730
			1,690' upstream of State Highways 30 and 100	*765
			1,340' downstream of State Aid Highway No. 1 (downstream crossing)	*799
			Centerline of State Aid Highway No. 1 (downstream crossing)	*834
			1,680' upstream of State Aid Highway No. 1 (upstream crossing)	*870
			2,240' downstream of State Aid Highway No. 1 (upstream crossing)	*910
			1,150' downstream of State Aid Highway No. 1 (upstream crossing)	*940
			Upstream of State Aid Highway No. 1 (upstream crossing)	*969
			1,850' upstream of State Aid Highway No. 1 (upstream crossing)	*1,007
			2,050' upstream of State Aid Highway No. 1 (upstream crossing)	*1,011

Maps available at the Office of the Town Clerk, Jamaica, Vermont.

Send comments to Mr. Roy Coleman, Chairman of the Board of Selectmen of Jamaica, Town Office, Jamaica, Vermont 05343.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14462 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Sayreville, Middlesex County, New Jersey.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 6448 and 45 FR 13134 on November 7, 1979, and February 28, 1980, and in the *News Tribune,* published on September 18, 1979, and September 25, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local ciculation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Clerk's Office, Municipal Building, Sayreville, New Jersey. Send comments to: Honorable John Czernikowski, Mayor of Sayreville, Municipal Building, 167 Main Street, Sayreville, New Jersey 08872.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Borough of Sayreville, Middlesex County, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100/year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Sayreville, Borough, Middlesex County.	South River	Entire length within Corporate Limits	*12
		Tennetts Brook	Entire length within Corporate Limits	*12
		Crossway Creek	From confluence with Cheesequake Creek to Ernston Road	*12
			Ernston Road Upstream	*14
			Garden State Parkway Downstream	*17
			Garden State Parkway Upstream	*31
			Frank Avenue Downstream	*45
			Frank Avenue Upstream	*55
			Approximately 750' upstream of Frank Avenue	*59
		Raritan Bay	Entire length of coast within Corporate Limits	*12
			Backwater on Cheesequake Creek and Mellins Creek from confluence with Raritan Bay to Upstream Corporate Limits.	*12
		Raritan River	Entire length within Corporate Limits	*12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14463 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5725]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100–year) flood elevations listed below for selected locations in the Town of Swanzey, Cheshire County, New Hampshire.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Keene Sentinal* on September 21, 1979, and September 28, 1979, and in the 44 FR 64458, published on November 7, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Town Hall Swanzey, New Hampshire. Send comments to: Mr. William Smith Chairman of the Board of Selectmen of Swanzey, P.O. Box 12, East Swanzey, New Hampshire 03446.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW, Washington D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100–year) flood elevations are listed below for selected locations in the Town of Swanzey, Cheshire County, New Hampshire in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100–year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP)

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Hampshire	Swanzey, Town, Cheshire County	Ashuelot River	Slate Street	*454
			Main Street	*458
			Upstream of Dam	*462
			Upstream Boston & Maine Railroad	*469
			Upstream Corporate Limits	*471
		South Branch Ashuelot River	Confluence with Ashuelot River	*470
			Carlton Road	*480
			Webber Hill Road	*487
			2,500' downstream Old Richmond Road	*496
			7,250' upstream Webber Hill Road	*500
			1,400' downstream Old Richmond Road	*514
			Upstream Old Richmond Road	*541
			4,000' upstream Old Richmond Road	*560
			3,000' downstream Private Road	*580
			1,000' downstream Private Road	*593
			Downstream Private Road	*598
			1,600' upstream Private Road	*620
			Upstream Corporate Limits	*639

Maps available at the Town Hall, Swanzey, New Hampshire.

Send Comments to Mr. William Smith, Chariman of the Board of Selectmen of Swanzey, P.O. Box 12, East Swanzey, New Hampshire 03446.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14464 Filed 5-13-80 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5102]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Williamsburg, Hampshire County, Massachusetts.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 7161 on February 6, 1979, and in the *Hampshire Gazette,* published on February 5, and February 12, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Town Clerk's Office, Williamsburg, Massachusetts. Send comments to: Mr. Richard L. Childs, Chairman of the Board of Selectmen of Williamsburg, Williamsburg Town Offices, Haydenville, Massachusetts 01039.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426–1460 or Toll Free Line (800) 424–8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Williamsburg, Hampshire County, Massachusetts, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Williamsburg, Town, Hampshire County.	Joe Wright Brook	Driveway Bridge 919 feet upstream from Route 9 Bridge (Upstream)	*483
			Route 9 Bridge (Upstream)	*482
		East Branch Mill River	Confluence of Bradford Brook	*711
			Wooden Footbridge 11,088 feet upstream from Bullard Road Bridge (Upstream).	*706
			Timber Footbridge 9,768 feet upstream of Bullard Road Bridge (Upsteam).	*689
			Footbridge 9,240 feet upstream from Bullard Road Bridge (Upstream).	*681
			Wooden Footbridge 6,969 feet upstream from Bullard Road Bridge (Upstream).	*663
			Bullard Road Bridge (Upstream)	*558
			Nash Hill Road Bridge (Upstream)	*523
		West Branch Mill River	Graham Pond Dam (Upstream)	*737
			Graham Pond Dam (Downstream)	*724
			Stone Dam (Upstream)	*718
			Route 9 Bridge (Upstream)	*702
			Route 9 Bridge 1,637 feet downstream from Village Hill Road Bridge (Upstream).	*685
			Route 9 Bridge 1,214 feet from Chesterfield Road Bridge (Upstream)	*605
			Chesterfield Road Bridge (Upstream)	*580
			Main Street 1,240 feet upstream from North Street Bridge (Upstream)	*559
			North Street Bridge (Upstream)	*539
			Confluence with Mill River and East Branch Mill River	*514
		Unquomonk Brook	South Street Culvert	*555
			Driveway Bridge 1,900 feet downstream from South Street Culvert (Upstream).	*543
			Confluence of Mill River	*470
		Bradford Brook	Ashfield Williamsburg Valley Road Culvert	*715
			Confluence of East Branch Mill River	*711
		Beaver Brook	Mountain Street Culvert	*439
			Wooden Footbridge 1,795 feet downstream from Mountain Street Culvert (Upstream).	*431
			Mountain Street Bridge (Upstream)	*421
			Wooden Footbridge 4,646 feet downstream from Mountain Street Bridge (Upstream).	*385
			Wooden Footbridge 5,860 feet downstream from Mountain Street Bridge (Upstream).	*384
			Downstream Corporate Limits	*379
		Mill River	Confluence of East and West Branches of Mill River	*514
			Main Street (Upstream)	*489
			Confluence of Unquomonk Brook	*470
			Driveway Bridge 3,590 feet downstream from Route 9 Bridge (Upstream).	*458
			Stone Dam (Upstream)	*442
			Stone Dam (Downstream)	*434
			South Main Street Bridge (Upstream)	*424
			Mountain Street Bridge (Upstream)	*416
			Breached Dam (Downstream)	*403
			Breached Dam (Upstream)	*409
			Downstream Corporate Limits	*389

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14465 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5136]

National Flood Insurance Program, Revision of Proposed Flood Elevation Determinations for the City of Muncie, Delaware County, Ind.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Muncie, Delaware County, Indiana.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 8280 on February 9, 1979, and hence supersedes those previously published rules.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the City Building, 220 East Jackson Street, Muncie, Indiana. Send comments to: Honorable Alan K. Wilson, Mayor, City of Muncie, 220 East Jackson Street, Muncie, Indiana 47305.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (in Alaska and Hawaii call Toll Free Line (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Muncie, Delaware County, Indiana, in accordance with section 110 of the Flood Disaster Protection Act of

1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qulify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C), Muncie, Delaware County	White River	Just upstream 400 West Road	*915
			Just upstream of Tillotson Avenue	*924
			Just downstream of Walnut Street	*934
			550 feet downstream of Broadway Avenue	*940
			Just upstream of Jackson Street	*950
			Southeast corporate limit	*958
		York Prairie Creek	Just upstream of 400 West Road	*914
			Just upstream of Norfolk and Western Railway	*922
			Just upstream of Tillotson Avenue	*928
		Jakes Creek	Just upstream of 300 North Road	*928
			Just upstream of Wheeling Avenue	*930
			Just upstream of Rosewood Avenue	*932
			Approximately 500 feet upstream of Chessie System	*939
		Muncie Creek	Just downstream of Highland Avenue	*940
			Just downstream of Waid Avenue	*942
			Just upstream of Broadway Avenue	*943
			Just downstream of McGalliard Road	*944
		Buck Creek	East corporate limit	*939
			Just upstream of Norfolk and Western Railway	*948
			Just upstream of 23rd Street	*953
			At unstream corporate limit (approximately 600 feet upstream of Madison Avenue).	*957

Maps available at the City Building, 220 East Jackson Street, Muncie, Indiana.

Send comments to Honorable Alan K. Wilson, Mayor, City of Muncie, City Building, 220 East Jackson Street, Muncie, Indiana 47305.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator. 44 FR 20963)

Issue: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–14466 Filed 5–13–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA–5778]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the Village of Crestwood, Cook County, Ill.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Crestwood, Cook County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Medlothian-Bremen Messenger* on January 31, 1980 and February 7, 1980, and in 45 FR 9038 published on February 11, 1980, and hence supersedes those previously published rules.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100 year) elevations are available for review at the Village Clerk's Office, Village Hall, 13480 South Cicero, Crestwood, Illinois. Send Comments to: Mr. Chester Stranczek, Village President, Village of Crestwood, Village Hall, 13480 South Cicero, Crestwood, Illinois 60445.

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Crestwood, Cook County, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Crestwood, Cook County	Crestwood Drainage Ditch West	About 250 feet downstream from Calumet Sag Road	*589
			Just upstream of Calumet Sag Road	*594
			Just downstream of 131st Street culvert	*607
			Just upstream of 131st Street culvert	*615
		Crestwood Drainage Ditch East	Just upstream of Cicero Avenue	*603
			Just upstream 135th Street	*606
			Just downstream of Kostner Avenue	*608
			Just upstream of Kostner Avenue	*610
		Tinley Creek	Downstream corporate limits (at 127th Street)	*597
			Just upstream of Central Avenue	*605
			Just downstream of Elementary Christian School Road	*606
			Just upstream of Elementary Christian School Road	*608
			At upstream corporate limits (about 850 feet upstream of Elementary Christian School Road.	*609

Maps available at Village Clerk's Office, Village Hall, 13480 South Cicero, Crestwood, Illinois.

Send comments to Mr. Chester Stranczek, Village President, Village of Crestwood, Village Hall, 13480 South Cicero, Crestwood, Illinois 60445.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–14467 Filed 5–13–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 5821]

National Flood Insurance Program; Proposed Corporate Limits and Zones for the City of Morristown, Tenn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed corporate limits and zones described below.

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

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

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed corporate limits and zones are available for review at the Mayor's Office, City Hall, Morristown, Tennessee. Send comments to: Honorable John R. Johnson, Mayor, City of Morristown, P.O. Box 1499, Morristown, Tennessee 27814.

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

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

The corporate limits and zones, together with the flood plain management measures required by Section 60.3 (presently appearing at its former Section 24, CFR 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed corporate limits and zones will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year zones for selected locations are:

Source of flooding	Location	Zone
Sinkhole	Bounded by Southern Railway on the north, Pearce Drive on the west and the corporate limits on the south.	A
Sinkholes	Bounded by Morris Boulevard on the north, Jarnagin Avenue on the east and the corporate limits on the south.	A
Sinkhole	In the southwestern section of the city, bounded by the corporate limits on the west, south and east.	A

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 3, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14468 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5822]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

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

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

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at Community Development Office, Provo City Center, 351 West Center Street, Provo, Utah. Send comments to: The Honorable James E. Ferguson, Mayor, City of Provo, P.O. Box 1849, Provo, Utah 84601.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Provo, Utah, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67 (presently appearing at its former Section 24 CFR Part 1917).

These zones and base flood elevations, together with the flood plain management measures required by Section 60.3 (presently appearing at its former Section 1910.3) of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Provo River	400 feet upstream from 2550 N Street extended.	4640
	At Woodside Drive extended.	4677
	Upstream from 3700 N Street.	4694
	At corporate boundary approximately 2,000 feet upstream from 3700 N Street.	4709
	At corporate boundary upstream from Carterville road.	4791

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 8, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-14469 Filed 5-13-80; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 87

[PR Docket No. 80-137; RM-3429]

Providing for Automatic Digital Communications in the Aeronautical En Route Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction: Notice of Proposed Rulemaking.

SUMMARY: This action corrects and clarifies the Notice issued in this proceeding. The Notice proposes to provide for the operation of automatic digital communications systems in the aeronautical enroute service.

DATES: Comments must be received on or before May 16, 1980, and reply comments must be received on or before June 2, 1980.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 87 of the rules to provide for automatic digital communications in the aeronautical enroute service (PR Docket No. 80–137 RM 3429); Correction.

Released: May 5, 1980.

1. In the Notice of Proposed Rule Making (adopted March 31, 1980, FCC80–184) in this proceeding several corrections are needed for clarification purposes.

2. A sentence is added to the end of paragraph 9 to clarify equipment authorization requirements. The sentence reads as follows:

"This will mean that all equipment, new or existing, must be type accepted to provide for this emission designator."

3. Three sentences at the end of paragraph 12 are added to clarify the Commission's view of the technical efficiency of the proposed system and to specifically solicit comments on this point. The sentences read as follows:

"We wish to note, however, that the technical spectral efficiency (less than 0.1 bit per second per Hertz) of the

proposed system is less than that required in some other services. Although the proposed system represents a notable increase in the efficiency of communications in the enroute band, we would like to take this opportunity to solicit comments addressing other more spectrally efficient modulation or encoding techniques which could be applied to the ARINC system. Commenters should indicate how other other techniques would help solve the expected future congestion problem on the enroute channels."

4. In paragraph 13, the sixth sentence is corrected to read: "* * * the line-of-sight range of VHF communications * * *"

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-14873 Filed 5-13-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1056, 1320, 1321, 1322, 1323, and 1324

[Ex Parte Nos. MC-1, 73,* 143, and 170]

Proposal to Repeal Existing Credit Regulations For Railroads, Motor Carriers, Water Carriers, and Freight Forwarders, and Authorize Individual Carriers To Establish Through Tariffs Publication Their Own Non-Discriminatory Credit Terms

AGENCY: Interstate Commerce Commission.

ACTION: Reopening of rulemaking proceedings, proposed rules.

SUMMARY: The Commission proposes to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders, and authorize individual carriers to establish through tariff publication their own non-discriminatory credit terms. Through this action, it is the Commission's purpose to rationalize its regulation in this area by permitting carriers to tailor their credit terms to meet their own needs. Rulemaking proceedings in which the Commission promulgated its original credit regulations for the various modes are being reopened.

DATE: Comments of interested persons will be due on or before [June 30, 1980].

ADDRESS: An original and 15 copies of comments should be sent to: Room 5356, ICC, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275-7693.

SUPPLEMENTAL INFORMATION: Ex Parte No. MC-1, Payment of Rates and charges of motor carriers; Ex Parte No. 73,* Regulations for payment of rates and charges; Ex Parte 143; Rules and regulations governing the settlement of rates and charges of common carriers of property by water; Ex Parte 170, Rules and regulations governing the settlement of rates and charges of common carriers of property by express.

In 1973, the Commission reopened and consolidated the two major rulemaking proceedings that are the basis for the existing rail and motor carrier credit regulations, Ex Parte No. 73, *Regulations for Payment of Rates and Charges* (Rail) and Ex Parte No. MC-1, *Payment of Rates and Charges of Motor Carriers* [38 FR 7820, March 24, 1973]. The Commission considered various proposals to assure prompt payment of bills by shippers and permissible extention of credit by carriers. In its 1975 report (350 I.C.C. 527), the Commission decided to

(1) Establish a uniform credit period of 7 days for rail and motor, with an automatic 30-day extension for late payments at 1 percent interest ($10 minimum); and

(2) Bar additional carrier credit extensions to shippers who fail to pay bills within the extended credit period.

In addition, the Commission reaffirmed prior findings in these proceedings that its jurisdiction in the area of enforcing credit regulations extends only to carriers; absent new legislation, the Commission lacks the power to enforce compliance with the regulations by shippers.

Following consideration of numerous petitions for administrative review, the Commission stayed its decision. The modifications have never been adopted.

The Commission is now proposing to repeal existing credit regulations for railroads, express companies, motor carriers, water carriers, and freight forwarders. See 48 CFR 1320.1 *et seq.* (rail), 1321.1 *et seq.* (express companies), 1322.1 *et seq.* (rail), 1321.1 et seq. (express companies), 1322.1 *et seq.* (motor carrier), and 1324.1 (freight forwarders). See also 49 CFR 1056.4 and 1056.25 pertaining to household goods carriers. The existing regulations would be replaced by a uniform regulation for all carriers, authorizing individual carriers to establish through tariff publication their own non-discriminatory credit terms.

The Commission is taking this action because the apparent, widespread non-compliance with the regulations indicates that the payment periods and other time limits prescribed are simply not realistic for many of the situations in which they apply. Moreover there is a serious question as to whether the regulations (existing or as proposed in the 1975 report) contribute to the statutory goal of preventing discrimination. The Commission does not believe that any set of uniform rules by carrier type (including those proposed in the prior report at 350 ICC 527, 550-52) can be constructed which will adequately reflect the needs of individual carriers and their shippers.

The Commission believes that under a scheme which permits individual carriers to publish their own credit regulations, the bar against discriminatory credit practices can be maintained as effectively, if not more effectively, than under the current regulations while at the same time, encouraging other beneficial results. Credit tariffs would be subject to protest upon filing. Discriminatory credit practices that violate 49 USC 10741 or the Elkins Act can be brought to the Commission's attention by informal or formal complaint, or prosecuted by the Commission's Bureau of Investigations and Enforcement.

Carriers would publish their own credit terms in tariff form and tailor their credit terms to meet their needs. Carriers would be free to use the existing credit period expand it, or restrict it. It is hoped that this freedom would result in intra and intermodal competiton in the area of credit. Aside from the choices regarding the time periods for the various credit related functions (e.g. presentation of bills, payment), carriers could offer different credit terms depending on the rate level, e.g. more attractive credit terms at a higher rate and less favorable terms for a lower rate. The only absolute requirement would be that all of a carrier's credit shippers be subject to the same rules.

The proposal, as indicated, is applicable not only to rail and motor (including household goods carriers), but also to express companies, water carriers, and freight forwarders. Although most complaints have centered on the motor and rail credit issue, continuing the existing credit restraints on those carriers would be inconsistent with the overall goals of encouraging intra and intermodal competition in the credit area and permitting carriers to structure their own

* Embraces Docket No. 37152, Southern Railway Company—Petition for Rulemaking—Modification of 49 CFR 1320.1 (Credit Regulations).

credit arrangements in accordance with their individual business needs.

Finally, it should be noted that this proposal to repeal all existing credit rules would include the repeal of existing requirements that rail and motor carriers require non-profit shipper organizations and shippers' agents to identify the beneficial owners of freight. See 49 CFR 1320.1 and 1322.1. This regulation with respect to rail carriers is the subject of a proposal by the Southern Railway (Docket No. 37152, Southern Railway Company—Petition For Rulemaking—Modification of 49 CFR 1320.1 (Credit Regulations) (filled March 26, 1979)) to delete that requirement from the regulations. The Commission believes that carriers themselves can best determine whether this requirement is necessary to ensure collection of their charges.

Proposed Rule

§§ 1056.4—1056.25 [Removed]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE COMMERCE

PART 1320—EXTENSTION OF CREDIT TO SHIPPERS BY RAIL CARRIERS [REMOVED]

PART 1321—EXTENSTION OF CREDIT TO SHIPPERS BY EXPRESS COMPANIES [REMOVED]

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS [REMOVED]

PART 1323—SETTLEMENT OF RATES AND CHARGES BY COMMON CARRIERS BY WATER [REMOVED]

PART 1324—SETTLEMENT OF RATES AND CHARGES BY FREIGHT FORWARDERS [REMOVED]

It is proposed that §§ 1056.4 and 1056.25 of Part 1056, Subtitle B, and Parts 1320, 1321, 1322, 1323, and 1324 of Subtitle D, Chapter X of Title 49 of the Code of Federal Regulations be removed and that a new Part 1320 be added to read as follows:

PART 1320—EXTENSION OF CREDIT TO SHIPPERS BY RAIL CARRIERS, EXPRESS COMPANIES, MOTOR CARRIERS, WATER CARRIERS, AND FREIGHT FORWARDERS:

§ 1320 Credit regulations.

All carriers subject to the jurisdiction of the Interstate Commerce Commission under Subtitle IV of Title 49 of the United States Code (except a pipeline or sleeping car carrier) who extend credit to shippers must publish and maintain a tariff or tariffs which set forth non-discriminatory rules pertaining to the extension of credit.

The proposed rule does not appear to affect significantly the quality of the human environment or the conservation of resources. However, comments on this issue are welcome.

It is ordered: A rulemaking proceeding as described above is instituted.

All petitions for reconsideration of the Commission's prior consolidated decision in Ex Parte No. 73 and Ex Parte No. MC–1 (350 I.C.C. 527) are denied to the extent that the relief requested is inconsistent with this proposal.

The petition of the Southern Railway for institution of a rulemaking is granted through incorporation of the issue in this proceeding.

Dated: April 30, 1980.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–14790 Filed 5–13–80; 8:45 am]

BILLING CODE 7035–01–M

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49 CFR Part 1254

[Ex Parte No. 289]

Remittance of Demurrage Charges by Common Carriers of Property by Rail

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed recision of rule.

SUMMARY: On March 18, 1977, the Commission adopted regulations in this proceeding that require a rail carrier collecting demurrage charges to remit all but $10 of the daily charges to the owner of the car.

It appears to the Commission that the 1977 rules will not provide the significant public benefits originally contemplated. Given the substantial accounting burdens imposed by the rules, the Commission believes that they should be withdrawn before they become effective and that this proceeding should be terminated.

DATES: Comments are due on or before June 13, 1980.

ADDRESSES: Send an orginal and 15 copies of comments to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 275–7693.

SUPPLEMENTARY INFORMATION: On March 18, 1977, (42 FR 19146, April 2, 1977) the Commission adopted regulations in this proceeding that require a rail carrier collecting demurrage charges to remit all but $10 of the daily charges to the owner of the car. These regulations are contained in 49 CFR § 1254.10, "Remittance of excess demurrage charges."

The Commission then stayed the effect of those regulations pending its further order.

The purpose of this proceeding, when it was instituted on October 12, 1972, was to remove a railroad's incentive to let shippers and receivers delay foreign-owned rail cars as a means of profiting from newly increased demurrage charges authorized in *Demurrage Rules and Charges Nationwide*, 340 I.C.C. 83 (1971). At that time two factors were present which no longer exist, i.e., (1) a major boxcar shortage and (2) relatively inexpensive car hire rates. Since 1972, the boxcar shortage has diminished significantly. In addition, in Ex Parte No. 334, *Car Service Compensation-Basic Per Diem Charges*, the Commission authorized substantial increases in basic car hire rates.

The increased car hire rates should provide sufficient incentive for railroad car owners to acquire additional cars. At the same time the higher per diem charges should discourage railroads from unnecessarily retaining upon their lines cars which they do not own. Accordingly, it appears to the Commission that the 1977 rules will not provide the significant public benefits originally contemplated. Given the substantial accounting burdens imposed by the rules, the Commission believes that they should be withdrawn before they become effective and that this proceeding be terminated.

However, before rejecting them, the Commission desires public comment on the merits of the rules and upon any alterations in circumstance which would bear upon its decision in this matter. Such comment would assist the Commission in reaching its decision.

The effectiveness of the original rules will be stayed pending final Commission decision.

Decided: April 16, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum and Alexis. Commissioner Stafford dissenting with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Stafford (Dissenting)

This proceeding, Ex Parte No. 289, was instituted in 1972 as another step in the Commission's program to spur the purchase of freight cars, to provide better utilization of those cars, and to promote adequate rail

service. After considering voluminous evidence in several stages, the Commission ultimately adopted regulations implementing its proposal that the amount of the demurrage charge above $10 per day be returned to the car owner, 353 I.C.C. 567 (1977).[1] The effective date was stayed. While the decision was appealed, it was affirmed in *Baltimore and Ohio Chicago Terminal Railroad Company* v. *United States*, 583 F.2d 678 (3rd Cir., 1978). Petitions for certiorari were denied by the Supreme Court on March 19, 1979, 440 U.S. 968. The regulations should have been allowed to go into effect after final court action. Unfortunately, over one year later, the stay is still in effect. I would vacate the stay forthwith.

The majority now proposes to issue a notice, subject to public comment, announcing its intention not to adopt the rules approved in 1977. The predicate for this conclusion is based on two factors: (1) major boxcar shortages have abated, and (2) the prescription of higher basic per diem rates in Ex Parte No. 334. With regard to the alleged easing of car shortages, it is interesting to note that car shortages have existed almost from the inception of the Commission in 1887.[2] As to the higher basic per diem rates, there is some question as to their validity.[3]

There is important evidence now of record which shows that the initial proposal, as increased,[4] is feasible, that it will contribute to increased purchases of cars and better utilization of the fleet, that it can be readily implemented,[5] and that carriers and shippers have instituted plans based upon the implementation of the proposal.[6]

I favor implementation of the proposal, as increased, at least on an interim experimental basis.[7] Without a valid test, this Commission will never know how those rules could promote better car service. Absent an actual test of the rules, I see no reason why a test could not be simulated on a computer program.

One final note of apprehension on my part as to the effect of the proposed recision of the regulations. The Commission now is engaged in a detailed review of the major rail rate bureau agreements.[8] I have consistently stated that rate bureaus have played a vital role in the establishment of a national rail network. With the proposed recision of Ex Parte No. 289, it can be readily argued that demurrage is the *sole* concern of the carrier holding the car, that it is, in effect, similar to a single-line rate, that rate bureau discussion and voting on demurrage, whether nationwide or regional, is unnecessary, and that the antitrust immunity should be denied. I would be opposed to such exercises in logic.

In sum, I would vacate the stay order, raise the amount to be retained from $10 to $20 per day, and monitor the results, at least for a stated period of time.

[FR Doc. 80-14846 Filed 5-13-80; 8:45 am]
BILLING CODE 7035-01-M

[1] Cf., No. 36927, *South Carolina Public Railways Commission—Petition for Declaratory Order—Assessment and Collection of Demurrage Charges*, served May 14, 1979, and November 28, 1979. The decisions refer to Ex Parte No. 289 in denying the petition.

[2] *Holbrook* v. *St. Paul, M. & M. R. Co.*, 1 I.C.R. 323 (1887).

[3] See the recent decision of the Court of Appeals for the 3rd Circuit, C.A. No. 78-1575 et al., March 28, 1980, which stays the new rates, affirms in part, and vacates in part the orders in Ex Parte No. 334. (*Consolidated Rail Corporation* v. *United States of America and Interstate Commerce Commission*, C.A. 78-1575). That decision, of course, may be subject to further appeal.

[4] An increase of the amount to be retained, from $10 to $20, appears appropriate.

[5] Reply of Burlington Northern to petitions, filed May 8, 1979.

[6] Reply of SRI, Inc., to petitions, filed April 16, 1979.

[7] See, Ex Parte No. MC-136, *Direct Routes for Regular Route Movements*, served March 17, 1980, page 5:

> This is a situation in which we see a few months of experience as being worth a year of hearings—and worth many pages of speculative analysis.

The same principles apply here.

[8] *Western Railroads—Agreement*, 358 I.C.C. 662 (1978), pending on appeal.

Notices

Federal Register
Vol. 45, No. 95
Wednesday, May 14, 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.

CIVIL AERONAUTICS BOARD

[Docket 37563]

Delta Airlines, Inc., Civil Penalties for Violations of Part 252 Regulations; Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 6, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administative law judge.

Dated at Washington, D.C., May 8, 1980.

William A. Pope II,

Adminstrative Law Judge.

[FR Doc. 80-14835 Filed 5-13-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:00 pm and will end at 9:00 pm, on June 4, 1980, at the Maine Teachers Association, Augusta Civic Center, Augusta, Maine.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting will be long-term and national planning, also sexual harassment project will be discussed.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-14780 Filed 5-13-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

Advanced Data Communications Control Procedures (ADCCP); Issuance of Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing (ADP) standards. On July 5, 1979, notice was published in the **Federal Register** (44 FR 39237) that a standard for Advanced Data Communications Control Procedures (ADCCP) was being proposed for Federal use. Interested parties were invited to submit written comments concerning this proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the standard for ADCCP as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has aproved the standard as a FIPS, and that the standard shall be published as FIPS publication (PUB) 71. The provisions of the standard are effective June 13, 1980.

The detailed justification document which was presented to the Secretary, and which includes copies of the written comments received and an analysis of those comments, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

This standard defines the data link control procedures to be used by ADP equipment and services employing bit-oriented synchronous data communication links. This standard will enable Federal agencies to reduce the cost of acquiring and using computer network facilities and services by (a) increasing the available alternative sources of supply for ADP equipment and services which employ synchronous data communications, (b) increasing the reutilization of such equipment, and (c) assuring required interoperability through providing a common data link control procedure for use between such equipment and services.

This approved FIPS contains two basic sections: (1) an announcement section which provides information concerning the objectives, applicability, and implementation of the standard, and (2) a specifications section which defines the technical parameters of the standard. Only the announcement section of the standard is provided in this notice. With certain exceptions noted in the announcement section, this FIPS represents the adoption of American National Standard X3.66, Advanced Data Communications Control Procedures.

By arrangement with the American National Standards Institute, interested parties may purchase either paper or microfiche copies of this standard, including the specifications section, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies portion of the announcement section of the standard.

Persons desiring further information about this standard may contact Mr. Eric L. Scace, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3723.

Dated: May 9, 1980.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 71

Announcing the Standard for Advanced Data Communications Control Procedures

Federal Information Processing Standards Publications are issued by the National Bureau of Standards, pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard: Advanced Data Communications Control Procedures (FIPS PUB 71).

Category of Standard: Hardware, Data Transmission.

Explanation: This standard defines the data link control procedures to be used by automatic data processing (ADP) equipment and services employing bit-oriented synchronous data communications links. The procedures provide:

Transfer of information across a data link;

Minimal exposure to errors and to the loss or duplication of information;

Control functions relating to beginning, suspending, and terminating the flow of information across a link; and

Operation on any type of synchronous data transmission facility.

The Government's intent in employing this standard is to reduce the cost of acquiring and using computer network facilities and services:

Increasing the available alternative sources of supply for ADP equipment and services which employ synchronous data communications;

Increasing the reutilization of such equipment; and

Assuring required interoperability to providing a common data link control procedure for use between such equipment and services.

Approving Authority: Secretary of Commerce.

Maintenance Agency: Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index: American National Standard X3.66–1979, Advanced Data Communications Control Procedures (ADCCP). Federal Telecommunications Standard 1003 (FED–STD 1003), published by the General Services Administration, is technically consistent with this standard.

Applicability: This Federal Information Processing Standard describes data link control procedures which shall be used in the design and procurement of all ADP systems, ADP terminal equipment, and ADP services that are to be employed in computer networking or teleprocessing environments using bit-oriented synchronous data communications. Such systems, equipment, and services shall implement one or more of the classes of procedure described in this Federal Information Processing Standard.

Prior to acceptance of equipment or service which is required to conform to this standard, the conformance of such equipment or service shall be verified by demonstration or other means acceptable to the Government.

Specifications: This Federal Information Processing Standard adopts American National Standard X3.66–1979, Advanced Data Communications Control Procedures (ADCCP), with the following exceptions:

(1) When the address field consists of a single octet, the least significant bit (bit number 1) shall always be set to one, making the address format consistent with the extended format prescribed by section 4.3.2 of X3.66; i.e., the basic address format prescribed by section 4.3.1 of X3.66 shall not be used.

(2) The four non-reserved commands (section 7.4.5 of X3.66) and four non-reserved responses (section 7.5.5 of X3.66) shall not be specified or used.

(3) The meaning of option 11 (deleting RSET) is changed so that RSET is deleted unless the option is selected.

Implementation: The provisions of this standard are effective June 13, 1980. Any applicable equipment or service ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurement will be issued by the General Services Administration and become part of the Federal Property Management Regulations.

This standard shall be reviewed by the National Bureau of Standards within five years after its effective date. This review shall take into account technological trends and other factors to determine if the standard should be affirmed, revised, or withdrawn.

Waivers: Heads of agencies desiring a waiver from the requirements stated in this standard, so as to acquire applicable equipment or service not conforming to this standard, shall submit a request for waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary, based on all available information including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include a justification for the waiver, including a description and discussion of the adverse economic or operational impact that would result from conforming to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment or service for which this standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies: Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service by ordering Federal Information Processing Standard 71 (NBS–FIPS–PUB–71), Advanced Data Communications Control Procedures. (Sale of the included technical specifications document is by arrangement with the American National Standards Institute.) Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161, telephone: 703–557–4650.

[FR Doc. 80–14796 Filed 5–13–80; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The North Pacific Fishery Management Council (Council) established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265) will hold a public

hearing on the Amendments to the Council's Fishery Management Plan: Gulf of Alaska Groundfish Fishery.

DATES: A public hearing will be held at Elks Lodge, Lodge Marine Way, Kodiak, Alaska, on Thursday, May 22, 1980. The public hearing will begin at 9:30 a.m. and will adjourn at 12:00 noon. Written comments may be submitted up to adjournment on May 22, 1980.

ADDRESS: Comments may be sent to: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. Copies of the draft Amendments to the plan are available at the Council headquarters, 333 West 4th Avenue, Suite 32, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Mr. James Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 294–4563.

SUPPLEMENTARY INFORMATION: The proposed Amendments to the Gulf of Alaska Groundfish Fishery Management Plan are: *1.* Establish total allowable catch (TAC) amounts of prohibited species incidental catches in the following amounts; Pacific Halibut—1,500 mt; king crab species—130 mt (90,000 crabs); Tanner crab species—14 mt (24,000 crabs); salmonid species—70 mt (25,000 fish). The incidental TAC is an absolute limit. Any nation exceeding their allocated portion of the TAC will be required to cease fishing. No species may be retained and all prohibited species must be returned to the ocean in a manner which maximizes the opportunity for survival. In addition, compensation will be required to be paid by foreign fishermen for the mortality caused by their operation. The compensation will equal the average ex-vessel price paid U.S. fishermen for each of the mentioned species groups times the incidental catch mortality caused by each foreign nation's groundfish fishery.

2. Change the plan year from November 1/October 31 to a calendar year: January 1/December 31 and eliminate the expiration date in the FMP.

3. Distribute Gulf-wide the optimum yield (OY) for squid, Atka mackerel, rattails, "other rockfish," and "other species."

4. Establish four species categories for the Gulf of Alaska Groundfish fishery as follows: Prohibited species, target species, other species, and non-specified species.

5. Subdivide the eastern regulatory area of the Gulf of Alaska into four (4) parts for the purpose of allocation of the sablefish OY. The areas would be: (1) Yakutat area west of 140 degrees West longitude; (2) Yakutat area east of 140 degrees West longitude; (3) Southeast Alaska outside waters (fishery conservation zone); (4) Southeast Alaska inside waters (territorial sea). The division is to be made by percentage and metric ton amounts of the OY for sablefish.

6. (a) Specify the authority of the Regional Director, Alaska Region, NMFS, to issue field orders adjusting time and/or area restrictions on foreign vessels to solve serious gear conflicts with domestic fixed gear operations according to criteria to be established. (b) Propose foreign trawl closures off Kodiak to prevent gear conflicts and ground preemption problems with domestic fixed gear fisheries.

7. Release of Reserves as follows: Reserve to total allowable level of foreign fishing (TALFF)—40 percent in month 4, 40 percent in month 6, 20 percent in month 8. Domestic annual harvest (DAH) to TALFF as follows: As soon as practicable after the first day of the eighth month. Reserve to DAH—40 percent in month 4, 40 percent in month 6, 20 percent in month 8.

8. Prohibit foreign trawling in the Southeast and Yakutat Districts.

9. Prohibit foreign longlining east of 150 degrees West longitude.

10. Require biodegradable escape panels on sablefish pots fished in the Gulf of Alaska.

11. Propose joint venture policy statement for creating closed areas to joint venture processing operations.

Dated: May 9, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-14867 Filed 5-13-80; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel; Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The public meeting notice for the North Pacific Fishery Management Council, its Scientific and Statistical Committee and Advisory Panel (**Federal Register**, Volume 45, No. 91, page 30468, dated May 8, 1980) is further amended as follows:

The Council meeting will convene at the Elks Club, Lodge Marine Way, Kodiak, Alaska, on Thursday, May 22, 1980, at 1:30 p.m., and adjourn on Friday, May 23, 1980, at approximately 5 p.m. The Scientific and Statistical Committee and Advisory Panel will not meet, although members will be attending the Council meeting. The meetings are open to the public. Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item to be addressed and the time discussed.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone: (907) 274–4563.

Dated: May 8, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-14866 Filed 5-13-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Advisory Committee on Minority Enterprise Development; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given that the Advisory Committee on Minority Enterprise Development will hold its first meeting from 8:45 a.m. to 5:30 p.m. on May 19, 1980, in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

The Committee was established on May 15, 1979 to advise and make recommendations to the Secretary of Commerce on matters concerning current and proposed Federal and Departmental policies, programs, and activities pertinent to minority business and economic development. The Committee consists of 35 members, balanced among economists, manufacturers, retailers, urban planners, business consultants, wholesalers, and bankers.

The agenda for the meeting is:

(1) Briefing by Department of Commerce senior officials on functions of selected agencies that provide services and resources on minority-owned businesses.

(2) Organization and structuring of the Advisory Committee to carry out its functions.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before May 13. Other public statements regarding committee affairs

may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public (including 5 seats reserved for media representatives) on a first-come first-served basis.

The filing deadline for this meeting could not be met due to the numerous emergency scheduling problems in clearing a date on which all key senior officials who are scheduled to participate would be available.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. William Tucker, Special Assistant for Minority Business Liaison, Room 5894, Main Commerce Building, telephone: 202–377–2971.

Dated: May 9, 1980.

William Tucker,

Special Assistant for Minority Business Liaison.

[FR Doc. 80–14845 Filed 5–13–80; 8:45 am]

BILLING CODE 3510–19–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Level of Restraint for Certain Man-Made Fiber Textile Products From Thailand

May 6, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Further amending the bilateral agreement to establish a designated consultation level of 2 million square yards equivalent (487,805 pounds) for other man-made fiber yarn, wholly of non-cellulosic filament, in Category 604, produced or manufactured in Thailand and to control imports into the United States at that level during the twelve-month period which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463)).

SUMMARY: The Governments of the United States and Thailand have exchanged letters further amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the two governments to establish a designated consultation level of 487,805 pounds for man-made fiber textile products in Category 604, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980.

EFFECTIVE DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: LaWonne Cunningham, Statistical Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the **Federal Register** (44 FR 76574) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton and man-made fiber textile products, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1980. In the letter published below, pursuant to the terms of the amended bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to establish a level of restraint of 487,805 pounds for Category 604 for that period. The level of restraint has not been adjusted to account for any imports after December 31, 1979. Imports during the January-February period of 1980 have amounted to 98,840 pounds and will be charged. As the data become available, further charges will be made for the period beginning on March 1 and extending through the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

May 6, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 14, 1980 and for the twelve-month period which began on January 1, 1980 and extends through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 604, produced or manufactured in Thailand, in excess of 487,805 pounds.[1]

Textile products in Category 604 which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Textile products in Category 604 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484 (a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Thailand and with respect to imports of man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80–14839 Filed 5–13–80; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

R. Lacy, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 5, 1980. Comments by: June 13, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of

[1] The level of restraint has not been adjusted to account for any imports after December 31, 1979. Imports during the January-February period of 1980 have amounted to 98,840 pounds.

Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214–767–7745.

SUPPLEMENTARY INFORMATION: On May 2, 1980, the Office of Enforcement of the ERA executed a Consent Order with R. Lacy, Inc. of Longview, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and R. Lacy, Inc. wish to expeditiously resolve this matter as agreed to and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with R. Lacy, Inc. effective as of the date of its execution by the DOE and Delta Drilling Company.

I. Consent Order

R. Lacy, Inc. with its home office in Longview, Texas is a firm engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Part 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and R. Lacy, Inc. entered into a Consent Order to resolve certain civil actions which could be brought by ERA as a result of its audit of the crude oil sales by R. Lacy, Inc. This Consent Order settles those matters relative to R. Lacy, Inc.'s production and sale of certain crude during the period November 1, 1973 through December 31, 1974.

The significant terms of the Consent Order with R. Lacy, Inc. are as follows:

1. R. Lacy, Inc. (Lacy) allegedly applied the provisions of 10 CFR 212.73(a) and 212.93(a) and its predecessor, 6 CFR 150.353 and 150.359(c) incorrectly when determining the prices to be charged for certain domestic crude oil.

2. Lacy understands and agrees to refund $48,000.00 plus interest to the DOE by certified check. This amount is in full settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the sale of certain crude oil produced and sold by Lacy and certain crude oil purchased and resold by Lacy. Leases from which Lacy produced crude oil originated are:

A. Maberry.
C. Maberry.
C. C. Miller.
W. Pouncy.
V. B. Smith.
F. M. Snider.
H. A. Penna.

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

Refunded overcharges as described in 2. above will be made in four installments. The first payment is due 30 days after the effective date of the Consent Order with additional payment due in subsequent 90 day installments until the total refund has been completed. Delivery of such payments shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, in the form of a certified check made payable to the United States Department of Energy.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "person" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants. Interested persons who believe that they have a claim to all or a portion of refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established.

Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments. The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767/7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on R. Lacy, Inc.'s Consent Order." We will consider all comments we receive by 4:30 p.m., local time, June 13, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 5th day of May 1980.

Wayne I. Tucker,

District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 80–14836 Filed 5–13–80; 8:45 am]
BILLNG CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[1491–2]

Science Advisory Board, Subcommittee on Arsenic as a Possible Hazardous Air Pollutant; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Subcommittee on Arsenic As A Possible Hazardous Air Pollutant of the Science Advisory Board. The meeting will be held at the Environmental Research Center, Annex Building, Research Triangle Park, North Carolina 27711, on June 3, 1980 starting at 9:00 a.m. Room assignment will be posted at the building.

The purpose of the meeting is to review revised documents on arsenic as a potential hazardous air pollutant. Documents are not available from the Science Advisory Board. At the request of the Office of Research and Development, we refer those interested in obtaining copies of the documents to Dr. Lester Grant, telephone number (919) 541–3746. This phone number has been assigned to handle document requests.

Persons desiring to provide the Science Advisory Board with materials or comments on the Agency documents are requested to contact the Staff Officer, Dr. Joel L. Fisher as soon as possible to arrange for distribution.

Persons desiring to attend the meeting are encouraged to preregister by close of business on May 29, 1980 because of the seating limitation at the meeting. Please call Dr. Fisher (202) 472–9444.

Richard M. Dowd,

Staff Director, Science Advisory Board.

[FR Doc. 80–14793 Filed 5–13–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1491–4; PF–183]

Boots Hercules; Filing of Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Boots Hercules has filed a feed additive petition (FAP OH5256) proposing the establishment of a tolerance for residues of the insecticide amitraz in dried citrus pulp at 5 parts per million (ppm).

COMMENTS/INQUIRIES: Comments may be submitted, and inquiries directed to: Mr. Charles Mitchell, Product Manager (PM) 12, Room E–303, Office of Pesticide Programs, Registration Division (TS–767), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 2046, 202/426–2635.

Comments submitted should bear a notation indicating the petition number "FAP OH5256". 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 4:30 p.m., Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: Boots Hercules, Agro Chemicals Co., Concord Plaza, PO Box 7489, Silverside Road, Wilmington, DE 19803, has submitted FAP OH5256 proposing that 40 CFR 180.287 be amended by establishing a tolerance for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]methyl]-*N*-methylmethanimidamide) in dried citrus pulp at 5 ppm.

(Sec. 409(b)(5) 72 Stat. 178b, (21 U.S.C. 348))

Dated: May 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–14794 Filed 5–13–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1491–3; OPP–C30180]

Sandoz, Inc.; Receipt of Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Sandoz, Inc., has submitted an application to conditionally register the pesticide product NOLOC, which contains the active ingredient *Nosema locustae.*

COMMENTS: Interested persons are invited to submit written comments on this application. Comments submitted should bear a notation indicating the EPA "File Symbols 11273–ET & EI." Comments may be submitted, and inquiries directed, to: Mr. Franklin D. R. Gee, Product Manager (PM) 17, (TS–767), Room E–341, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, 202/426–9417.

The label furnished by Sandoz, Inc., as well as all 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. DATE: Comments must be received by (May 26, 1980. As provided for in the Administrative Act (5 U.S.C. 553 (d)(3)), the time for the comment period is shortened to 10 days because of the necessity to expeditiously provide a means for control of grasshoppers (which *Nosema locustae* is effective against) on rangeland forage. The primary urgency is that this product be ready for seasonal application, which has already begun. Comments received by the specified date will be considerd before a final decision is made; comments received after the specified date will be considerd only to the extent possible without delaying processing of the application.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. R. Gee at the above address.

SUPPLEMENTARY INFORMATION: Sandos, Inc., 480 Camino del Rio South, San Diego, CA 92108, has submitted an application to conditionally register the pesticide product NOLOC (EPA File Symbols 11273–ET & EI) containing the active ingredients. 011% NOLOC biological insecticide (1.5×10^6 *Nosema locustae* spores/milliliter) and 15% technical NOLOC (2×10^9 *Nosema locustae* spores/milliliter). The application received from Sandoz, Inc., also proposes that the pesticide be classified for general use to control grasshoppers on rangeland.

Notice of approval or denial of this application to conditionally register NOLOC will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR Part 162), the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved. Notice of receipt of this application does not indicate a decision by the Agency on the application.

(Sec. 3(c)(4), 86 Stat. 972, (7 U.S.C. 136a))

Dated: April 29, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–14795 Filed 5–13–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 15684; CC Docket No. 79–266]

Communications Satellite Corp., Comsat Corporate Structure and Accounting System and Governmental Oversight of Comsat Activities

April 22, 1980.

The Commission today adopted its Report to Congress on the structure and activities of the Communications Satellite Corporation (Comsat). The Report examines the consequences of Comsat's increasing diversification into non-INTELSAT/INMARSAT businesses, and recommends certain changes in Comsat's corporate structure and accounting system and in current arrangements for governmental oversight of the corporation's activities.

(INTELSAT—the International Telecommunications Satellite Organization—is an independent, self-supporting international organization which owns and operates the global communications satellite system. INMARSAT—the International Maritime Satellite Organization—is an international organization established last year to develop and operate a commercial global maritime satellite system. Comsat is the designated U.S. representative in both.)

The Commission stated its intent to begin a rulemaking looking toward

requiring Comsat to form separate corporate entities for its INTELSAT/INMARSAT related functions, on the one hand, and its other, more competitive businesses, on the other—i.e., domestic satellite service, product marketing and sales, technical and consulting services, etc.

Moreover, as a result of the analysis undertaken in preparing the Report, the Commission also indicated that it would modify its Comsat facilities application processing procedures, would modify its "authorized user" policy, and would modify the resale and sharing of international services. (The latter two proposals were adopted today by the Commission in separate decisions.)

Further, the Commission said it would take steps to encourage joint action by the Department of State, the National Telecommunications and Information Administration and the FCC to revise the "instructional process" by which Comsat's position in INTELSAT/INMARSAT is determined.

Specifying matters which it concluded were amenable to legislative action, the Commission recommended to Congress that the 1962 Communications Satellite Act be amended to authorize U.S. Government representation on Comsat's delegations to INTELSAT and INMARSAT.

It also recommended that the Satellite Act be amended in several other areas, including clearly defining the scope of Comsat's authority to permit the corporation to engage in non-INTELSAT/INMARSAT business subject to controls imposed by the FCC; authorizing the President to issue instructions to Comsat necessary to ensure that its relationships and activities with foreign governments, international entities and INTELSAT are consistent with the national interest and U.S. foreign policy; authorizing the FCC to make recommendations to the President to assist him in giving instructions to Comsat; and authorizing the FCC to issue instructions to Comsat on regulatory matters within the Commission's jurisdiction.

This Report was prepared to implement Section 505 of the International Maritime Satellite Telecommunications Act, Pub. L. No. 95–564, and will be transmitted to Congress on or before May 1, 1980.

The Interim Report and Notice of Inquiry

Pursuant to Congressional mandate, the Commission in Janury 1979 began a three-phased examination of the corporate structure and operating activities of Comsat. On October 19, 1979, it issued an Interim Report and Notice of Inquiry to obtain public comment on various issues and to advise Congress of the scope and direction of the study.

In the Interim Report, the Commission indicated its concern about whether Comsat was optimally structured to engage in a variety of activities involving different markets and listed three issues related to Comsat's continued ability to fulfill effectively its special INTELSAT and INMARSAT obligations and responsibilities:

—Whether Comsat's new INMARSAT role would result in potential conflicts or other problems with respect to its INTELSAT statutory obligations and responsiblities;

—Whether current statutory provisions and intergovernmental arrangements providing for effective government oversight of Comsat in fulfilling its INTELSAT/INMARSAT duties; and

—Whether Comsat's non-INTELSAT/INMARSAT business ventures may result in situations in which Comsat's INTELSAT/INMARSAT duties are compromised in favor of other corporate interests.

The Final Report

In the Final Report the Commission acknowledged that the global satellite system envisioned by the 1962 Satellite Act has been successfully established and that Comsat's role therein although still significant, was diminishing. It also noted the changes that have occurred in the satellite telecommunications field since the time of Comsat's creation, and the fact that Comsat is embarking on an effort to diversify its activities significantly into non-INTELSAT/INMARSAT lines of business and to exploit its corporate technology and expertise by expanding its business horizons.

As a matter of policy, the Commission said it did not believe that Comsat should be foreclosed from applying its corporate technology and expertise to the development of new lines of business which will result in public benefit. Generally, it said it saw Comsat's involvement in diversified satellite-related lines of business as contributing to the overall development of satellite communications technology, and in the public interest.

However, it said, notwithstanding prospective public benefits, Comsat's involvement in diversified lines of business raised significant public policy problems involving Comsat's continued ability to carry out its original statutory mission. These problems include the scope of Comsat's authority as it relates to non-INTELSAT/INMARSAT lines of business; the effect of Comsat's INTELSAT/INMARSAT responsibilities on corporate activities in other fields; competitive advantages in non-INTELSAT/INMARSAT markets flowing from Comsat's unique status as the U.S. Signatory in INTELSAT and INMARSAT; and cross-subsidization and related problems resulting from the misallocation of common costs.

Concerning Comsat's scope of authority, the FCC indicated that Comsat is permitted under the 1962 Satellite Act to engage in activities not inconsistent with its statutory mission. However, the FCC stated that Comsat's scope of authority would likely remain controversial and recommended that the 1962 Act be amended to clearly define the extent to which Comsat may engage in non-INTELSAT/INMARSAT activities.

The Commission said Comsat's involvement in certain non-INTELSAT/INMARSAT lines of business posed certain problems with respect to its statutory duties and obligations. These problems will occur whenever the outcome of a matter before INTELSAT or INMARSAT will have a direct or indirect financial effect on a non-INTELSAT/INMARSAT activity or interest which Comsat or one of its subsidiaries has undertaken or in which it plans to become involved.

The Commission said it also found that Comsat's unique INTELSAT/INMARSAT roles provided the corporation with the opportunity to gain advantages over U.S. competitors in the markets in which it seeks to participate. It also said that Comsat's involvement in non-INTELSAT/INMARSAT lines of business would increasingly provide the corporation with opportunities to evade rate regulation by shifting common costs incurred in the unregulated sector to the regulated sector.

Finally, the Commission said current statutory, structural and government oversight safeguards were inadequate to protect the public interest from the problems which could result from Comsat's changing role.

Overall Conclusions

In proposing that Comsat be separated into two distinct corporate elements, the Commission said interlocking directors would be permitted between the two, but it would require separate officers, facilities, advertising and marketing, records and books of accounts, procurement, and operating personnel.

Integrated operations between the two corporations in the use of high technology facilities and professional resources would be permitted, subject to

specific controls to minimize Comsat's opportunity to evade rate regulation through misallocation of costs and to discourage it from using its unique INTELSAT/INMARSAT roles to maintain exclusive access to and use of technology and information in order to improve its position in competitive markets. Dealings between the two corporations in connection with research and development and technology support services would have to be on an arm's length basis generally subject to competitive bidding.

Such a structural arrangement would provide a balanced solution to the evasion of rate regulation and anti-competitive problems described in the report, the FCC said.

However, it states that the structural arrangement would not provide a solution to the conflict of interest problems, since common ownership between Comsat's INTELSAT/INMARSAT functions and its other lines of business would continue. Thus, it said, a non-structural control in the form of more effective government oversight must be utilized to protect the public from conflicts of interest. This control must take the form of U.S. Government representation on the Comsat delegations to the international organizations.

These overall conclusions were translated into recommendations for Congressional legislative actions, for FCC regulatory action, and for a cooperative effort by the Department of State, NTIA, and the Commission to update the instructional process. Implementation of the recommendations requiring Commission action is being taken today regarding the "authorized user" and "international resale" recommendations, while others will be commenced in subsequent proceedings.

Action by the Commission April 22, 1980 by Final Report and Order (Comsat Study) (FCC 80-218). Commissioners Ferris (Chairman) and Brown, with Commissioner Washburn approving in part and dissenting in part, and Commissioners Lee, Quello, Fogarty and Jones concurring in the result. Several of the Commissioners have indicated that they will have statements.

This is an unofficial announcement of the Commission's action. Release of the full text of the Commission's order constitutes official action. See MCI v. FCC, 515 F. 2d 385 (D.C. Circ. 1975).

For additional information call Jim Ball (202) 632-7265 or Doug Davis (202) 632-2314.

The text of the FCC's *Final Report and Order (Comsat Study)* has been released publicly May 1, 1980. The document consists of 295 pages. Because of the cost of printing so voluminous a text, it will not be published in the **Federal Register**. However, the FCC has prepared a limited number of copies that are available upon request (*Final Report and Order*, FCC 80-218, CC Docket No. 79-266, adopted April 22, 1980, "Comsat Study—Implementation of Section 505 of the International Maritime Satellite Telecommunications Act") at its Information Office, Room 212, 1919 M Street, NW., Washington, D.C. 20554. The *Final Report and Order* is also available for inspection at the Commission's Docket Reference Room, or can be acquired through a copier service.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-14727 Filed 5-13-80; 8:45 am]

BILLING CODE 6712-01-M

Telephone Equipment Registration Program; Order and List

[CC Docket No. 79-143, RM-2893, RM-3303, RM-3334, RM-3336]

Adopted: May 1, 1980.

Released: May 5, 1980.

In the matter of petition seeking amendment of Part 68 of the Commission's rule concerning connection of telephone equipment, systems and protective apparatus to certain private line services, and related changes in § 68.308 signal power limitations; and petition seeking amendment of Part 68 of the Commission's rules to accommodate 4-wire telephone network connections and interfaces.

1. In the First Report and Order in CC Docket 79-143, FCC 80-88 (released March 19, 1980), the Commission adopted amendments to Part 68 of the Rules expanding the telephone equipment registration program to encompass certain private line services and 4-wire telephone network interfaces. These amendments will become effective on April 30, 1980.

2. Consistent with earlier Part 68 practice, the Commission established a transition period during which grandfathered equipment, i.e., equipment of a type which has been lawfully directly connected to the network prior to the effective date of applicable Part 68 rules, may continue to be connected, without registration. The period so established for private line services is 36 months, through May 1, 1983.[1] After May 1, 1983, only registered equipment may be directly connected for the first time to private line services.

3. The Commission delegated authority to the Chief, Common Carrier Bureau to, among other things, "issue orders to obtain information to establish a list of grandfathered private line equipment, to be used in accordance with the grandfathering procedures; and * * * issue by Public Notice the grandfather list established." During informal industry meetings conducted in July, 1979, American Telephone and Telegraph Company (AT&T) offered a list of terminal equipment it considered eligible for grandfathering. That list appears as Appendix A to this Order. Included are PBX systems, ACD (automatic call director) systems, MR (message registration) equipment, PCAs (protective circuit arrangements) used with MR and AIOD (automatic identified outward dialing) services, and miscellaneous terminal equipment used with private line services that "access" the switched telephone network but which, in AT&T's view, have technical characteristics unlike those of conventional MTS and WATS lines and trunks.[2] While this list is not necessarily complete, it serves as a preliminary reference to which additional equipment may be added.

4. Interested persons seeking to include additional equipment or modify Appendix A are requested to submit their amendments no later than June 2, 1980 to the Commission at 1919 M Street, N.W., Room A-405H, Washington, D.C. 20554. All submissions should include equipment manufacturer, model number and/or description, means of connection and, except for telephone companies, evidence of lawful direct connection. A final list of grandfathered equipment will be assembled and issued by Public Notice as expenditiously as practicable after June 2, 1980.

5. It should be noted that the final grandfather list is not conclusive on the issue of grandfathering eligibility. The essential purpose of the list is to aid the Commission and industry in the resolution of disputes involving eligibility. See *Order and List* in CC Docket No. 78-149, released June 16, 1978. For example, equipment which can be shown to have been lawfully directly connected to an appropriate private line service prior to April 30, 1980 may be eligible for grandfathering notwithstanding its absence from the final list. However, in this case the burden will rest squarely on the party

[1] Besides the advantage of being able to use equipment prior to formal registration, grandfathered equipment may also be permitted to utilize "short-form" registration procedures. See *First Report and Order*, supra, at para. 13; and revised Form FCC 730 Exhibit J requirements.

[2] Id. at para 10.

seeking grandfathered status to show lawful prior connection by providing supporting information such as date and duration of connection, and telephone number(s) to which connection was made. Short term, experimental connection for testing purposes only will not generally be eligible for grandfathering.

6. Accordingly, pursuant to Sections 1, 4, 5, 201–05 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–05 and 403, It Is Hereby Ordered, That an initial list of "grandfathered" private line terminal equipment to aid in resolving disputes as to eligibility Is Hereby Published in Appendix A hereto.

7. It Is Further Ordered, That persons seeking to amend Appendix A must file no later than June 2, 1980, in accordance with the procedure set forth in paragraph 4.

James K. Smith,

Acting Chief, Common Carrier Bureau.

Appendix A.—*AT&T's Preliminary Grandfather List*

[Type of Equipment: PBX Systems Used With Private Line Services]

Manufacturer	Model number and/or description	Means of connection
Action Communications	TDM 200/(X), Plantronic/Action Watsbox	
	TDM 200/1, Plantronic/Action Watsbox	
	TDM 200/2, Plantronic/Action Watsbox	
	TDM 200/3, Road Runner, Plantronic/Action Watsbox.	
American Telcom	Focus, PBX System	11-TT-MB
	Focus II, PBX	
Anaconda	CNC 75, PBX	
	CNC 150 A, PBX	
	CNC 300 A, PBX	
	CNC 450, PBX	
	120D, PBX	
	CNC 900D, PBX	11-TT-MB
Automatic Electric	2A, Secretarial Answering Unit	
	2B, Secretarial Answering Unit	
	2C, Secretarial Answering Unit	
	2EAX	11-TT-MB
	5, PABX	11-TT-MB
	7, PABX	11-TT-MB
	12A, Cordless PBX	
	12B, Cordless PBX	
	16B, Cordless PBX	
	20, Cordless PBX	
	20A, Cordless PBX	
	20B, Cordless PBX	
	25M, PABX	
	31C, Manual PBX System	11-TT-MB
	33A6A, PABX	
	33A19, PBX	11-TT-MB
	33A35, Manual PBX System	11-TT-MB
	37, PBX	
	37B, PBX	
	40, PABX	11-TT-MB
	40A, PABX	11-TT-MB
	40B, PABX	11-TT-MB
	40KS, PBX	
	40M, PABX	11-TT-MB
	44, PBX	
	50, PABX	11-TT-MB
	50B, PABX	11-TT-MB
	L55, Manual PBX System	
	L55A3, Manual PBX System	
	L55B4, Manual PBX System	
	L55200, Manual PBX System	
	GTD 60, PABX	
	75, PABX	11-TT-MB
	75B, PABX	11-TT-MB
	80, PABX	11-TT-MB
	80A, PABX	11-TT-MB
	80M, PABX	
	85, PABX	
	88, PABX	11-TT-MB
	88A, PABX	
	95, PABX	11-TT-MB
	100, PABX	11-TT-MB
	100T, PABX	11-TT-MB
	100M, PABX	11-TT-MB
	TAS-100, Telephone Answering Service	
	GTD-120, PABX	11-TT-MB
	300, PABX	11-TT-MB
	301, PABX	11-TT-MB
	310, PABX	11-TT-MB
	311, PABX	11-TT-MB
	320, PABX	11-TT-MB
	GTX-400, PABX	11-TT-MB
	GTD-1000, PBX	11-TT-MB
	GTD-4600, PBX	11-TT-MB 12-TT-MB, 31-TT-MB, 32-TT-MB
	SXS, PABX	11-TT-MB, 31-TT-MB
	Emergency Reporting System	
	Emergency Conference System	

Appendix A.—*AT&T's Preliminary Grandfather List—Continued*

[Type of Equipment: PBX Systems Used With Private Line Services]

Manufacturer	Model number and/or description	Means of connection
Chestel	BCS50, PBX System	
Chester Electronics	NSB/LLI-701 Presus, PBX System	
Digital Telephone Systems	D1201, PBX	
	D1202, PBX	
	D1203, PBX	
Entel	SBX25, PBX System	
Ericsson	ARD 741, PBX System	
Fujitsu, Ltd.	FXB-304U, PBX System	
Hitachi	AX25, PBX System	11-TT-MB, 12-TT-MB
Information Dynamics	IDX 230B, PBX System	
IT&T	TCS2, PBX System	11-TT-MB, 12-TT-MB
	K5X20, PBX System	
	20, Cordless PBX System	
	TD100, PBX System	
	TE100, PBX System	
	TE200, PBX System	
	TE400, PBX System	11-TT-MB
	TE400A, PBX System	
	TE400G, PBX System	
	TE400H, PBX System	
	Kellogg Crossbar PBX System	
Leich	20B, Cordless PBX	
	40B, PBX System	11-TT-MB
	LS5, Manual PBX System	
	80, PBX System	11-TT-MB
	80A, PBX System	11-TT-MB
	100T, PBX System	11-TT-MB
Mitel	SX200, PBX System	
NEC America	NEAX12, PBX System	
	NC23, PBX System	
	NEAX31, PBX System	11-TT-MT
	NA40, PBX System	
	NEPAX 100, PBX System	
	NA120, PBX System	11-TT-MB
	NG403, PBX System	11-TT-MB
	NG404, PBX System	11-TT-MB, 31-TT-MT
	NA4-09, PBX System	
	NA1000, PBX System	11-TT-MB
Norelco	UH30, PBX System	
	UH45, PBX System	
	UH300, PBX System	
	UH300B, PBX System	
	UH900, PBX System	
North Electric	NXI, PBX System	11-TT-MB, 31-TT-MB
	NX2, PBX System	11-TT-MB, 31-TT-MB
	UN2, PBX System	
	AKD50, PBX System	
	CX100, PBX System	
	AKD561, PBX System	11-TT-MB, 31-TT-MB
	AKD 741, PBX System	
Northern Telcom	SG1, PAXB System	11-TT-MB, 31-TT-MB
	SG1A, PABX System	11-TT-MB, 31-TT-MB
	SL1, PBX System	11-TT-MB
	SP1, PBX System	31-TT-MB
	Pulse 80, PBX	
	Pulse 120, PBX	
OKI	Discovery I, PBX System	
	Discovery II, PBX System	
	Discovery III, PBX System	
	H76, PBX System	
	OKI 120, PBX System	
	OKI 220, PBX System	
	AC 250, PBX System	
Philco Ford	APC512, PBX System	

Appendix A.—*AT&T's Preliminary Grandfather List—Continued*

[Type of Equipment: PBX Systems Used With Private Line Services]

Manufacturer	Model number and/or description	Means of connection
Rolm Corp	CBX, PBX System	11-TT-MB, 31-TT-MB 12-TT-MB, 32-TT-MB 11-TT-MG, 31-TT-MG 12-TT-MG, 32-TT-MG
	SCBX, PBX System	
Siemens	USI-40, PBX System	11-TT-MB
	SD-192, PBX System	11-TT-MB
	SD232H, PBX System	
	ESK400, PBX System	
Stromberg-Carlson	10, PBX System	
	10, PBX System	
	20, PBX System	
	20A, PBX System	
	USI20, PBX System	
	30 PBX System	
	USI30, PBX System	
	30A, PBX System	
	30B, PBX System	
	30E, PBX System	
	30F, PBX System	
	30G, PBX System	
	30HR, PBX System	
	USI40, PBX System	
	SC40, PBX System	
	40A, PBX System	
	40B, PBX System	
	40D, PBX System	
	40E, PBX System	
	F50, PBX System	
	SC60, PBX System	11-TT-MB, 11-TT-MG
	F60, PBX System	
	102, PBX System	
	E120, PBX System	11-TT-MB
	128F, PBX System	
	131, PBX System	
	TS200, PBX System	11-TT-MB, 31-TT-MB
	400, PBX System	11-TT-MB, 11-TT-MG
	400A, PBX System	
	530B, PBX System	11-TT-MB, 11-TT-MG
	800, PBX System	11-TT-MB, 11-TT-MG
	800A, PBX System	
	800E, PBX System	
	1600, PBX System	11-TT-MB
	EPABX-E, PBX System	11-TT-MB
	FX, PBX System	
	H, PBX System	
	XY, PBX System	11-TT-MB
Tele/Resources, Inc.	512, PBX System	
	CW 1060 PBX System	
Tone Commander	TCS-3100, PBX System	
Wescom	501, PBX System	11-TT-MB
	503, PBX System	
	509, Data Switch	
	510, PBX System	
	580, PBX System	11-TT-MB, 31-TT-MB
	921, AFCOMPAC System	
	Dispatch System	
Western Electric	101ESS, Switching System	
	201CSS, Switching System	
	300, Switching System	
	301, Switching System	
	301A, Switching System	
	302, Switching System	
	304, Switching System	
	305, Switching System	
	306, Switching System	
	307, Switching System	
	310, Switching System	
	375, Switching System	
	400, Switching System	
	506, PBX System	
	507, PBX System	
	508A, PBX System	
	520A, PBX System	
	520B, PBX System	
	551, PBX System	
	552A, PBX System	
	552B, PBX System	
	552D, PBX System	
	552E, PBX System	

Appendix A.—*AT&T's Preliminary Grandfather List—Continued*

[Type of Equipment: PBX Systems Used With Private Line Services]

Manufacturer	Model number and/or description	Means of connection
	554, PBX System	
	555A, PBX System	
	556A, PBX System	
	557B, PBX System	
	558, PBX System	
	604, PBX System	
	605A, PBX System	
	606A, PBX System	
	606B, PBX System	
	607A, PBX System	
	607B, PBX System	
	608A, PBX System	
	608B, PBX System	
	608C, PBX System	
	608D, PBX System	
	701A, PBX System	
	701B, PBX System	
	701PK, PBX System	
	702A, PBX System	
	711A, PBX System	
	711B, PBX System	
	711PK, PBX System	
	740A, PBX System	
	740AX, PBX System	
	740B, PBX System	
	740C, PBX System	
	740E, PBX System	
	740SBE, PBX System	
	750A, PBX System	
	755A, PBX System	
	756A, PBX System	
	757A, PBX System	
	758C, PBX System	
	761A, PBX System	
	770A, PBX System	
	800A, PBX System	
	801A, PBX System	
	805A, PBX System	
	812A, PBX System	
	Dimension 100, PBX System	
	Dimension 400, PBX System	
	Dimension 2000, PBX System	
	Dimension Custom, PBX System	
Automatic Electric	ACD, System	
Communications Equipment & Contracting.	911, ACD System	11-TT-MB
	1020, ACD System	
	3050, ACD System	
Conrac Corp/Alston Division.	203, Alston Scanner	
Rockwell Int/Collins Radio Division.	GVS-400	
	GVS-450D	
Stromberg Carlson	B, ACD System	
	D, ACD System	
Western Electric	2A, ACD System	
	2B, ACD System	
	3A, ACD System	
	4A, ACD System	
	40, ACD System	
	6A, Order Turret	
	15, Order Turret	
Alston	615, IUCUP Data Recorder	
	616, IUCUP Data Recorder	
Anaconda	CNC 120, PBX System	
	CNC 150, PBX System	
	CNC 300, PBX System	
	CNC 900D,, PBX System	
Automatic Electric	40B, PBX System	
	80A, PBX System	
	100T, PBX System	
	GTD 120, PBX System	
	301, PBX System	
	GTX 400, PBX System	
Bitek	TAS, Telephone Accounting System	
Com-Div	43, AIOD Message Register	
Development Assoc.	DA 1000, MR Equipment	
Digital Telephone Systems	D1201, PBX System	
D.N.D. Teletronics	7000	
	7100	
	7104	
	7106	
	7700	
IT&T	TE400, PBX System	
NEC	NA-120, PBX System	
	NA4-09, PBX System	
North Electric	NX-2 PBX System	
	AKD-50, PBX System	
	ARD-561, PBX System	

Appendix A.—*AT&T's Preliminary Grandfather List—Continued*

[Type of Equipment: PBX Systems Used With Private Line Services]

Manufacturer	Model number and/or description	Means of connection
Northern Telecom	SGIA, PBX System	
OKI	OKI 220, PBX System	
Reddington Countess Inc	8-1106	
Siemens	SD232-63A96SO-DI	
Stromberg Carlson	10, PBX System	
	30, PBX System	
	40, PBX System	
	E120, PBX System	
	400, PBX System	
	800, PBX System	
	705616-005, Message Register	
	XY, PBX System	
Tomorrow Electric co	RC-1	
Western Electric	2A, ACD	
	2B, ACD	
	3A, ACD	
	4A, ACD	
	14, Register	
	15A, Register	
	551, PBX	
	551A, PBX	
	551B, PBX	
	551D, PBX	
	552A, PBX	
	552D, PBX	
	554A, PBX	
	554B, PBX	
	554C, PBX	
	555, PBX	
	605A, PBX	
	606A, PBX	
	607A, PBX	
	607B, PBX	
	608A, PBX	
	608B, PBX	
	608D, PBX	
	701A, PBX	
	701B, PBX	
	711A, PBX	
	711B, PBX	
	740A, PBX	
	740AX, PBX	
	740B, PBX	
	740C, PBX	
	756A, PBX	
	757A, PBX	
	761A, PBX	
	761B, PBX	
	770, PBX	
	812A, PBX	
	Dimension 400 PBX	
	Dimension 2000 PBX	
Elgin	ESC 20721, Coupler	
Focus II	300232-01	
IT&T	316364-1	
Western Electric	118A, Interconnecting Unit	
	J53050E, Interconnecting Unit	
	J53050C, Interconnecting Unit	
	F58356, Interconnecting Unit	
Bitek	TMRG, Telephone Management & Report Generator.	
Electronic Systems, Inc	1000, Traffic Data Analyzer	
Haley-Bridge Co	203, Alarm System	

[FR Doc. 80-14728 Filed 5-13-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Capital Bancorp; Formation of Bank Holding Company

Capital Bancorp, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares (less directors' qualifying shares) of Capital City Bank, Salt Lake City, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14831 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

Security Bancorp. Inc., Formation of Bank Holding Company

Security Bancorp, Inc.; Boston, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Security National Bank, Lynn, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 6, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 6, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14832 Filed 5-13-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

President's Cancer Panel; Amended Notice of Meeting Cancellation

Notice is hereby given of the cancellation of the meeting of the President's Cancer Panel, National Cancer Institute, National Institutes of Health, May 19, 1980, which was published in the **Federal Register** on April 14, 1980 (45 FR 25150). For further information, please contact Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5854).

Dated: May 5, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-14751 Filed 5-13-80; 8:45 am]

BILLING CODE 4110-08-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, June 5–7, 1980, Marriott Hotel, 2 Pooks Hill Road, Bethesda, Maryland 20014. The meeting will be open to the public on June 5, 1980, from 9:00 a.m.—10:00 a.m., To review adminstrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 5, 1980, from 10:00 a.m.–5:00 p.m., and on June 6 and 7 from 9:00 a.m. to adjourment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and a roster of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, National Cancer Institute, Westwood Building, Room 10A18, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7803) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.398, National Institutes of Health)

Dated: May 6, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–14754 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Eye Council; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Eye Council, National Eye Institute, May 28, 29, and 30, 1980, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland. The notice announcing the meeting was published in the **Federal Register** on April 23, 1980 (45 FR 27526–27527).

This meeting was to have been closed to the public from approximately 1:00 p.m. for the remainder of the day on Wednesday, May 28, but has now been changed to be open to the public from approximately 4:00 p.m. until 6:00 p.m. on that day for the purpose of a meeting of the Council's standing subcommittee, the Vision Research Program Planning Subcommittee. Attendance by the public will be limited to space available.

As previously published in the **Federal Register**, the meeting of the full Council will be closed to the public from approximately 1:00 p.m. until 4:00 p.m. on Wednesday, May 28, and all day on Thursday and Friday, May 29 and 30.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: May 5, 1980.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 80–14752 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–08–M

Sickle Cell Disease Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, May 29–30, 1980. The meeting will be held on the NIH Campus, Building 31, Conference Room 7, C-Wing. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, NIH, Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

Dated: May 5, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–14753 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–08–M

National Heart, Lung, and Blood Institute; 1980 Conference on the Management and Logistics of Blood Banking; Meeting

Notice is hereby given of the 1980 Conference on the Management and Logistics of Blood Banking, sponsored by the National Heart, Lung, and Blood Institute and the American Blood Commission, June 2–3, 1980, at The Regency, 3900 Elati Street, Denver, Colorado.

This meeting will be open to the public on June 2, from 8:00 a.m. to 5:00 p.m.; on June 3, from 8:30 a.m. to 5:00 p.m. Attendance will be limited to space available. The main purpose of this conference is to examine fundamental principles, policies and procedures for managing blood resources. To identify objectives and criteria for inventory levels, performance, and accountability. To identify alternative models of regional blood service systems. To discuss the implications of current scientific research for resource management in the future.

For detailed program information, agenda, list of participants and meeting summary, contact: Dr. Robert Huitt, Blood Diseases Branch, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, NIH Federal Building, Room 5A08, Bethesda, Maryland 20205, (301) 496–1537.

Dated: May 5, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–14755 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–08–M

Public Health Service

National Toxicology Program; Meeting

The Director of the National Toxicology Program (NTP) announces an open meeting on June 4, 1980, for the purposes of presenting an overview of the FY 1980 Annual Plan, receiving comments and questions on the Annual Plan and the future directions of the NTP, and receiving written nominations for compounds to be considered for future testing. Part I of the FY 1980 Annual Plan, describing the NTP's current year efforts and resources, was printed in its entirety in the **Federal Register**, February 8, 1980, pp. 8888–8918. Part II of the Plan is a "Review of Current DHEW Research Related to Toxicology."

Copies of the complete Annual Plan, Parts I and II, can be obtained by calling: Ms. Leslie Gardner at (919) 541–3267 or FTS 629–3267.

The meeting will begin at 10 a.m. and will be held in the main auditorium of the HEW North Building, 330 Independence Avenue, SW, Washington, D.C. Dr. David P. Rall, Director of the National Toxicology Program, and key staff from the participating HHS agencies in the NTP will describe the FY 1980 Annual Plan and the agency resources dedicated to

the NTP. Dr. Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, and Chairman of the NTP's Executive Committee, will briefly describe the role of the Committee. Other topics to be discussed include: Recent results of an international collaborative study for evaluation of short-term tests for carcinogenicity; the activities of the NTP Board of Scientific Counselors and its subcommittees; the review process for technical reports; and the establishment of risk assessment grants. Executive Committee members will attend as schedules permit.

Key NTP agency staff will be available to receive comments and questions from the public from 11 a.m. to 12 noon and from 1 p.m. to 3 p.m. unless the comments from those in attendance have been received prior to that time.

Written comments on the Annual Plan as well as requests for additional information regarding this meeting should be addressed to: Dr. David P. Rall (telephone: (919) 541–3201 or FTS 629–3201), Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, N.C. 27709.

Regarding chemical nomination, NTP urges all those interested in proposing a chemical(s) for testing to do so, to recommend the type test(s) to be considered, and to supplement each nomination with the following *necessary* information, if known:

I. Chemical Identification:
a. Chemical Abstracts Service (CAS) preferred name.
b. Common or Generic name and synonyms.
c. CAS Registry Number.
d. Chemical class and related compounds.
e. Physical and chemical properties:
i. Physical description.
ii. Structural and molecular formula and molecular weight.
iii. Melting and boiling points.
iv. Solubility.
v. Stability and reactivity.
vi. Other relevant information.
f. Commercial product(s) composition.
g. References.
II. Production, use, occurrence, and analysis—
a. Production:
i. Source and synthesis, year and pathway of first production.
ii. Current production and pathway.
b. Uses.
c. Occurrence in the Environment:
i. Naturally occurring.
ii. Air, water, and soil.
iii. Occupational.
d. Analysis.
e. References.
III. Toxicology:
a. Human data, case reports, and epidemiological studies.
b. Experimental animal information.
c. *In vitro* and other short-term tests.
d. Other relevant information.
e. References.
IV. Disposition and structure-activity-relations:
a. Absorption, distribution, metabolism, and excretion.
b. Structure-activity correlations and considerations.
c. References.
V. Ongoing toxicological and environmental studies in the government, industry, and academia.
VI. Rationale for recommendation and suggested studies.

Dated: May 5, 1980.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 80-14756 Filed 5-13-80; 8:45 am]

BILLING CODE 4110-08-M

Office of the Secretary

Social Security Benefits Increases; Cost-of-Living Increase in Benefits Under Titles II and XVI of the Social Security Act and in Income Limitations for Beneficiaries Under the Supplemental Security Income Program

I hereby determine and announce a cost-of-living increase of 14.3 percent in benefits under titles II and XVI of the Social Security Act.

Under title II, old-age, survivors and disability insurance benefits will increase by 14.3 percent beginning with the June 1980 benefits which are payable on July 3, 1980. This increase is based on the authority contained in section 215(i) of the Social Security Act (42 U.S.C. 415(i)), as amended by section 201 of Pub. L. 95–216 enacted December 20, 1977.

Under title XVI, supplemental security income payment levels will increase by 14.3 percent effective for payments made on July 1, 1980. This is based on the authority contained in section 1617 of the Social Security Act (42 U.S.C. 1382f).

Title II Benefits

Title II benefits are payable under the Federal old-age, survivors, and disability insurance program. Individuals entitled under this program include insured workers, wives, husbands, children, widows, widowers, mothers, fathers, and parents.

In accordance with section 215(i)(4) of the Social Security Act (the Act), the primary insurance amounts and the maximum family benefits shown in columns IV and V of the revised benefit table (table 1) set forth below were obtained by increasing by 14.3 percent the corresponding amounts established by: (1) The last cost-of-living increase; and (2) the extension of the benefit table made under section 215(i)(4) and published on November 1, 1979 at 44 FR 62956. The table applies only to those persons who attained age 62, became disabled or died before January 1979 and is deemed to appear in section 215(a) of the Act. Note that this table does not apply to those individuals who become eligible for retirement benefits, become disabled, or die after 1978; their benefits will generally be determined by a new benefit formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216). For such persons first eligible for benefits in 1979 and 1980, the 14.3 percent increase will apply beginning June 1980; but the 14.3 percent increase will not apply for persons first becoming eligible for benefits after 1980.

Section 215(i)(2)(D) of the Act also requires that, when the Secretary determines a cost-of-living increase in social security benefits, the Secretary shall publish in the Federal Register a revision of the range of the primary insurance amounts, and corresponding maximum family benefits, based on the dollar amount and other provisions described in section 215(a)(1)(C)(i)(II). These benefits are referred to as "special minimum benefits" and are payable to certain individuals with long periods of relatively low earnings. In accordance with section 215(a)(1)(C)(i)(II), the attached table 2 shows the revised range of primary insurance amounts and corresponding maximum family benefit amounts after the 14.3 benefit increase.

Section 227 of the Act provides limited benefits to a worker who became age 72 before 1969 and was not insured under the usual requirements, and to his wife or widow. Section 228 of the Act provides similar benefits at age 72 for certain uninsured persons. The current monthly benefit amounts of $92.00 and $46.10 established under sections 227 and 228 of the Act are increased by 14.3 percent to obtain the new amounts of $105.20 and $52.70.

Title XVI Benefits

Section 1617 of the Act provides that whenever title II benefits are increased under section 215(i), the amounts in sections 1611(a)(1)(A), 1611(a)(2)(A), 1611(b)(1) and 1611(b)(2) of the Act and in section 211(a)(1)(A) of Pub. L. 93–66 shall be increased. The new amounts are effective for months after the month in which the title II increase is effective. The percentage increase is the same as the title II benefit increase and the annual payment amount is rounded, when not a multiple of $1.20, to the next higher multiple of $1.20.

In accordance with section 1617, Federal Supplemental Security Income (SSI) guarantees for the aged, blind, and

disabled are increased effective with July 1980 by 14.3 percent. The current yearly Federal SSI guarantees of $2,498.40 for an eligible individual and $3,747.60 for an eligible individual with an eligible spouse are thereby increased to $2,856.00 and $4,284.00 respectively. The monthly payment is determined by dividing the yearly guarantee by 4, subtracting quarterly countable income, and dividing the remainder by 3. In the case of an eligible individual with an eligible spouse, the amount payable is further divided equally between the two spouses. The amount by which the Federal SSI guarantee amount is increased because of the presence of an essential person in the home, currently $1,250.40 per year for each essential person under section 211(a)(1)(A) of Pub. L. 93–66, is also increased by 14.3 percent to obtain a new amount of $1,430.40.

Automatic Benefit Increase Determination

Section 215(i) of the Act requires that when certain conditions are met in the first calendar quarter of a year, the Secretary shall determine that a cost-of-living increase in benefits is due. Section 215(i) of the Act also specifies the formula for determining the amount of any cost-of-living increase in benefits. This formula utilizes the Consumer Price Index for urban wage earners and clerical workers reported by the Department of Labor.

Section 215(i)(2)(A) of the Act requires the Secretary to determine each year whether there is a cost-of-living computation quarter in that year. If the Secretary so determines, the Secretary shall, effective with June of that year, increase benefits for individuals entitled under section 227 and 228 of the Act, and shall increase the primary insurance amounts of all other individuals entitled under title II of the Act, subject to the limitations provided in section 215(i)(2)(A) of the Act. Section 1617 of the Act requires that SSI benefits be increased by the same percentage increase as title II benefits, whenever title II benefits are increased under section 215(i). The percentage increase is equal to the percentage increase in the Consumer Price Index for the cost-of-living computation quarter over the index for the most recent cost-of-living computation quarter.

Section 215(i)(1) of the Act defines a base quarter as a calendar quarter ending on March 31 in each year after 1974, or any other calendar quarter in which occurs the effective month of a general benefit increase. Section 215(i)(1) also defines a cost-of-living computation quarter as a base quarter in which the Consumer Price Index prepared by the Department of Labor exceeds by not less than 3 percent the index in the later of (1) the last prior cost-of-living computation quarter or (2) the most recent calendar quarter in which a general benefit increase was effective. It is specified, however, that there shall be no cost-of-living computation quarter in any calendar year if, in the prior year, a general benefit increase was enacted or became effective. Section 215(i)(1) of the Act also provides that the Consumer Price Index for a cost-of-living computation quarter shall be the arithmetical mean of such index for the 3 months in that quarter.

The Department of Labor's revised Consumer Price Index for urban wage earners and clerical workers for each month in the quarter ending March 31, 1979 was: for January 1979, 204.; for February 1979, 207.1; and for March 1979, 209.3. The arithmetical mean for that calendar quarter was 207.0. The corresponding Consumer Price Index for each month in the quarter ending March 31, 1980 was: for January 1980, 233.3; for February 1980, 236.5; and for March 1980, 239.9. The arithmetical mean for this calendar quarter is 236.6. The increase for the calendar quarter ending March 31, 1980 is 14.3 percent. Thus, since the percentage of increase in the Consumer Price Index from the calendar quarter ending March 31, 1979 to the calendar quarter ending March 31, 1980 is not less than 3 percent, the quarter ending March 31, 1980 is a cost-of-living computation quarter. Consequently, a cost-of-living benefit increase of 14.3 percent is effective for benefits under title II of the Act beginning June 1980.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–5, and 13.807 Social Security Programs)

Dated: May 8, 1980.

Nathan J. Stark,

Acting Secretary of Health and Human Services.

BILLING CODE 4110-07-M

TABLE 1

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING JUNE 1980

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage. (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
---	$16.20	$133.90	---	$ 76	$153.10	$229.70
$16.21	16.84	136.00	$ 77	78	155.50	233.30
16.85	17.60	139.20	79	80	159.20	238.80
17.61	18.40	141.70	81	81	162.00	243.20
18.41	19.24	144.20	82	83	164.90	247.40
19.25	20.00	147.30	84	85	168.40	252.70
20.01	20.64	150.10	86	87	171.60	257.50
20.65	21.28	152.40	88	89	174.20	261.30
21.29	21.88	155.40	90	90	177.70	266.60
21.89	22.28	158.10	91	92	180.80	271.20
22.29	22.68	160.70	93	94	183.70	275.60
22.69	23.08	163.30	95	96	186.70	280.10

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
$23.09	$23.44	$166.30	$ 97	$ 97	$190.10	$285.20
23.45	23.76	169.00	98	99	193.20	289.80
23.77	24.20	172.30	100	101	197.00	295.50
24.21	24.60	174.70	102	102	199.70	299.70
24.61	25.00	177.60	103	104	203.00	304.50
25.01	25.48	180.90	105	106	206.80	310.30
25.49	25.92	183.90	107	107	210.20	315.40
25.93	26.40	186.70	108	109	213.40	320.20
26.41	26.94	189.60	110	113	216.80	325.20
26.95	27.46	192.30	114	118	219.80	329.80
27.47	28.00	195.20	119	122	223.20	334.80
28.01	28.68	198.30	123	127	226.70	340.10
28.69	29.25	201.20	128	132	230.00	345.00
29.26	29.68	203.90	133	136	233.10	349.70
29.69	30.36	206.70	137	141	236.30	354.50
30.37	30.92	209.70	142	146	239.70	359.60
30.93	31.36	212.80	147	150	243.30	365.00
31.37	32.00	215.30	151	155	246.10	369.20
32.01	32.60	218.40	156	160	249.70	374.60
32.61	33.20	221.30	161	164	253.00	379.50
33.21	33.88	224.10	165	169	256.20	384.30
33.89	34.50	227.20	170	174	259.70	389.60
34.51	35.00	229.90	175	178	262.80	394.30
35.01	35.80	232.90	179	183	266.30	399.50
35.81	36.40	235.70	184	188	269.50	404.30
36.41	37.08	238.80	189	193	273.00	409.60
37.09	37.60	241.70	194	197	276.30	414.50
37.61	38.20	244.50	198	202	279.50	419.30

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
$38.21	$39.12	$247.70	$203	$207	$283.20	$424.80
39.13	39.68	250.60	208	211	286.50	429.80
39.69	40.33	252.90	212	216	289.10	433.70
40.34	41.12	256.10	217	221	292.80	439.20
41.13	41.76	259.00	222	225	296.10	444.20
41.77	42.44	262.20	226	230	299.70	449.60
42.45	43.20	265.00	231	235	302.90	454.50
43.21	43.76	268.20	236	239	306.60	460.00
43.77	44.44	270.70	240	244	309.50	466.30
44.45	44.88	273.40	245	249	312.50	476.00
44.89	45.60	276.80	250	253	316.40	483.70
		279.50	254	258	319.50	493.10
		281.90	259	263	322.30	502.50
		285.40	264	267	326.30	510.10
		288.10	268	272	329.30	519.80
		291.20	273	277	332.90	529.10
		293.90	278	281	336.00	536.70
		296.80	282	286	339.30	546.40
		300.00	287	291	342.90	556.10
		302.40	292	295	345.70	563.50
		305.70	296	300	349.50	573.00
		308.50	301	305	352.70	582.80
		311.20	306	309	355.80	590.30
		314.40	310	314	359.40	599.80
		316.90	315	319	362.30	609.50
		319.90	320	323	365.70	617.00
		322.90	324	328	369.10	626.50
		325.60	329	333	372.20	636.00

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$329.00	$334	$337	$376.10	$643.90
	331.30	338	342	378.70	653.20
	334.40	343	347	382.30	662.80
	337.60	348	351	385.90	670.40
	340.10	352	356	388.80	679.90
	343.40	357	361	392.60	689.50
	346.10	362	365	395.60	697.20
	348.80	366	370	398.70	706.70
	351.90	371	375	402.30	716.00
	354.90	376	379	405.70	724.00
	357.90	380	384	409.10	733.60
	360.50	385	389	412.10	742.90
	363.30	390	393	415.30	750.50
	366.50	394	398	419.00	760.30
	369.30	399	403	422.20	769.70
	372.50	404	407	425.80	777.20
	374.90	408	412	428.60	786.90
	377.60	413	417	431.60	796.30
	380.30	418	421	434.70	803.90
	383.30	422	426	438.20	813.50
	385.90	427	431	441.10	823.00
	388.20	432	436	443.80	832.60
	391.50	437	440	447.50	836.40
	393.90	441	445	450.30	841.40
	396.60	446	450	453.40	846.00
	399.50	451	454	456.70	849.60
	402.20	455	459	459.80	854.40
	404.80	460	464	462.70	859.00

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
		$407.30	$465	$468	$435.60	$863.20
		410.50	469	473	469.30	867.80
		412.80	474	478	471.90	872.60
		415.50	479	482	475.00	876.50
		418.40	483	487	478.30	881.40
		421.10	488	492	481.40	886.20
		423.70	493	496	484.30	890.00
		426.70	497	501	487.80	894.60
		429.20	502	506	490.60	899.20
		431.80	507	510	493.60	903.20
		434.50	511	515	496.70	908.00
		437.50	516	520	500.10	913.00
		440.00	521	524	503.00	916.50
		442.60	525	529	505.90	921.40
		445.80	530	534	509.60	926.00
		448.10	535	538	512.20	929.90
		450.90	539	543	515.40	934.80
		453.70	544	548	518.60	939.50
		456.50	549	553	521.80	944.30
		459.00	554	556	524.70	947.10
		461.20	557	560	527.20	950.90
		463.70	561	563	530.10	953.90
		466.10	564	567	532.80	957.70
		468.80	568	570	535.90	960.40
		471.00	571	574	538.40	964.20
		473.40	575	577	541.10	967.30
		475.60	578	581	543.70	970.90
		478.10	582	584	546.50	973.90

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$480.20	$585	$588	$548.90	$977.70
	483.10	589	591	552.20	980.50
	485.40	592	595	554.90	984.30
	487.80	596	598	557.60	986.90
	490.20	599	602	560.30	991.10
	492.50	603	605	563.00	993.90
	494.90	606	609	565.70	997.50
	497.50	610	612	568.70	1000.60
	499.80	613	616	571.30	1004.40
	502.10	617	620	574.00	1008.20
	504.60	621	623	576.80	1011.00
	506.90	624	627	579.40	1014.90
	509.30	628	630	582.20	1018.50
	511.70	631	634	584.90	1023.50
	514.20	635	637	587.80	1028.30
	516.70	638	641	590.60	1033.20
	518.90	642	644	593.20	1037.80
	521.40	645	648	596.00	1042.80
	523.70	649	652	598.60	1047.40
	525.20	653	656	600.40	1050.40
	526.70	657	660	602.10	1053.30
	528.60	661	665	604.20	1057.20
	530.40	666	670	606.30	1061.00
	532.40	671	675	608.60	1064.50
	534.30	676	680	610.80	1068.40
	536.10	681	685	612.80	1072.20
	538.20	686	690	615.20	1075.80
	539.90	691	695	617.20	1080.00

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$541.70	$696	$700	$619.20	$1083.60
	543.70	701	705	621.50	1087.40
	545.60	706	710	623.70	1091.20
	547.60	711	715	626.00	1094.80
	549.50	716	720	628.10	1098.70
	551.40	721	725	630.30	1102.50
	553.30	726	730	632.50	1106.40
	555.20	731	735	634.60	1110.20
	557.10	736	740	636.80	1113.90
	558.90	741	745	638.90	1117.90
	560.60	746	750	640.80	1121.40
	562.40	751	755	642.90	1124.90
	564.10	756	760	644.80	1127.80
	565.70	761	765	646.60	1131.20
	567.10	766	770	648.20	1134.40
	568.70	771	775	650.10	1137.40
	570.30	776	780	651.90	1140.50
	572.00	781	785	653.80	1143.70
	573.40	786	790	655.40	1146.80
	574.90	791	795	657.20	1150.00
	576.60	796	800	659.10	1153.20
	578.30	801	805	661.00	1156.40
	579.80	806	810	662.80	1159.50
	581.40	811	815	664.60	1162.80
	583.00	816	820	666.40	1165.80
	584.60	821	825	668.20	1169.10
	586.10	826	830	670.00	1172.20

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$587.70	$831	$835	$671.80	$1175.50
	589.20	836	840	673.50	1178.50
	590.90	841	845	675.40	1181.90
	592.30	846	850	677.00	1184.70
	594.10	851	855	679.10	1188.10
	595.60	856	860	680.80	1191.10
	597.20	861	865	682.60	1194.40
	598.80	866	870	684.50	1197.50
	600.40	871	875	686.30	1200.70
	601.90	876	880	688.00	1203.70
	603.50	881	885	689.90	1207.10
	604.90	886	890	691.50	1210.00
	606.60	891	895	693.40	1213.60
	608.20	896	900	695.20	1216.40
	609.90	901	905	697.20	1219.70
	611.40	906	910	698.90	1222.90
	613.10	911	915	700.80	1226.10
	614.70	916	920	702.70	1229.00
	616.10	921	925	704.30	1232.40
	617.60	926	930	706.00	1235.40
	619.20	931	935	707.80	1238.60
	620.90	936	940	709.70	1241.80
	622.40	941	945	711.50	1245.00
	624.00	946	950	713.30	1248.10
	625.70	951	955	715.20	1251.40
	627.40	956	960	717.20	1254.50
	629.00	961	965	719.00	1257.50
	630.20	966	970	720.40	1260.80

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$631.90	$971	$975	$722.30	$1264.10
	633.50	976	980	724.10	1267.00
	635.20	981	985	726.10	1270.20
	636.60	986	990	727.70	1273.40
	638.20	991	995	729.50	1276.70
	639.90	996	1000	731.50	1279.60
	641.30	1001	1005	733.10	1282.30
	642.50	1006	1010	734.40	1285.40
	644.10	1011	1015	736.30	1288.10
	645.60	1016	1020	738.00	1291.20
	646.90	1021	1025	739.50	1293.80
	648.20	1026	1030	740.90	1296.70
	649.80	1031	1035	742.80	1299.60
	651.10	1036	1040	744.30	1302.40
	652.60	1041	1045	746.00	1305.40
	654.20	1046	1050	747.80	1308.10
	655.30	1051	1055	749.10	1310.70
	656.80	1056	1060	750.80	1313.90
	658.40	1061	1065	752.60	1316.60
	659.80	1066	1070	754.20	1319.60
	661.20	1071	1075	755.80	1322.40
	662.50	1076	1080	757.30	1325.20
	664.10	1081	1085	759.10	1328.00
	665.40	1086	1090	760.60	1330.80
	666.90	1091	1095	762.30	1333.80
	668.50	1096	1100	764.10	1336.70
	669.60	1101	1105	765.40	1339.30
	671.10	1106	1110	767.10	1342.30

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$672.60	$1111	$1115	$768.80	$1345.00
	674.00	1116	1120	770.40	1348.10
	675.50	1121	1125	772.10	1350.80
	676.80	1126	1130	773.60	1353.70
	678.20	1131	1135	775.20	1356.30
	679.70	1136	1140	776.90	1359.50
	681.20	1141	1145	778.70	1362.30
	682.60	1146	1150	780.30	1365.10
	683.80	1151	1155	781.60	1367.80
	685.40	1156	1160	783.50	1370.70
	686.80	1161	1165	785.10	1373.60
	688.20	1166	1170	786.70	1376.60
	689.70	1171	1175	788.40	1379.40
	691.00	1176	1180	789.90	1382.20
	692.30	1181	1185	791.30	1384.70
	693.70	1186	1190	792.90	1387.30
	694.90	1191	1195	794.30	1390.10
	696.30	1196	1200	795.90	1392.70
	697.60	1201	1205	797.40	1395.20
	699.00	1206	1210	799.00	1398.10
	700.20	1211	1215	800.40	1400.60
	701.50	1216	1220	801.90	1403.20
	702.90	1221	1225	803.50	1405.70
	704.30	1226	1230	805.10	1408.50
	705.50	1231	1235	806.40	1411.00
	706.80	1236	1240	807.90	1413.80
	708.20	1241	1245	809.50	1416.50
	709.50	1246	1250	811.00	1419.10

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
		$710.80	$1251	$1255	$812.50	$1421.60
		712.10	1256	1260	814.00	1424.30
		713.50	1261	1265	815.60	1427.00
		714.70	1266	1270	817.00	1429.60
		716.00	1271	1275	818.40	1432.10
		717.40	1276	1280	820.00	1434.90
		718.50	1281	1285	821.30	1437.30
		719.80	1286	1290	822.80	1439.80
		721.10	1291	1295	824.30	1442.20
		722.30	1296	1300	825.60	1444.70
		723.50	1301	1305	827.00	1447.20
		724.70	1306	1310	828.40	1449.70
		726.00	1311	1315	829.90	1452.10
		727.30	1316	1320	831.40	1454.60
		728.50	1321	1325	832.70	1457.00
		729.80	1326	1330	834.20	1459.70
		730.90	1331	1335	835.50	1462.10
		732.20	1336	1340	837.00	1464.60
		733.50	1341	1345	838.40	1467.00
		734.60	1346	1350	839.70	1469.50
		735.90	1351	1355	841.20	1471.90
		737.10	1356	1360	842.60	1474.40
		738.50	1361	1365	844.20	1476.80
		739.60	1366	1370	845.40	1479.40
		740.90	1371	1375	846.90	1481.80
		742.10	1376	1380	848.30	1484.30
		743.20	1381	1385	849.50	1486.60
		744.40	1386	1390	850.90	1489.00

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$745.50	$1391	$1395	$852.20	$1491.30
	746.70	1396	1400	853.50	1493.70
	747.90	1401	1405	854.90	1495.90
	749.00	1406	1410	856.20	1498.30
	750.20	1411	1415	857.50	1500.70
	751.40	1416	1420	858.90	1503.10
	752.50	1421	1425	860.20	1505.40
	753.70	1426	1430	861.50	1507.80
	755.00	1431	1435	863.00	1510.00
	756.10	1436	1440	864.30	1512.40
	757.30	1441	1445	865.60	1514.60
	758.50	1446	1450	867.00	1517.20
	759.60	1451	1455	868.30	1519.40
	760.80	1456	1460	869.60	1521.80
	762.00	1461	1465	871.00	1524.10
	763.10	1466	1470	872.30	1526.40
	764.30	1471	1475	873.60	1528.70
	765.40	1476	1480	874.90	1531.00
	766.50	1481	1485	876.20	1533.30
	767.60	1486	1490	877.40	1535.30
	768.70	1491	1495	878.70	1537.60
	769.80	1496	1500	879.90	1539.80
	770.90	1501	1505	881.20	1542.10
	772.00	1506	1510	882.40	1544.10
	773.10	1511	1515	883.70	1546.40
	774.20	1516	1520	885.00	1548.60
	775.30	1521	1525	886.20	1550.90
	776.40	1526	1530	887.50	1552.90

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$777.50	$1531	$1535	$888.70	$1555.20
	778.60	1536	1540	890.00	1557.40
	779.70	1541	1545	891.20	1559.70
	780.80	1546	1550	892.50	1561.70
	781.90	1551	1555	893.80	1564.00
	783.00	1556	1560	895.00	1566.20
	784.10	1561	1565	896.30	1568.50
	785.20	1566	1570	897.50	1570.50
	786.30	1571	1575	898.80	1572.80
	787.40	1576	1580	900.00	1575.00
	788.50	1581	1585	901.30	1577.20
	789.60	1586	1590	902.60	1579.30
	790.70	1591	1595	903.80	1581.60
	791.80	1596	1600	905.10	1583.80
	792.90	1601	1605	906.30	1586.00
	794.00	1606	1610	907.60	1588.10
	795.10	1611	1615	908.80	1590.40
	796.20	1616	1620	910.10	1592.60
	797.30	1621	1625	911.40	1594.80
	798.40	1626	1630	912.60	1596.90
	799.50	1631	1635	913.90	1599.20
	800.60	1636	1640	915.10	1601.30
	801.70	1641	1645	916.40	1603.60
	802.80	1646	1650	917.70	1605.70
	803.90	1651	1655	918.90	1608.00
	805.00	1656	1660	920.20	1610.10
	806.10	1661	1665	921.40	1612.40
	807.20	1666	1670	922.70	1614.50

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
		$808.30	$1671	$1675	$923.90	$1616.80
		809.40	1676	1680	925.20	1618.90
		810.50	1681	1685	926.50	1621.20
		811.60	1686	1690	927.70	1623.30
		812.70	1691	1695	929.00	1625.60
		813.70	1696	1700	930.10	1627.70
		814.80	1701	1705	931.40	1630.00
		815.90	1706	1710	932.60	1632.10
		817.00	1711	1715	933.90	1634.30
		818.10	1716	1720	935.10	1636.50
		819.20	1721	1725	936.40	1638.80
		820.30	1726	1730	937.70	1640.90
		821.40	1731	1735	938.90	1643.10
		822.50	1736	1740	940.20	1645.30
		823.60	1741	1745	941.40	1647.60
		824.70	1746	1750	942.70	1649.70
		825.80	1751	1755	943.90	1651.90
		826.90	1756	1760	945.20	1654.10
		828.00	1761	1765	946.50	1656.40
		829.10	1766	1770	947.70	1658.40
		830.20	1771	1775	949.00	1660.70
		831.30	1776	1780	950.20	1662.90
		832.40	1781	1785	951.50	1665.20
		833.50	1786	1790	952.70	1667.20
		834.60	1791	1795	954.00	1669.50
		835.70	1796	1800	955.30	1671.70
		836.80	1801	1805	956.50	1674.00
		837.90	1806	1810	957.80	1676.00

I (Primary insurance benefit under 1939 Act, as modified)	II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--	Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--	At least--	But not more than--		
	$839.00	$1811	$1815	$959.00	$1678.30
	840.10	1816	1820	960.30	1680.50
	841.20	1821	1825	961.50	1682.80
	842.30	1826	1830	962.80	1684.80
	843.40	1831	1835	964.10	1687.10
	844.50	1836	1840	965.30	1689.30
	845.60	1841	1845	966.60	1691.60
	846.70	1846	1850	967.80	1693.60
	847.80	1851	1855	969.10	1695.90
	848.90	1856	1860	970.30	1698.10
	850.00	1861	1865	971.60	1700.30
	851.10	1866	1870	972.90	1702.40
	852.20	1871	1875	974.10	1704.70
	853.30	1876	1880	975.40	1706.90
	854.40	1881	1885	976.60	1709.10
	855.50	1886	1890	977.90	1711.20
	856.60	1891	1895	979.10	1713.50
	857.70	1896	1900	980.40	1715.70
	858.80	1901	1905	981.70	1717.90
	859.90	1906	1910	982.90	1720.00
	860.90	1911	1915	984.10	1722.10
	861.90	1916	1920	985.20	1724.20
	862.90	1921	1925	986.30	1726.10
	863.90	1926	1930	987.50	1728.20
	864.90	1931	1935	988.60	1730.10
	865.90	1936	1940	989.80	1732.20
	866.90	1941	1945	990.90	1734.10
	867.90	1946	1950	992.10	1736.20

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
		$868.90	$1951	$1955	$993.20	$1738.10
		869.90	1956	1960	994.30	1740.20
		870.90	1961	1965	995.50	1742.10
		871.90	1966	1970	996.60	1744.20
		872.90	1971	1975	997.80	1746.10
		873.90	1976	1980	998.90	1748.20
		874.90	1981	1985	1000.10	1750.10
		875.90	1986	1990	1001.20	1752.20
		876.90	1991	1995	1002.30	1754.10
		877.90	1996	2000	1003.50	1756.20
		878.90	2001	2005	1004.60	1758.10
		879.90	2006	2010	1005.80	1760.20
		880.90	2011	2015	1006.90	1762.10
		881.90	2016	2020	1008.10	1764.20
		882.90	2021	2025	1009.20	1766.10
		883.90	2026	2030	1010.30	1768.20
		884.90	2031	2035	1011.50	1770.10
		885.90	2036	2040	1012.60	1772.20
		886.90	2041	2045	1013.80	1774.10
		887.90	2046	2050	1014.90	1776.20
		888.90	2051	2055	1016.10	1778.10
		889.90	2056	2060	1017.20	1780.20
		890.90	2061	2065	1018.30	1782.10
		891.90	2066	2070	1019.50	1784.20
		892.90	2071	2075	1020.60	1786.10
		893.90	2076	2080	1021.80	1788.20
		894.90	2081	2085	1022.90	1790.10
		895.90	2086	2090	1024.10	1792.20

I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount effective for June 1979)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is--		Or his primary insurance amount (as determined under subsec. (c)) is--	Or his average monthly wage (as determined under subsec. (b)) is--		The amount referred to in the preceding paragraphs of this subsection shall be--	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be--
At least--	But not more than--		At least--	But not more than--		
		$896.90	$2091	$2095	$1025.20	$1794.10
		897.90	2096	2100	1026.30	1796.20
		898.90	2101	2105	1027.50	1798.10
		899.90	2106	2110	1028.60	1800.20
		900.90	2111	2115	1029.80	1802.10
		901.90	2116	2120	1030.90	1804.20
		902.90	2121	2125	1032.10	1806.10
		903.90	2126	2130	1033.20	1808.20
		904.90	2131	2135	1034.40	1810.10
		905.90	2136	2140	1035.50	1812.20
		906.90	2141	2145	1036.60	1814.10
		907.90	2146	2150	1037.80	1816.20
		908.90	2151	2155	1038.90	1818.10
		909.90	2156	2160	1040.10	1820.20

TABLE 2

14.3% GENERAL BENEFIT INCREASE

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS UNDER SUBPARAGRAPH (C) (i) (II) OF SUBSECTION 215 (a) (1)
BEGINNING JUNE 1980

I	II	III
(Years of coverage)	(Primary insurance amount)	(Maximum family benefits)
If an individual's years of coverage (as determined under sec. 215(a)(1)(C)(ii)) are--	The amount referred to in sec. 215(a)(1)(C)(i)(II) shall be--	And the maximum amount of benefits payable (as provided in sec. 215(i)(2)(D)) on the basis of his or her wages and self-employment income shall be--
11	$14.60	$21.90
12	29.00	43.50
13	43.50	65.30
14	57.90	86.90
15	72.30	108.50
16	86.80	130.20
17	101.20	151.80
18	115.70	173.60
19	130.10	195.20
20	144.50	216.80
21	159.00	238.60
22	173.40	260.20
23	188.00	282.00
24	202.40	303.60
25	216.80	325.20
26	231.30	347.00
27	245.70	368.60
28	260.10	390.20
29	274.60	411.90
30	289.00	433.50

Note: The amounts shown in the above table for years of coverage less than 20 are not payable for June 1980 through December 1980 because the corresponding values shown in column II are less than the $139.50 minimum primary insurance amount payable for that period. For months after December 1980, a special minimum primary insurance amount of $130.10 will be payable.

[FR Doc. 80-14725 Filed 5-13-80; 8:45 am]
BILLING CODE 4110-07-C

Public Health Service

National Institute for Occupational Safety and Health

Cooperative Agreement Demonstration Program to Conduct Workplace Health Hazard Evaluations

The National Institute for Occupational Safety and Health (NIOSH) announces that competitive applications are being invited for cooperative agreement demonstrations of the feasibility of nonfederal organizations conducting workplace health hazard evaluations required by the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977.

Up to $500,000 will be awarded for each of two cooperative agreements to conduct this demonstration. Applications for Cooperative Agreement will be subject to a competitive review procedure. Recipients will be required to cost share a minimum of five percent. OMB Circular A-95 requirements will not apply.

Authority

The Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224) authorizes the use of a cooperative agreement when the principal purpose of the relationship is the transfer of money, services or anything of value to a recipient to accomplish a public purpose of support authorized by Federal statute and substantial involvement is anticipated between the Government and the recipient during the performance of the contemplated activity.

The Cooperative Agreements will be awarded and administered by NIOSH under the research and demonstration grant authority of section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)). Program regulations applicable to these grants are contained in Part 87 of Title 42, Code of Federal Regulations, "Research and Demonstration Grants Pertaining to Occupational Safety and Health" except as otherwise indicated, the basic grant administration policies of the Public Health Service are applicable to this program.

Eligible Applicants

Eligible applicants may be universities, colleges, and other public and private nonprofit organizations including State and local governments. If a current medical service contractor of NIOSH is awarded a Cooperative Agreement under this Program, the medical service contract will be discontinued for the period of time during which the Cooperative Agreement is in effect.

Purpose and Objectives

The purpose of the Cooperative Agreements is for a pilot program to evaluate the hypothesis that organizations other than NIOSH may have potential expertise in the areas of hazard identification and hazard evaluation that could be called upon to increase the delivery of Health Hazard Evaluation (HHE) support to the working public. Colleges, universities, and State and local governments, as well as other nonprofit organizations throughout the country, may currently possess this expertise. This concept would provide more local and regional involvement in the identification and information activity.

Through the use of these Cooperative Agreements, the ultimate potential of this participation in the HHE Program would be tested. Benefits to the Cooperative Agreement recipients are anticipated to be the development of data for further research into previously unknown toxic mechanisms of action and toxic effects and the development of control strategies. Other benefits will be the opportunities afforded to the recipients' personnel or students in occupational health skill development.

The duration of each of these Cooperative agreements will be for two years. They will be renewable for the second year subject to satisfactory performance. The selected recipient will be assigned HHE requests by NIOSH, and conduct the HHE investigations in cooperation with NIOSH. NIOSH involvement will be in the form of financial support and personnel to assist in organizing and managing the program.

Should these demonstration projects prove to be successful, NIOSH will consider using the Cooperative Agreement mechanism to progressively expand the number of recipients. It is hoped that eventually there would be at least one recipient capable of undertaking Health Hazard Evaluations in each State.

Scope

It is the responsibility of the recipient to develop a satisfactory plan for performing HHEs in cooperation with NIOSH.

A. The recipient will be expected to:

1. Conduct on-site Health Hazard Evaluations at the request of NIOSH consisting of one or more of the following activities:

(a) Collaborate and participate with NIOSH in an initial visit to the workplace subject to the HHE. The initial visit will consist of a walk-through survey to identify potentially toxic substances present in the workplace and to determine the extent of worker exposure. This initial visit should generally be made within thirty days after they receive the request from NIOSH.

(b) Prepare an internal report of the initial visit. The internal report should state, in the professional judgment of the recipient, whether potentially toxic effects exist such that a full-scale investigation is necessary. This report shall be in a format specified by NIOSH.

(c) Prepare interim reports designed to be sent to the employer and the employees of the workplace being evaluated. These reports shall state what was done, what was found, and what is planned. The reports will be submitted to NIOSH for review and release.

(d) Develop, if necessary, the protocol for conducting a full-scale investigation and submit to NIOSH for approval.

(e) Conduct the full-scale investigation upon approval of the protocol by NIOSH. The full-scale investigation may consist of medical examinations, including physical examinations and interpretations of clinical, biochemical and other tests, additional air and bulk samples, ventilation measurements, evaluations of work practices and process evaluations; the review of existing plant and private medical records or any other steps necessary to determine which substances are present, at what concentrations, and whether they have toxic effects at those concentrations.

The collection of data must be in compliance with institutional human subject clearance requirements and an informed consent from study subjects must be obtained. All medical personnel must be licensed to practice medicine in the jurisdictions proposed to be covered by the recipients. Maintenance of data collected will be in accordance with existing Federal Regulations (including the Privacy Act).

(f) analyze medical and environmental samples obtained during the investigations. This may be done by the recipient or a contractor to the recipient. The laboratory conducting these analyses must have a procedure to assure accuracy and precision. The potential contractors for such analysis shall be listed in the application for Cooperative Agreement. All such contracts must comply with the procurement standards set forth in Subpart P of 45 CFR Part 74. Prior approval of contracts made by the recipient shall be in accordance with

PHS policies contained in GAM Chapter PHS: 1–430.

(g) Notify each worker of his/her individual results from any medical examinations and tests along with recommendations for follow-up.

2. Submit Final Report to NIOSH.

The recipient shall submit to NIOSH a final report of the initial visit or full-scale investigation. This report shall contain; the identification of substances, the concentrations of those substances, and the judgement of the recipient and basis of such judgement as to whether substances present have toxic effects at the concentrations used and found.

All information obtained during the Health Hazard Evaluation shall become official government property and shall be transmitted to NIOSH to become part of the official government file. All information obtained during the investigations shall be made available by NIOSH to the recipients insofar as the information is available to the public. Only NIOSH will publish the final HHE report. The recipient shall disclose trade secret information only to NIOSH.

NIOSH responsibilities under the Cooperative Agreement will be to:

1. Receive and screen HHE requests, assess the validity of each request, assign the request to the appropriate organization; and notify the requestor of the assignment.

2. Participate and collaborate in the initial site visit involving contacting plant management; walk-through survey of facility; interviewing employees; initial environmental sampling; review of employee/production work/history and medical records.

3. Review and publish the initial report prepared by the recipient. The report is sent to employee representative and employer.

4. Review and approve the protocol for follow-up visit prior to initiation of the full-scale investigation.

5. Collaborate in the development of environmental sampling and analytical methods where NIOSH has unique or innovative capability.

6. Conduct a follow-up visit to the workplace if there were problems with right of entry, trade secrets, access to medical records, or if special skills were required. NIOSH could collaborate to conduct further environmental sampling, medical tests, etc.

7. Analyze environmental and biological samples for special situations in which NIOSH has unique capability.

8. Review, publish, and distribute the final report.

Methods and Criteria for Review

Applications will be received by the Division of Research Grants (DRG), NIH and evaluated according to the Scientific and Technical Merit Review Criteria and Programmatic (Secondary) Review Criteria.

The review for scientific and technical merit will evaluate the applications according to criteria based on the standard NIH criteria used for research grant applications. These criteria are:

1. Relevance of the proposal to the scope and objective provided in the RFA;

2. Technical merit and originality of the proposed approach to the problem;

3. Training, experience and research competence of the proposed project director and staff. The project director must be a recognized scientist and technical expert and must assure a major time commitment to the HHE requests;

4. Adequacy of the methodology or experimental design and approach;

5. Suitability of the facilities; and

6. Appropriateness of the requested budget relative to the work proposed.

The programmatic review criteria used by NIOSH in the secondary review of applications will be:

1. Capability of the applicant to carry out the tasks involved in the HHE program;

2. Soundness and innovation of the proposed approach to the range of activities presented in the description of the HHE program contained in this announcement;

3. Capability of applicant's administrative structure to foster successful scientific and adminstrative management;

4. Suitability of any proposed contractors;

5. Adequacy of the proposed time frame to meet and complete NIOSH requested HHEs;

6. Diversity of types of industries and potential HHE requestors in the geographic areas proposed to be served;

7. Absence of real or potential conflicts of interest.

Application and Award

Letter of Intent—Each prospective applicant shall submit a letter of intent containing a brief description of the proposed project and budget. The letter of intent should be submitted to:

Grants Management Officer, NIOSH, Parklawn Building, Room 8–29, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for the letter of intent is June 2, 1980.

Application Form—Applications shall be sumitted on Form PHS–398 (or PHS 5161–1 for State and local governments). The applications should be available from university business offices or state governments or from:

Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, Westwood Building, Room 448, Bethesda, Maryland 20205, Telephone: (301) 496–7441.

The conventional presentations for grant applications should be utilized and with the points under the Criteria for Review being fulfilled.

Application Procedure—The standard procedures for submitting grant applications to the Division of Research Grants (DRG) at NIH should be followed except as noted otherwise. The words "NIOSH HHE Cooperative Agreement" and the RFA number (CDC–NIOSH–OECSP–80–3) should be typed in block letters in the upper right hand corner of the face page of the application. A brief cover letter should accompany the application indicating that it is in response to the RFA Announcement. "Cooperative Agreement Demonstration Program to Conduct Workplace Health Hazard Evaluations".

Applications must be received on or before June 16, 1980. An original and six copies (original and two copies for state government applicants) of the application should be sent or delivered to:

Division of Research Grants, NIH, Westwood Bldg. — Room 240, Bethesda, Maryland 20205.

In addition, thirty copies of the application and one copy of the cover letter should be sent to:

Grants Administration and Review Branch, NIOSH, 5600 Fishers Lane, Room 8–63, Rockville, Maryland 20857.

NIOSH will provide, insofar as possible, consultation to all who desire it concerning the preparation of an application or any other matter relevant to this program. The inability to provide such consultation cannot, however, justify extension of the deadline for receipt of applications or any other special consideration.

Schedule for Receipt and Review of Applications

Receipt of letter of intent	Receipt of application	Initial review group	Earliest award date
June 2, 1980...	June 16, 1980.	July 1980	Sept. 1980.

Applications received after the deadline will not be accepted for this pilot program and will be returned to the applicant.

Awards will be based on priority score ranking by the Study Section and

the evaluation by NIOSH according to the Programmatic Review Criteria.

FOR FURTHER INFORMATION CONTACT:

Technical: James M. Melius, M.D., Chief, Hazard Evaluations and Technical Assistance Branch, NIOSH, 4676 Columbia Pkwy., Cincinnati, Ohio 45226, Phone: 513–464–2176.

Business: Joseph West, Grants Management Officer, NIOSH, Parklawn Building, Room 8–29, 5600 Fishers Lane, Rockville, Maryland 20857, Phone: 301–443–3122.

(Catalog of Federal Domestic Assistance Program No. 13.262, Occupational Safety and Health Research Grants.)

Dated: May 7, 1980.

Anthony Robbins, M.D.,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 80–14729 Filed 5–13–80; 8:45 am]

BILLING CODE 4110–87–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 6626, Survey Group 83]

Wisconsin; Filing of Plats of Survey

In the issue of Wednesday, May 7, 1980, in FR Doc. 80–13955, appearing on page 30141, in the second column, in the eighth line down, make the following correction: "(45 days from date of publication)" should read "June 23, 1980."

BILLING CODE 1505–01–M

Arizona; Phoenix District, Kingman Resource Area Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on Tuesday, June 17, 1980.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Status of the Planning and Grazing Environmental Statement.
2. Allotment Management Plan preparation and implementation.
3. Report on range improvement projects and Advisory Board funds for F.Y. 1980.
4. Review of proposed range improvement projects for F.Y. 1981.
5. Effects of the Wilderness Programs on Allotment Management Plans and Range Improvements.
6. Advisory Board—member vacancy.
7. Continuity of Allotment Management Plan administration.
8. Experimental Stewardship Program.
9. Arrangements for future meetings—timing and agenda items.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: May 6, 1980.

William K. Barker,

District Manager.

[FR Doc. 80–14759 Filed 5–13–80; 8:45 am]

BILLING CODE 4310–84–M

Arizona; Phoenix District, Phoenix/Lower Gila Resource Areas, Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Thursday, June 26, 1980.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Status of the Planning and Grazing Environmental Statement.
2. Allotment Management plan preparation and implementation.
3. Report on range improvement projects and Advisory Board funds for fiscal year 1980.
4. Review of proposed range improvement projects for fiscal year 1981.
5. Effects of the Wilderness Programs on Allotment Management Plans and Range Improvements.
6. Continuity of Allotment Management Plan Administration.
7. Experimental Stewardship Program.
8. Arrangements for future meetings—timing and agenda items.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: May 6, 1980.

William K. Barker,

District Manager.

[FR Doc. 80–14760 Filed 5–13–80; 8:45 am]

BILLING CODE 4310–84–M

[Notice 42]

Alaska; Filing of Protraction Diagram

May 1, 1980.

1. Notice is hereby given that effective with this publication the following protraction diagrams are officially filed of record, for information only, in the Alaska State Office, 701 C. Street, Box 13, Anchorage, Alaska. In accordance with 43 CFR 3101.1–4, these protractions will become the basic record for the description of oil and gas lease offers, State Selection applications under 43 CFR 2627, and other authorized uses filed at or subsequent to 10:00 a.m. on May 14, 1980.

Alaska Protraction Diagram (Unsurveyed), Approved March 24, 1980

[Copper River Meridian]

CR 12-1-2	Tps. 37 S.	Rs. 69-71 E.
	Tps. 38 S.	Rs. 69-72 E.
	Tps. 39-40 S.	Rs. 69-73 E.
CR 12-3	Tps. 37-40 S.	Rs. 65-68 E.
CR 12-4	Tps. 37-40 S.	Rs. 61-64 E.
CR 12-5	Tps. 37-40 S.	Rs. 57-60 E.
CR 12-6	Tps. 37-40 S.	Rs. 53-56 E.
CR 12-7	Tps. 37-40 S.	Rs. 49-52 E.
CR 12-8	Tps. 37-40 S.	Rs. 45-48 E.
CR 12-9	Tps. 41 S.	Rs. 51-52 E.
	Tp. 42 S.	R. 52 E.
CR 12-10	Tps. 41-44 S.	Rs. 53-56 E.
CR 12-11	Tps. 41-44 S.	Rs. 57-60 E.
CR 12-12	Tps. 41-44 S.	Rs. 61-64 E.
CR 12-13	Tps. 41-44 S.	Rs. 63-68 E.
CR 12-12-13A.	Tps. 41-42 S.	Rs. 67-68 E.
CR 12-14	Tps. 41-44 S.	Rs. 69-72 E.
CR 12-15	Tps. 41 S.	Rs. 73-74 E.
	Tps. 42-44 S.	Rs. 73-75 E.
CR 13-1	Tps. 45-46 S.	R. 77 E.
	Tps. 47-48 S.	Rs. 77-78 E.
CR 13-2	Tps. 45-48 S.	Rs. 73-76 E.
CR 13-3	Tps. 45-48 S.	Rs. 69-72 E.
CR 13-4	Tps. 45-48 S.	Rs. 65-68 E.
CR 13-5	Tps. 45-48 S.	Rs. 61-64 E.
CR 13-6	Tps. 45-48 S.	Rs. 57-60 E.
CR 13-7	Tps. 45-48 S.	Rs. 53-56 E.
CR 13-8	Tps. 49-52 S.	Rs. 57-60 E.
CR 13-9	Tps. 49-52 S.	Rs. 61-64 E.
CR 13-10	Tps. 49-52 S.	Rs. 65-68 E.
CR 13-11	Tps. 49-52 S.	Rs. 69-72 E.
CR 13-12	Tps. 49-52 S.	Rs. 73-76 E.
CR 13-13	Tps. 49-52 S.	Rs. 77-80 E.
CR 13-14	Tps. 51-52 S.	R. 81 E.
CR 14-1	Tps. 53-54 S.	Rs. 81-83 E.
	Tps. 55-56 S.	Rs. 81-84 E.
CR 14-2	Tps. 53-56 S.	Rs. 77-80 E.
CR 14-3	Tps. 53-56 S.	Rs. 73-76 E.
CR 14-4	Tps. 53-56 S.	Rs. 69-72 E.
CR 14-5	Tps. 53-56 S.	Rs. 65-68 E.
CR 14-6	Tps. 53-56 S.	Rs. 61-64 E.
CR 14-6A	Tps. 55-56 S.	Rs. 63-64 E.
CR 14-7	Tps. 53-56 S.	Rs. 57-60 E.
CR 14-8	Tps. 57-60 S.	Rs. 61-64 E.
CR 14-9	Tps. 57-60 S.	Rs. 65-68 E.
CR 14-10	Tps. 57-60 S.	Rs. 69-72 E.
CR 14-11	Tps. 57-60 S.	Rs. 73-76 E.
CR 14-12	Tps. 57-60 S.	Rs. 77-80 E.
CR 14-13	Tps. 57-60 S.	Rs. 81-84 E.
CR 14-14	Tps. 57 S.	R. 85 E.
	Tps. 58-60 S.	Rs. 85-86 E.

Alaska Protraction Diagram (Unsurveyed), Approved March 24, 1980—Continued

[Copper River Meridian]

CR 15-1	Tps. 63 S.	Rs. 93-94 E.
	Tps. 64 S.	Rs. 93-95 E.
CR 15-2	Tps. 61 S.	Rs. 89-90 E.
	Tps. 62 S.	Rs. 89-91 E.
	Tps. 63-64 S.	Rs. 89-92 E.
CR 15-3	Tps. 61-64 S.	Rs. 85-88 E.
CR 15-4	Tps. 61-64 S.	Rs. 81-84 E.
CR 15-5	Tps. 61-64 S.	Rs. 77-80 E.
CR 15-6	Tps. 61-64 S.	Rs. 73-76 E.
CR 15-7	Tps. 61-64 S.	Rs. 69-72 E.
CR 15-8	Tps. 61-64 S.	Rs. 65-68 E.
CR 15-9	Tps. 65-68 S.	Rs. 65-68 E.
CR 15-10	Tps. 65-68 S.	Rs. 69-72 E.
CR 15-11	Tps. 65-68 S.	Rs. 73-76 E.
CR 15-12	Tps. 65-68 S.	Rs. 77-80 E.
CR 15-13	Tps. 65-68 S.	Rs. 81-84 E.
CR 15-14	Tps. 65-68 S.	Rs. 85-88 E.
CR 15-15	Tps. 65-68 S.	Rs. 89-92 E.
CR 15-16	Tps. 65-68 S.	Rs. 93-96 E.
CR 15-17	Tp. 65 S.	R. 97 E.
	Tps. 66 S.	Rs. 97-99 E.
	Tps. 66-68 S.	Rs. 97-100 E.
CR 16-1	Tps. 69-72 S.	Rs. 97-100 E.
CR 16-2	Tps. 69-72 S.	Rs. 93-96 E.
CR 16-3	Tps. 69-72 S.	Rs. 89-92 E.
CR 16-4	Tps. 69-72 S.	Rs. 85-88 E.
CR 16-5	Tps. 69-72 S.	Rs. 81-84 E.
CR 16-6	Tps. 69-72 S.	Rs. 77-80 E.
CR 16-7	Tps. 69-72 S.	Rs. 73-76 E.
CR 16-8	Tps. 69-72 S.	Rs. 69-72 E.
CR 16-9	Tps. 73-76 S.	Rs. 73-76 E.
CR 16-10	Tps. 73-76 S.	Rs. 77-80 E.
CR 16-11	Tps. 73-76 S.	Rs. 81-84 E.
CR 16-12	Tps. 73-76 S.	Rs. 85-88 E.
CR 16-13	Tps. 73-76 S.	Rs. 89-92 E.
CR 16-13A	Tps. 74-75 S.	Rs. 90-91 E.
CR 16-14	Tps. 73-76 S.	Rs. 93-96 E.
CR 16-15	Tps. 73-76 S.	Rs. 97-100 E.
CR 16-16	Tps. 73-75 S.	R. 101 E.
	Tps. 76 S.	Rs. 101 & 102 E.
CR 17-1	Tps. 77 S.	Rs. 101 & 102 E.
	Tps. 78-79 S.	Rs. 101 E.
CR 17-2	Tps. 77-80 S.	Rs. 97-100 E.
CR 17-3	Tps. 77-80 S.	Rs. 93-96 E.
CR 17-4	Tps. 77-80 S.	Rs. 89-92 E.
CR 17-5	Tps. 77-80 S.	Rs. 85-88 E.
CR 17-6	Tps. 77-80 S.	Rs. 81-84 E.
CR 17-7	Tps. 77-80 S.	Rs. 77-80 E.
CR 17-8	Tps. 81-84 S.	Rs. 77-80 E.
CR 17-9	Tps. 81-84 S.	Rs. 81-84 E.
CR 17-10	Tps. 81-83 S.	Rs. 85-88 E.
CR 17-11	Tps. 81-83 S.	Rs. 89-92 E.
CR 17-12	Tps. 81-83 S.	Rs. 93-96 E.
CR 17-13	Tps. 81 S.	Rs. 97-100 E.
	Tps. 82-83 S.	Rs. 97-99 E.

2. Copies of this diagram are for sale at two dollar ($2) per sheet by the State Director, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Dated: May 1, 1980.

Irving Zirpel, Jr.,

Chief, Division of Cadastral Survey.

[FR Doc. 80-14761 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-84-M

[U-45886]

Utah; Invitation to Participate in Coal Exploration Program

Members of the public are hereby invited to participate with Energy Minerals Division of Mobil Oil Corporation in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Emery and Sevier Counties, Utah:

T. 21 S., R. 5 E., SLM, Utah
Secs. 2 and 9–16, all;
Sec. 17, S½;
Secs. 20–25, all;
Sec. 26, E½;
Sec. 27, all;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 33, lots 2–4, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 34, all.
T. 21 S., R. 6 E., SLM, Utah
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, lots 1–4, SW¼NE¼, E½W½, SE¼;
Sec. 19, lots 1–4, E½SW¼, SE¼;
Sec. 20, SW¼;
Sec. 29, N½NW¼, SW¼NW¼;
Sec. 30, lots 1–4, NE¼, E½W½, SW¼SE¼.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to John W. Blumer, Energy Minerals Division, Mobil Oil corporation, P.O. Box 5444, Terminal Annex, Denver, Colorado 80217. Such written notice must be received on or before June 13, 1980.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis.

The proposed exploration program is fully described in and will be conducted by Energy Minerals Division of Mobil Oil Corporation pursuant to an Exploration Plan, as such is approved by the U.S. Geological Survey. A copy of the exploration plan, as submitted by Mobil Oil Corporation, is available for public review during normal business hours, in the following office, under Serial No. U–45886: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 80-14825 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71306]

Wyoming; Invitation for Coal Exploration License; Bridger Coal Company

May 5, 1980.

Bridger Coal Company, a joint venture between Pacific Minerals, Inc., a wholly owned subsidiary of NERCO, Inc., and Idaho Energy Resources Company, a wholly owned subsidiary of the Idaho Power Company, hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying land contained in the following description, Sweetwater County, Wyoming:

Sixth Principal Meridian, Wyoming
T. 21 N., R. 101 W.,
Sec. 10, NE¼.
Containing 160 acres, more or less.

All of the coal in the above lands consists of unleased Federal coal within the domain of the Bureau of Land Management. The purpose of the exploration program is to define outcropping of coal seams within the area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–71306):

Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

Bureau of Land management, Highway 187 North, Rock Springs, Wyoming 82901.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of May 12, 1980, and in the **Federal Register.** Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Bridger Coal Company, no later than June 13, 1980. The written notice for Bridger Coal Company should be sent to:

Bridger Coal Company, c/o NERCO, Inc., Attention: Mr. Dennis Adamczyk, 111 S.W. Columbia, Portland Oregon 97201.

The written notice for the Bureau of Land Management should be sent to the following address:

Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulations, § 3410.2–1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-14827 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Tony Silva, 8225 West 30th Street, North Riverside, Ill. 60546. The applicant requests a permit to import in foreign commerce eight wild-caught Cuban parrots (*Amazona leucocephala*) from the following sources: two from Mr. Lindberg Eden and two from Mr. Ira Thompson, Grand Cayman Island and

two from Mr. Trever Miller and two from Mr. Charles McLaine, Cayman Brac Island.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6277. Interested persons may comment on this application on or before June 13, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 8, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-14757 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals

On February 8, 1980 a notice was published in the **Federal Register** (45 FR 8733), that an application had been filed with the Fish and Wildlife Service by St. Paul's Como Zoo, St. Paul, MN for a permit to import one young female polar bear (*Ursus marituimus*) for the purpose of public display and propagation.

Notice is hereby given that on April 22, 1980, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit (PRT 2-4895), to the St. Paul's Como Zoo to import one female polar bear subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 605, 1000 N. Glebe Road, Arlington, Va.

Date: May 7, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 80-14758 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Texaco, Inc., Unit Operator of the Eugene Island Block 205 Federal Unit, Agreement No. 14-08-0001-8654, submitted on April 30, 1980, a proposed Annual Plan of Development/Production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 6, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80-14762 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Klondike Gold Rush National Historical Park; Establishment

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 30, 1976 (90 Stat. 717; 16 U.S.C. 410 bb-1) I have determined that sufficient lands, waters, and interests have been acquired by the United States to administer the Klondike Gold Rush National Historical Park in accordance with the purposes of the Act establishing the Park and I hereby establish said Park effective as of the date of this publication, May 14, 1980.

The boundaries of the Skagway unit, the Chilkoot Trail unit and the White Pass unit of this National Historical Park encompass an area generally identical to those lands depicted on a drawing consisting of two sheets entitled "Boundary Map, Klondike Gold Rush National Historical Park," numbered 20,013-B, and dated May 1973.

The Seattle unit of this National Historical Park is located within the Pioneer Square Historic District in the Union Trust Annex Building at 117 South Main Street, Seattle, Washington, 98104.

Dated: May 7, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-14748 Filed 5-13-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3 These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment

resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Moter Carriers of Property

MC 125952 (Sub-47TA), filed December 13, 1979 and published February 19, 1980 and republished as corrected this issue. Applicant: Interstate Distributor Co., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract Carrier:* irregular routes: *Such merchandise as is dealt in by wholesale, and retail grocery establishments, food business houses and agricultural feed houses and soy products; equipment materials, ingredients and supplies used in the development and sale of the above products (except commodities in bulk),* between points in WA, OR, CA, ID, MT, NV, AZ, WY, NM, TX, CO, UT, KS and OK. Restricted to shipments originating at or destined to the facilities used by Ralston Purina Co. for 180 days. An underlying ETA seeks 90 days authority. The purpose for this republication is to include geographical scope which was previously omitted. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 148853 (Sub-1TA), filed December 3, 1979. Applicant: C K R TRANSPORT, LTD., 704 Larch Avenue, Elmhurst, IL 60126. Representative: David Robinson, 3003 North Central #2500, Phoenix, AZ 85012. Toilet preparations, food stuffs, chemicals and their by-products, between points in IL, NJ, NV, and GA, on the one hand, and, on the other hand points in the United States. For 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): Alberto-Culver Company, 2525 Armitage Ave., Melrose Park, IL 60160. Send protest to: Annie Booker, 219 South Dearborn St., Chicago, IL 60604.

MC 148412 (Sub-1TA), filed October 4, 1980. Applicant: Gribble Trucking, Inc., R.D. 1, Somerset, PA 15501. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., Hagerstown, MD 21740. 1. Metal roofing and siding and fabricated metal products and materials and supplies used in the manufacture of metal roofing and siding and fabricated metal products, between Lancaster, PA on the one hand, and on the other, points in IL, IN, MD, MI, NY, OH, and WV. 2. Such commodities as machinery, equipment, materials and supplies as are used by, dealt in, sold or distributed by a manufacturer of trucks and truck parts, between Hagerstown, MD and its commercial zone, on the one hand, and on the other, points in IL, IN, MD, MI, NY, OH, WV, PA, KY and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fabral-Alcan Building Products, 3449 Hempland Road, Lancaster, PA 17601. Mack Trucks, Inc., 1999 Pennsylvania Ave., Hagerstown, MD 21740. Send protests to: T/A Davis, Federal Reserve Bank Bldg., 101 North Seventh Street, Philadelphia, PA 19106.

[Notice No. 32]

MC 149013 (Sub-1TA) filed December 17, 1979. Applicant: ANTHONY J. CABRAL, d.b.a. A. J. CABRAL TRUCKING, 488 Mohegan Avenue, Quaker Hill, CT 06375. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Silica sand and silica products,* from Ledyard and North Stonington, CT, to ME, NH, VT, MA, RI, NY, NJ, PA, OH, IL, MI, IN, MD, DE, and VA, for 180 days. Supporting shipper(s): OTTAWA SILICA COMPANY, INC., P.O. Box 577, Ottawa, IL 61350. Send protest to: Heidi Ramsey, CS, 136 High Street, Hartford, CT 06103.

MC 148773 (Sub-1TA) filed November 27, 1979. Applicant: A. F. L. TRUCK LINES, INC., 1149 Howard Dr., West Chicago, IL 60185. Representative: Loughnane and Juravic, 7611 Washington Blvd., River Forest, IL 60305. (1) Fiberglass tanks, automatic skimmers, rotary pipe skimmers, coalescing defusion baffles, shelter houses, control rooms, P. U. C. piping, elbows, electrical panels, ladders, plastic tubing and materials used in the installation of water pollution equipment, (2) Materials, equipment and supplies used in the manufacture, installation and distribution of water pollution equipment, between west Chicago, IL, on the one hand, and, all points in the United States except Hawaii on the other hand. (3) Plywood, lumber, and all related building materials, from or to west Chicago, IL, on the one hand and all points in the continental United States on the other hand. For 180 days, an underlying ETA seeks 90 days authority. Supporting shipper(s): A. F. L. Industries Inc., 1149 Howard Dr., West Chicago, IL 60185. Send protest to: Annie Booker, TA, 219 South Dearborn St., Chicago, IL 60604.

[Notice No. 33]

MC 98938 (Sub-4TA), filed September 27, 1979,and published in the **Federal Register** issue of December 10, 1979, and republished as corrected this issue. Applicant: SEVERANCE TRUCKING CO., INC., 7 Walnut Hill Park, Woburn, MA 01801. Representative: Mary E. Kelley, 22 Stearns Avenue, Medford, MA 02155. *General commodities, usual exceptions,* between Haverhill, Lawrence, Lowell and Newburyport, MA, on the one hand, and, on the other, points in that part of New Hampshire on and south of a line beginning at the NH–ME state line and extending along US Highway 202 to its junction with NH Highway 9, and thence along NH Highway 9 to the NH–VT State Line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fifty-nine (59) supporting shippers. Send protest to: John B. Thomas, DS, ICC, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to show the complete scope of application as previously omitted.

[Notice No. F–26]

THE FOLLOWING APPLICATIONS WERE FILED IN REGION 2. SEND PROTESTS TO: ICC, FEDERAL RESERVE BANK BLDG., 101 N. 7TH ST., ROOM 620, PHILADELPHIA, PA 19106.

MC 2232 (Sub-II–1TA), filed May 1, 1980. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd & Corbin Lane, Morrisville, PA 19067. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers or distributors of foodstuffs (except in bulk),* between the facilities of Nabisco, Inc. at Philadelphia and Horsham, PA, on the one heand, and on the other, the facilities of Nabisco, Inc. at Chicago, IL, and points in its commercial zone as defined by the Commission, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destination for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 144513 (Sub-II–3TA), filed May 1, 1980. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Rubber and rubber materials, carbon black, plastics and plastic resins (except commodities in bulk),* from Louisville, KY; Pace, FL; Baton Rouge and Lake Charles, LA; Vicksburg and Woodville, MS; and points in TX, to points in IL, IN, MI, OH, PA and NJ, for 180 days. Supporting Shipper: Goldsmith

& Eggleton, Inc., 2550 Gilchrist Rd., Akron, OH 44309.

MC 115413 (Sub-II–3 TA), filed April 30, 1980. Applicant: BLISSFIELD TRUCK LINE, INC., P.O. Box 245, Archbold, OH 43502. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. (1) Ramps, stands, and scaffolding; (2) accessories and supplies for those items named in (1) above and (3) equipment, materials and supplies used in the manufacture or distribution of the commodities in (1) and (2) above between Erin, TN and Archbold, OH, on the one hand, and, on the other, CT, FL, MA, NJ, NY, PA, TX and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bil-Jax, Inc., E. Lugbill Rd., Archbold, OH 43502.

MC 20723 (Sub-II–1 TA), filed May 1, 1980. Applicant: NED E. BARD, P.O. Box 6, Leola, PA 17540. Representative: J. Bruce Walter, 410N 3rd St, P.O. B 1146, Harrisburg, PA 17108 *(1) metal and metal products and machinery and machinery parts, and (2) equipment, machinery, materials and supplies used in the manufacture, distribution and installation of the aforementioned commodities (except commodities in bulk and commodities in dump vehicles),* between points in Lancaster and Chester Counties, PA, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NY, NJ, DE, OH, WV, VA, IN, IL, MI, IA, WI, KY, TN, NC, SC, GA, FL, MS and AL, restricted to traffic originating at the indicated origins or destined to the indicated destinations. Supporting shippers: Aggregates Equipment, Inc., 9 Horseshoe Rd., Leola, PA 17540; Safe Walk, Inc., P.O. Box 212, Leola PA 17540; Ross Engineering Company, 98 E. Main St., Leola, PA 17540; and Dexco, Inc., P.O. Box 346, Leola PA 17540.

MC 139805 (Sub-II–1 TA), filed April 30, 1980 Applicant: B MOTOR FREIGHT INC., 451 Old Airport Rd, New Castle, DE 19720. Representative: Dennis N. Barnes, 1800 N St., NW, Washington, DC 20036. Contract, irregular, *General commodities (excluding bulk commodities and household goods) and hazardous materials (excluding Class A and B explosives) comprising products manufactured or purchased by E. I. Dupont de Nemours & Co., Inc.,* between the shipper's facilities, agents, suppliers, processors, distributors, and customers located at all pts. within the states of ME, NH, VT, MA, CT, RI, NY, MD, WV, OH, IN, MI, MN, WI, IL, IA, MO, KY, NC, SC, MS, AR, AL, LA, & FL, under a continuing contract with DuPont. Supporting shipper: E. I. DuPont de Nemours & Co. Inc., Wilmington, DE 19898.

MC 141878 (Sub-II–2 TA), filed April 28, 1980. Applicant: DIRECT COURIER, INC., 800 N. Taylor St., Arlington, VA 22003. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Contract, irregular: *radiopharmaceuticals and medical test kits,* between points in AL, F., and GA for 180 days. Underlying ETA seeks 90 days authority. Supporting shippers: Mallinckrodt, Inc., 2703 Wagner Pl., Maryland Heights, MO 63043

MC 141878 (Sub-II–1TA), filed April 28, 1980. Applicant: DIRECT COURIER, INC., 800 N. Taylor St., Arlington, VA 22003. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Contract, irregular: *radiopharmaceuticals, radio chemicals related to medicine, and medical test kits,* (1) from Atlanta, GA, and its commercial zone to points in NC, SC, GA, FL, and AL; and (2) between points in FL for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: New England Nuclear Corp., 549 Albany St., Boston, MA 02118.

MC 29537 (Sub-II–1TA), filed April 28, 1980. Applicant: R. H. CRAWFORD, INC., 425 Poplar St., Hanover, PA 17331. Applicant's representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses (except in bulk)* between New Freedom and Hanover, PA, on the one hand, and, on the other, points in KY, ME, MD, MA, NH, VT, WV, TN, GA, PA, NJ, NY, OH, NC, and SC, restricted to the transportation of shipments originated at and destined to the above origins and destinations for 180 days. Supporting shipper: There are 6 supporting shippers. Their statements may be examined at the ICC Regional Office in Phila., PA.

MC 146885 (Sub-II–1TA), filed April 28, 1980. Applicant: BEN CAPOBIANCO TRUCKING, INC., 5275 Talawanda Dr., Fairfield, OH 45014. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* from the facilities of Hunt Manufacturing Company, Lightning Products Div., located at or near Florence, KY, to the facilities of Hunt Manufacturing Co., Lightning Products Div., located at or near Fresno, CA. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hunt Manufacturing Co., Lightning Products Div., 7435 Industrial Rd., Florence, KY 41042.

MC 112304 (Sub-II–8TA), filed April 28, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant). *Electrical transformers,* between the facilities of Missouri Electric Works, Inc., at or near Cape Girardeau, MO, on the one hand, and, on the other, all points in AL, FL, GA, KY, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Electric Works, Inc., P.O. Box 662, Cape Girardeau, MO 63701.

MC 30237 (Sub-II–5TA), filed April 28, 1980. Applicant: YEATTS TRANSFER CO., P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant). *New furniture,* from Edison, NJ, to points in MD, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal Furniture Industries, 100 Industrial Ave., Edison, NJ 08817.

MC 141898 (Sub-II–1TA), filed April 28, 1980. Applicant: ROBERTS CARTAGE OF OHIO, INC., P.O. Box 7162, Akron, OH 44306. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities, except articles of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment,* between Cuyahoga County, OH on the one hand, and on the other, points in Seneca and Sandusky Counties, OH, for 180 days. Restricted to shipments having a prior or subsequent movement by air. An underlying ETA seeks 90 days authority. Supporting shipper(s): Emery Air Freight, 17831 Englewood Dr., Middleburg Heights, OH 44130.

MC 150522 (Sub-II–2TA), filed April 28, 1980. Applicant: Virginian Electric Co., d.b.a. VIRGINIAN POWER TRANSPORT, 6333 Emerson Ave., Parkersburg, WV 26101. Representative: John Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Glass containers and closures,* from Coventry, RI and Vienna, WV to points in AL, FL, GA, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, and WV. Supporting shipper(s): National Bottle Co., 1 Bala Cynwyd Plaza, Bala Cynwyd, PA 19004.

MC 107012 (Sub-II–25TA), filed April 28, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko, P.O. Box 988, Fort Wayne, IN 46801. *Plastic bathtubs and plastic accessories,* from the facilities of BeBe Manufacturing Co. Inc. at or near El Dorado, AR to points in AL, FL, GA,

MS, NC and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BeBe Manufacturing Co. Inc., P.O. Box 2056, El Dorado, AR 71730.

MC 22182 (Sub-II–2TA), filed April 29, 1980. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Automobiles, trucks, and chassis, in secondary movements, in driveaway and truckaway service,* between points in VA, WV, NC, TN, and KY for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Ford Motor Co., P.O. Box 1529–B, Dearborn, MI 48121.

MC 107012 (Sub-II–26TA), filed April 28, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David Bishop, P.O. Box 988, Fort Wayne, IN 46801. *(1) New furniture and (2) new commercial and institutional fixtures* (1) from the facilities of Steelcase, Inc. at or near Athens, AL to points in CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, TX, UT, VA & WY; and (2) from the facilities of Steelcase, Inc. at or near Athens, AL to points in AZ, AR, CT, DE, FL, GA, IL, IA, KY, LA, ME, MD, MA, MN, MS, MH, NJ, NM, NC, OK, PA, RI, SC, SD, TN, TX, VT, VA, and WV. *Supporting shipper(s):* Steelcase, Inc., 1120 36th St., SE, Grand Rapids, MI 49508.

MC 146313 (Sub-II–2TA), filed April 30, 1980. Applicant: William E. Mullenax, d.b.a. MULLENAX REFRIGERATED TRANSPORT. Rte. 20 South, Petersburg, WV 26847. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract; irregular: Ice cream, ice cream novelties and water ices* from Indianapolis, IN to South Charleston, WV; Evans City and Pittsburgh, PA; and Salem, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 150694 (Sub-II–1TA), filed April 28, 1980. Applicant: NORTH RIDGE TRUCKING CO., 441 East 21st St., Lorain, OH 44052. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Silica rock, in bulk, in dump vehicles,* from Amherst, OH to IN for 180 days. Supporting shipper: Cleveland Quarries Co., P.O. Box 261, Amherst, OH 44001.

MC 117565 (Sub-II–3TA), filed April 29, 1980. Applicant: MOTOR SERVICE CO., INC., P.O. Box 448, Coshocton, OH 43812. Representative: John R. Hafner, P.O 448, Coshocton, OH 43812. *(1) Roof Cement, Adhesives, Sealant, Coating and, (2) Accessories and Supplies used in the installation, manufacture, and maintenance of (1) above,* from the plantsite and warehouse facilities of Aluminum Coating Manufacturers, Inc. at or near Cleveland, OH to points in IL, IN, KY, MI, NY, NC, PA, TN, VA, and WV for 180 days. Supporting shipper: Aluminum Coating Manufacturers, Inc., 7301 Bessemer Ave., Cleveland, OH 44127.

MC 147993 (Sub-II–1TA), filed May 1, 1980. Applicant: C. H. MASLAND & SONS, 50 Spring Rd., Box 40, Carlisle, PA 17013. Representative: J. Roger Gratz (same as applicant). *Contract; irregular: automobile parts, supplies & accessories used in manufacturing of cars, trucks and tractors* from Detroit, MI to the port of entry at the Detroit-St. Clair River for furtherance to Oakville, Ontario, Canada for 180 days under contract(s) with Ford Motor Co., Dearborn, MI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., 1 Parklane Blvd., Parklane Towers East, Suite 200, Dearborn, MI 48126.

MC 150703 (Sub-II–1TA), filed May 1, 1980. Applicant: Delbert Mills, d.b.a., MILLS TRANSPORTATION, R. D. 3, Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Contract; irregular: Auto parts, supplies and accessories,* from Edison, NJ, Harrisonburg, VA, and Dayton, OH, to Middletown, DE, Philadelphia, Wind Gap and Duncansville, PA, and Landover, MD, and points in their respective zones, for the account of Quaker City Motor Parts Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quaker City Motor Parts Co., P.O. Box 162, Middletown, DE 19709.

MC 59292 (Sub-II–2TA), filed April 30, 1980. Applicant: THE MARYLAND TRANSPORTATION CO., INC., 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr., (same as applicant). *Polystyrene plastic pellets, in bulk, in steamship containers,* from Kobuta, PA to Baltimore, MD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): H. Muelstein & Co., Inc., 591 W. Putnam Ave., Greenwich, CT 06830.

MC 141759 (Sub-2–2TA), filed May 1, 1980. Applicant: Ohio Pacific Express, Inc., 683 East Broad St., Columbus, OH 43215. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Contract; irregular: Plastic pellets and granules (except in bulk, in tank vehicles) in vehicles equipped with refrigeration,* between the facilities of Arco Polymers Co. and Arco Durethene Plastics, Inc. at or near Monaca, PA, Houston and Port Arthur, TX, Long Beach, CA, Chicago, IL and Tampa, FL, on the one hand, and, on the other, points in the US (except AK and HI) for 180 days, under continuing contracts with Arco Polymers Co. and Arco Durethene Plastics, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arco Polymers Co. and Arco Durethene Plastics, Inc., 1500 Market Street, Philadelphia, PA 19101.

MC 109533 (Sub-II-6TA), filed April 30, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: Eugene T. Liipfert, Suite 1000, 1660 L St., N.W., Washington, DC 20036. *Common; regular: general commodities, (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* Route (1) Between Memphis, TN and its Comm. Zn. and Ft. Worth, TX and its Comm. Zn. serving all intermediate points and their Comm. Zn. From Memphis over U.S. Highway 70 to Little Rock, AR thence over U.S. Highway 67 to Dallas, TX, thence over U.S. Highway 80 to Ft. Worth and return over same route. Route (2) Between Birmingham, AL and its Comm. Zn. and Ft. Worth, TX and its Comm. Zn. serving all intermediate points and their Comm. Zn. From Birmingham over U.S. Highway 11 to Meridian, MS thence over U.S. Highway 80 to Ft. Worth and return over same route. Serving points in Collin, Dallas, Denton, Ellis, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise Counties and Tyler and Kilgore, TX as off-route points to carriers regular route operations. Restriction: Operations are restricted against the transportation of traffic originating at or received from connecting carriers at one point in TX and destined to or delivered to connecting carriers at another point in TX.

Applicant intends to tack with authority held in MC 109533, Sub 36 and pursuant to purchase Docket MC F–12903. Applicant intends to interline at Atlanta, Baltimore, Birmingham, Charlotte, Dallas, Ft. Worth, Memphis and Richmond for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 468 supporting shippers. Their statements may be examined at the ICC office in Phila., PA.

The following applications were filed in Region 4. Send protests to: ICC,

Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 135152 (Sub-4–5TA), filed April 29, 1980. Applicant: CASKET DISTRIBUTORS, INC., P.O. Box 327, Harrison, OH 54030. Representative: James Campbell (same address as applicant). *Automobile and truck tires and equipment, material and supplies used in the manufacture and distribution thereof,* from Buffalo, NY, Cleveland, OH, Mogodore, OH and Huntsville, AL, to all points in the U.S. east of the Mississippi River. Supporting shipper: Dunlop Tire & Rubber Corporation, Box 1109, Buffalo, NY 14240.

MC 142640 (Sub-4–2TA), filed April 29, 1980. Applicant: P.W.K. TERMINALS, INC., 6 Highgate Course, St. Charles, IL 60174. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Plastic articles* from St. Charles, IL to Columbus, OH. Supporting shipper: B. F. Goodrich Co., St. Charles, IL.

MC 150672 (Sub-4–1TA), filed April 28, 1980. Applicant: MEIGS TRUCKING, INC., 8626 West Greenfield Avenue, Milwaukee, WI 53214. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; Irregular. (1) Such commodities as are dealt in by distributors of asphalt and asphalt products, and (2) materials, equipment and supplies used in the production and distribution of such commodities,* from points in the Chicago, IL, Commercial Zone, Dubuque and Davenport, IA, and points in the Minneapolis-St. Paul, MN, Commercial Zone to points in Wisconsin under a continuing contract with Henry G. Meigs, Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Henry G. Meigs, Inc., 8626 West Greenfield Avenue, Milwaukee, WI 53214.

MC 150680 (Sub-4–1TA), filed April 29, 1980. Applicant: MID STATE OIL CO, d.b.a. MID STATE TRANSPORT, 1122 Main Avenue, Fargo, ND 58126. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Liquid fertilizer* and *liquid fertilizer ingredients, in bulk, in tank vehicles,* from Bismarck, ND, to points in SD on and west of U.S. Hwy. 281 and on and north of U.S. Hwy. 14 and points in MT on and east of U.S. Hwy. 89. An underlying ETA seeks 90 days authority. Supporting shippers: Poly-Phos Processing, Inc., 312 North Broadway, Crookston, MN 56716, and Fert L Flow, Crookston, MN 56716.

MC 115651 (Sub-4–4TA), filed May 2, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Illinois 61102. Representative: E. Stephen Heisley, Ames, Hill & Ames, P.C., 666 11th Street, Washington, D.C. 20001. *Fertilizer and fertilizer materials* in bulk, in tank vehicles, from Peru, IL to points in WI. Supporting shipper: Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701.

MC 120737 (Sub-4–3TA), filed April 28, 1980. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Precut log buildings,* from the facilities of Wilderness Log Homes at or near Plymouth, WI to points in the U.S. (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper: Wilderness Log Homes, Plymouth, WI 53073.

MC 144927 (Sub-4–3TA), filed April 29, 1980. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Gerald Morlan (same address as applicant). *Sound recordings, both plastic non-breakable disk type and tape (blank or recorded), plastic articles other than expanded, record sleeves, jackets and labels,* between Glenbrook, CT, Bethlehem, PA, Winchester, VA, Roselle, Cranford, and Linden, NJ, Tappan, NY, Madison Heights and Detroit, MI, Niles, Chicago, and Jacksonville, IL, and Council Bluffs, IA. An underlying ETA seeks 90 days authority. Supporting shipper: Capitol Records, Inc., 2980 Avenue B, Bethlehem, PA 18017.

MC 146071 (Sub-4–1TA), filed April 30, 1980. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Frozen prepared foods and frozen meats,* from the facilities of Armour & Co. at or near Eau Claire, WI and Fairmont, MN to points in FL, AL, MS, LA, and AR. An underlying ETA seeks 90 days authority. Supporting shipper: Armour & Co. Greyhound Tower, Phoenix, AZ 85077.

MC 123407 (Sub-4–1TA), filed May 2, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Contract irregular: Iron and steel articles* between points in the United States in and east of MN, IA, MO, OK, and TX, under continuing contracts with South Atlantic Steel, Inc. Supporting shipper: South Atlantic Steel, Inc., 1004 Bullard Court, Raleigh, NC 27609.

MC 149137 (Sub-4–2TA), filed May 2, 1980. Applicant: MASTER TRANSPORT SERVICES, INC., Suite 203, 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Plastics and plastic articles and materials and supplies used in connection with the manufacture and distribution thereof,* between the plantsite of Plasti Plex Corporation at Troy, MI, on the one hand, and, on the other, Los Angeles, CA; Opalocka, FL; Phoenix, AZ; Portland, OR; Seattle, WA; St. Louis, MO; Somerset, MA, and points within the Commercial Zone or said points. Supporting shipper: Plasti Plex Corporation, 1209 Chicago Road, Troy, MI. 48084.

MC 144655 (Sub-4–1TA), filed May 1, 1980. Applicant: ARTIC TRANSPORT, INC., 4750 West Main, Fargo, ND 58102. Representative: William J. Gambucci, Suite M–20, 400 Marquette Avenue, Minneapolis, MN 55402. *Contract, irregular:* (1) *commercial freight trailers and parts and accessories therefor,* (a) from Opole, MN to points in AL, AR, AZ, CA, CO, DE, IL, IN, IA, KY, KS, LA, MI, MS, MO, NE, NJ, NY, ND, OH, OK, PA, SD, TN, TX, UT, VA, WA and WI: (b) from Great Bend, KS to points in CA, FL, GA, IS, KY, MI, MN, MO, NC, ND, OK, TX, TN, PA and UT; and (c) from Oklahoma City, OK to points in CA, FL, GA, IA, KS, KY, MI, MN, MO, NC, ND, TX, TN, PA and UT; (2) *materials, supplies and related parts used in the manufacture of commercial freight trailers,* (a) from points in AL, GA, IL, IN, IA, KS, KY, MD, MI, MS, MO, NE, NY, OH, PA, SD and TN to Opole, MN; and (b) from points in those states named in (2)(a) above to Oklahoma City, OK; and (c) from those states named in (2)(a) above, except KS, to Great Bend, KS, for 180 days. Restricted in (1)(a) and (2)(a) to the transportation of traffic under a contract or continuing contracts with Polar Tank Trailer, Inc., Holdingford, MN, and restricted in (1)(b), (2)(b) and 2(c) to the transportation of traffic under a contract or continuing contracts with American Trailers, Inc., Oklahoma City, OK. Supporting shippers: American Trailers, Inc., P.O. Box 12770, 910 Morgan Road, Oklahoma City, OK 73157; Polar Tank Trailer, Inc., Rural Route 1, Holdingford, MN 56340.

MC 142715 (Sub-4–6TA), filed May 1, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 479, South St. Paul, MN 55075. *Plastic articles.* From St. Paul, MN to Lancaster, OH. Restricted to traffic originating at the facilities of Plastics, Inc., and destined to Lancaster, OH. Supporting shipper: Plastics, Inc., P.O. Box 43440, St. Paul, MN 55164.

MC 142715 (Sub-4–5TA), filed May 1, 1980. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick, P.O. Box 479, South St. Paul, MN 55075. *Iron or steel castings.* From Sandusky, OH to Minneapolis, MN. Restricted to shipments originating at Sandusky, OH and destined to Gresen Mfg. Co., Minneapolis, MN. Supporting shipper: Gesen Mfg. Co., 600 Hoover St., Minneapolis, MN 55440.

MC 150666 (Sub-4–1TA), filed April 25, 1980. Applicant: R. C. MOTOR TRANSPORT, INC., 5750 South Monroe, Hinsdale, IL 60521. Representative: Paul J. Maton, 10 S. La Salle St., Suite 1620, Chicago, IL 60603. *Contract: Irregular Meat and meat products* between Chicago, IL and points in IN bounded by U.S. Highway 12 on the north. IN State Route 10 on the south. Interstate Route 34 on the east, and IL–IN boundary on the west. Supporting shipper: Agar Food Products, 700 East 107th Street, Chicago, IL 60628.

MC 148126 (Sub-4–1TA), filed April 25, 1980. Applicant: E. W. L. TRUCKING, INC., 2055 John's Drive, Glenview, IL 60025. Representative: Paul J. Maton, 10 S. LaSalle St., Rm. 1620, Chicago, IL 60603. Contract, Irregular, *Cellular fiber material,* from Michigan City, IN to points in the Chicago Commercial Zone for 180 days. An underlying ETA seeks 90 days' authority. Supporting shipper: Air Distribution Associates, Inc., 955 N. Lively Blvd., Wood Dale, IL 60191.

MC 136318 (Sub-4–3TA), filed April 25, 1980. Applicant: COYOTE TRUCK LINE, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *Contract, Irregular, New furniture,* from Bedford Park, IL to Richmond and Indianapolis, IN, restricted to a transportation service to be performed under contract with Douglas Furniture Corporation. An underlying ETA seeks 90 days authority. Supporting shipper: Douglas Furniture Corporation, 5020 W. 73rd Street, Chicago, IL 60638.

MC 150586 (Sub-4–1TA), filed April 11, 1980. Applicant: PALAN TRUCK LINE, INC., 119 Irving Avenue, Faribault, MN 55021. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. *(1) Containers, container closures and canning company equipment and supplies* from Minneapolis-St. Paul commercial zone, Faribault, Cokato and Mankato, MN to Mondovi, Durand and New Richmond, WI and *(2) Food products (except in bulk)* between Faribault and Cockato, MN and Durand, Mondovi and New Richmond, WI. Supporting shipper: Faribault Canning Company, 128 N.W. 15th St., Faribault, MN 55021.

MC 150696 (Sub-4–1TA), filed April 29, 1980. Applicant: P. & E. I. TRUCKLINES, INC., Box 175, Rossville, IL 60963. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier;* irregular routes (a) *Wheat Flour,* from Mankato, MN to points in IN, IL, MI, MO, PA, OH and WI. (b) *Animal and dog food,* except in bulk, from Louisville, KY, Mankato and Minneapolis, MN to points in IA, IN, IL, KY, MI, MO, OH, PA, TN and WI. Supporting shipper: Hubbard Milling Co., 424 North Front Street, Mankato, MN 56001.

MC 150596 (Sub-4–1TA), filed April 17, 1980. Applicant: ROBERT JAY SPENCER, an individual, d.b.a. SPENCER BROS. TRUCKING, 212 South Lincoln Street, Lake Crystal, MN 56055. Applicant's representative: Robert Jay Spencer (address same as applicant). *Stone, rough and finished* from Mankato, MN to points in AR, CO, DE, DC, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MO, MT, NE, NJ, NM, NY, ND, OH, OK, PA, SD, TN, TX, VA, WV,WI and WY. Supporting shipper: Mankato Stone Center, Division of Babcock Company, P.O. Box 3088, Mankato, MN 56001.

MC 82492 (Sub-4–5TA), filed April 7, 1980. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Neil E. Hannon (same address as applicant). *Foostuffs, pet foods and animal feeds,* (except in bulk) between the facilities of Carnation Company at Elwood, KS, St. Joseph, MO, FT. Dodge, IA, Rochelle, IL, and Ft. Wayne, IN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, WI, NY on and west of I–81, and PA on and west of I–81, Supporting shipper: Carnation Company, 5045 Willshire Boulevard, Los Angeles, CA 90036.

The following protests were filed in Region 5.

Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 23618 (Sub-5–3TA), filed May 2, 1980. Applicant: McALISTER TRUCKING CO., d.b.a. MATCO, 2041 S. Treadaway Blvd., Abilene, TX 79605. Applicant's representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Scrap iron and scrap steel,* between points in AR, CO, LA, NM, and OK, on the one hand, and, on the other hand, points in TX. Supporting shippers: T & N Lone Star Warehouse Company, P.O. Box 187, Lone Star, TX, 75668, Texas Ferrous Company, P.O. Box 947, Lone Star, TX 75668.

MC 59367 (Sub-5–1TA), filed May 2, 1980. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Applicant's representative: William L. Fairbanks, 1980 Financial Center, Des Moines, IA 50309. *Plumbing fixtures and plumbing supplies* from the facilities of Kohler Company (1) at Kohler, WI, to points in CO, ID, MN, MT, OR, SD, UT and WY, and (2) at Brownwood, TX, to points in CO, ID, MT, OR, UT and WY. Supporting shipper: Kohler Company, 40 High Street, Kohler, WI 53044.

MC 96719 (Sub-5–1TA), filed May 2, 1980. Applicant: THRASHER TRUCKING CO., P.O. Box 116, Monahans, Texas 79756. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. *Scrap iron and scrap steel* between points in AR, CO, LA, NM, and OK, on the one hand, and, on the other, points in TX. Supporting shippers: T & N Lone Star Warehouse Company, P.O. Box 187, Lone Star, TX 75668 and Texas Ferrous Co., P.O. Box 947, Lone Star, TX 75668.

MC 106775 (Sub-5–1TA), filed May 2, 1980. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, Phinney, Hallman, Pulley & Coke, 4555 First National Bank Building, Dallas, TX 75202. *Scrap iron and scrap steel* between points in AR, CO, LA, NM, and OK, on the one hand, and, on the other, points in TX. Supporting shippers: T & N Lone Star Warehouse Company, P.O. Box 187, Lone Star, TX 75668 and Texas Ferrous Co., P.O. Box 947, Lone Star, TX 75668.

MC 114045 (Sub-5–4TA), filed May 2, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Applicant's representative: Daniel McNeff (same address as above). *Rust preventive compounds, cleaning compounds, misc. metalworking chemicals, in containers, in vehicles equipped with mechanical refrigeration* from Warren, MI to points in OK and TX. Supporting shipper: AMCHEM Products Inc., Ambler, Pa.

MC 118959 (Sub-5–6TA), filed 5–2–80. Applicant: JERRY LIPPS, INC., 130 S. Frederick, Cape Girardeau, Mo. 63701. Representative: Jack Gleason, 130 S. Frederick, Cape Girardeau, Mo. 63701. *Paper and Paper Products and Carbon and Materials, Equipment and supplies used in the manufacture, sale or distribution of Paper and Paper Products and carbon (except commodities in bulk,* from points in the

United States (except AK and HI), to Cairo, Illinois. Supporting shipper: Cairo, Inc., 3315 Sycamore Street, Cairo, Illinois 62914.

MC 124711 (Sub-No. 5–2TA), filed 5–5–80. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: John C. Prather, (same as applicant). *Fly ash,* from Gentry, AR to Dallas, TX, Ft. Worth, TX, Springfield, MO, Oklahoma City, OK and Tulsa, OK. Supporting shipper: Gifford-Hill & Company, Inc., P.O. Box 47127, Dallas, TX 75247.

MC 129908 (Sub-5–16TA), filed 5–2–80. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th Street, Oklahoma City, Oklahoma 73107. Representative: John S. Odell, 8125 S.W. 15th Street, Oklahoma City, Oklahoma 73107. *Aircraft parts, aircraft ground support equipment and parts and accessories thereof* (1) from the facilities of Trans World Airlines to all points in the continental United States and (2) from all points in the continental United States to the facilities of Trans World Airlines. Supporting shipper: Trans World Airlines, P.O. Box 20126, Kansas City International Airport, Kansas City, MO 64195.

MC 134282 (Sub-5–1TA), Applicant: ENNIS TRANSPORTATION CO., INC., A Texas corporation, P.O. Drawer 776, Ennis, Texas 75119. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, Texas 75201. *Gypsum board paper* from the plant site and storage facilities of Packaging Corp. of America at Hutchinson, KS to the plant site of Three Rivers Gypsum, Inc. in Fisher County, TX. Supporting shipper: Three Rivers Gypsum Inc., Dallas, TX.

MC 135797(Sub-5–27TA), filed May 2, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Sporting goods and recreational equipment,* from Brownsville, TX to Denver, CO. Supporting shipper: Gary Enterprises, 2645 S. Santa Fe Drive, Denver, CO 80223.

MC 135797 (Sub-5–28TA), filed May 2, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esq., P.O. Box 130, Lowell, Arkansas 72745. *Paper and paper products, cellulose products, plastic film, plastic bags, paper backed with foil and materials and supplies* used in the manufacture and distribution of the above named commodities, between Florence, KY; Greensburg, IN; Hazelwood and St. Louis, MO; and Orange, TX, and points in the states of CA, IL, IN, KY, MO, OH, OR and TX. Supporting shipper: Crown Zellerbach, 1 River St., S. Glens Falls, NY 12801.

MC 135797 (Sub-5–30TA), filed May 2, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, Arkansas 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Foodstuffs,* from points in NJ and NY to the facilities of Sunlight Foods, Inc. at or near Union City, CA. Supporting shipper: Sunlight Foods, Inc., 2114 Adams Ave., San Leandro, CA 94500.

MC 135861 (Sub-5–12TA), filed May 2, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Contract;* irregular. *Foodstuffs (except in bulk),* from the facilities of Knouse Foods, Inc. at Peach Glen, Chambersburg and Orrtanna, PA to points in AR, LA, NM, OK and TX. Supporting shipper: Knouse Foods, Inc. Gen. Del., Peach Glen, PA 17306.

MC 135982 (Sub-5–3TA), filed May 2, 1980. Applicant: S. L. HARRIS, d.b.a. PBI, P.O. Box 7130, Longview, TX 75601. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Cans, metal NOI and/or lids,* from Longview, TX, to Clinton, and Jackson, MS. Supporting shipper(s): Continental Can Company, U.S.A., P.O. Box 1557, Houston, TX 77001.

MC 141489 (Sub-5–1TA), filed May 2, 1980. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Pre-cast construction members,* from Omaha, NE to points in IA, MO, KS, and CO. Supporting shipper(s): Wilson Concrete Co., 102 Ft. Crook Road, South, Bellevue, NE 68005.

MC 142508 (Sub-5–20TA), filed May 2, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, Post Office Box 37465, Omaha, NE 68137. *New furniture* from the facilities of Fox Manufacturing Company in Rome, Georgia to points in IL, IN, IA, KS, NE, MO, OH, TX, and WI. Supporting shipper(s): Fox Manufacturing Company, Drawer A, Rome, Georgia 30161.

MC 146360 (Sub-5–3TA), filed May 2, 1980. Applicant: FLOYD SMITH, JR., TRUCKING, INC., 4415 Highland Blvd., Suite 107, Oklahoma City, OK 73148. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Such commodities as are dealt in by department, discount and catalog stores; and equipment, materials and supplies used in the conduct of such business,* from Seattle and Tacoma, WA and points in their commercial zones to Minneapolis, MN, Kansas City, MO, Denver, CO and Jacksonville, FL and points in their commercial zones. Restricted to shipments originating at or destined to the facilities of Modern Merchandising and its subsidiary divisional and affiliated companies, viz.: LaBelles Distributing, Dolgin's, Jafco, Leeds Holding, Inc., Great Western Distributing, Standard Sales Co., Rogers Distributing, Miller Sales Co. Supporting shipper: Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343.)

MC 147046 (Sub-5–1TA), filed May 2, 1980. Applicant: SUNRISE DAIRY, INC., 1440 S.E. Cortina Drive, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Ice cream and dairy products* from Rochester, MN, to points in IA, IL and WI. Supporting shipper: Marigold Foods, Inc., 2929 University Avenue, Minneapolis, MN.

MC 149070 (Sub-5–1TA), filed May 2, 1980. Applicant: LESCO TRUCKING COMPANY, INC., 7540 LBJ Freeway, Dallas, TX 75240. Representative: Richard H. Streeter, Wheeler & Wheeler, 1729 H Street NW., Washington, DC. *Scrap iron and scrap steel* between points in AR, CO, LA, NM, OK on the one hand, and, on the other hand, points in TX. Supporting shipper: T & N Lone Star Warehouse Co., Lone Star, TX, Texas Ferrous Co., Lone Star, TX.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–14798 Filed 5–13–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The Commission will meet on Tuesday, May 27, 1980, in Room 600, 1750 Pennsylvania Avenue, N.W., from 2–5 p.m. to discuss ongoing Agency Programs.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 80–14834 Filed 5–13–80; 8:45 am]

BILLING CODE 8230–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Panama, Housing Guaranty Program; Information for Lenders

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed $10,000 to finance shelter solutions for low-income families in the rural areas of Panama. Eligible investors as defined below are invited to make proposals to the Banco Hipotecario Nacional. The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 525–HG–011.

Lenders (Investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(C) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D. The borrower projects the following disbursement schedule during a period of six months after the date of the Loan Agreement: (1) a single disbursement of five million dollars ($5,000,000) during July, 1980; and, (2) a second disbursement of five million dollars ($5,000,000) during December, 1980. The borrower desires to receive proposals from eligible investors as defined above. The proposals should be based on the indicated disbursement schedules shown above. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of principal; such period not to exceed ten (10) years.

C. The minimum time during which prepayment of principal will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payment of such fee.

E. The period during which the proposal may be accepted, (the borrower would prefer a period of seventy-two (72) hours after the closing date specified below).

The proposal may state other terms and conditions which the investor desires to specify. In addition, proposals may be made in the alternative, citing for example differing terms of maturity, disbursement schedule and interest rates. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

The closing date by which prospective investors are requested to submit proposals to the borrower is 6:00 P.M., Eastern Standard Time, on June 3, 1980. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place during June, 1980 with the signing of said documents to occur no later than June 30, 1980.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address:

Banco Hipotecario Nacional, Apartado 222, Panama 1, Panama, Cable: Bahinal, Atencion: Proyecto de Vivienda, 525–HG–011, Silverio Melfi, General Manager, Telephone: 25–12–60 or 27–37–70.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637.

To facilitate A.I.D. approval copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: May 6, 1980.

David McVoy,

Assistant Director for Operations.

[FR Doc. 80–14764 Filed 5–13–80; 8:45 am]

BILLING CODE 4710–02–M

Panama Housing Guaranty Program; Information for Lenders

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed $1,000,000 to finance shelter solutions for low-income families in the secondary cities of Panama. Eligible investors as defined below are invited to make proposals to the Banco Hipotecario Nacional. The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of American and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 525–HG–010.

Lenders (Investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(C) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D. The borrower projects a single disbursement of one million dollars ($1,000,000) during July, 1980. The borrower desires to receive proposals from eligible investors as defined above.

The proposals should be based on the indicated disbursement schedules shown above. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of principal; such period not to exceed ten (10) years.

C. The minimum time during which prepayment of principal will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payment of such fee.

E. The period during which the proposal may be accepted (the borrower would prefer a period of seventy-two (72) hours after the closing date specified below).

The proposal may state other terms and conditions which the investor desires to specify. In addition, proposals may be made in the alternative, citing for example differing terms of maturity, disbursement schedule and interest rates. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servcing of his loan, i.e., recordation and disposition of loan payment received from the borrower.

The closing date by which prospective investors are requested to submit proposals to the borrower is the close of business on June 3, 1980. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place during June, 1980 with the signing of said documents to occur no later than June 30, 1980.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address:

Banco Hipotecario Nacional, Apartado 222, Panama 1, Panama, Cable: Bahinal, Atencion: Proyecto de Vivienda 525–HG–010, Silverio Melfi, General Manager, Telephone: 25–12–60 or 27–37–70.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637.

To facilitate A.I.D. approval, copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: May 6, 1980.

David McVoy,

Assistant Director for Operations.

[FR Doc. 80–14763 Filed 5–13–80; 8:45 am]

BILLING CODE 4710–01–M

Joint Research Committee of the Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of Sections 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-third meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on June 9, 10 and 11, 1980.

The purpose of the meeting is to: consider research needs for (a) developing low energy agricultural technology for agricultural production in LDC's, (b) use of alternate energy-saving food plants (crops) for LDC production, (c) use of alternate varieties of plants and trees as renewal energy sources in diversified farming systems and (d) other energy-related research needs for agricultural producers; discuss domestic and international systems for exchange of information on research investments; review progress of Collaborative Research Support Programs on Small Ruminant Animals (Sheeps and Goats) and Sorghum and Pearl Millet; review progress of planning Collaborative Research Support Programs in (a) Fisheries and Aquaculture (Pond Dynamics), (b) Management of Tropical Soils, and (c) Functional Implications of Marginal Nutritional Deficiencies in Human Diets; and conduct a Workshop on Experiences in Planning, Managing, and Implementing Collaborative Research Support Programs, in order to utilize the most suitable methods and processes and adopt needed improvements.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on June 9, 10 and 11, 1980. The meeting will be held at the Holiday Inn, Dynasty Room, 1850 N. Fort Meyer Drive, Rosslyn, Virginia 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, BIFAD Support Staff is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, State Department, Washington, D.C. 20523, or telephone him at (202) 632–7935.

Dated: May 8, 1980.

William F. Johnson,

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 80–14818 Filed 5–13–80; 8:45 am]

BILLING CODE 4710–02–M

INTERNATIONAL TRADE COMMISSION

Investigation No. 337–TA–69

Certain Airtight Cast-Iron Stoves; Remand of Order No. 69–24

On April 28, 1980, the presiding officer in the above-captioned case issued Order No. 69–24, certifying a motion and consent order agreements to the Commission. The Commission is remanding that order to the presiding officer in order to obtain a recommendation regarding whether the consent order agreements should be accepted.

Proposed section 337 consent order rules provide, in proposed § 210.51(a)(2) that: "The licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with his recommendation." Although the proposed consent order rules are not in effect, the Commission believes that having the benefit of a recommendation by the presiding officer is beneficial and in conformance with sound administrative practice. Although rule 210.14 of the Commission's Rules of Practice and Procedure reserve certain public interest factors to the Commission's for initial consideration, these factors are not exhaustive of all public interest and equitable considerations that the Commission takes into account when deciding whether to accept an agreement. The practice of obtaining a recommendation from the presiding officer has been followed with regard to settlement agreements. *See Certain Resistor Chips,*

Inv. No. 337–TA–63/65 (Recommended Determination of February 22, 1980). The same procedure has been followed with regard to consent order agreements. *See Certain Cattle Whips*, Inv. No. 337–TA–57 (Recommended Determination of April 11, 1979).

The Commission therefore requests that the presiding officer make recommendations regarding the consent order here in issue.

Issued: May 9, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–14811 Filed 5–13–80; 8:45 am]

BILLING CODE 7020–02–M

[731–TA–18–24 (Preliminary)]

Certain Carbon Steel Products From Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands, and the United Kingdom

Determination

On the basis of the record [1] developed in these investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the following articles of iron or steel, other than alloys of iron or steel:

Plate, provided for in TSUS items 607.66, 607.83, 607.94, 608.07, and 608.11.

Hot-rolled sheet, provided for in TSUS items 607.67 and 607.83,

Cold-rolled sheet, except organic coated, provided for in TSUS item 607.83,

Sheet, coated or plated with zinc, except organic coated, provided for in TSUS items 608.07 and 608.13, and

Angles, shapes, and sections, except special sections, having a maximum cross-sectional dimension of 3 inches or more, provided for in TSUS item 609.80 from Belgium (except light I-beams),[2] the Federal Republic of Germany,[3] France,[3] Italy (except angles, shapes, and sections),[4] Luxembourg (angles, shapes, and sections only), the Netherlands (except angles, shapes, and sections),[5] and the United Kingdom,[6] which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value.

Background

The Commission instituted these investigations on March 26, 1980, following receipt of petitions on March 21, 1980, filed on behalf of United States Steel Corp. Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and the Commission's New York Office, located at 6 World Trade Center, and by publishing the notice in the **Federal Register** on April 1, 1980 (45 FR 21404).

The conference was held in Washington, D.C., on April 17 and 18, 1980, and all persons who requested the opportunity were permitted to appear in person or by counsel.

On April 10, 1980, the Commerce Department announced that it was instituting antidumping investigations on the basis of the United States Steel Corp. petitions (notice published in the **Federal Register** of April 17, 1980 (45 FR 26109)). Commerce excluded certain products from the scope of its investigations; accordingly, the Commission's determinations do not encompass those articles. The excluded products are organic-coated cold-rolled sheets from all countries, organic-coated galvanized sheets from all countries, special sections from all countries, light I-beams from Belgium, and all structural shapes from Italy.

Statement of Reasons of Chairman Catherine Bedell and Commissioners George M. Moore and Michael J. Calhoun

On the basis of the record in these investigations, Certain Carbon Steel Products From Belgium (investigation No. 731–TA–18 (Preliminary)), the Federal Republic of Germany (investigation No. 731–TA–19 (Preliminary)), France (investigation No. 731–TA–20 (Preliminary)), Italy (investigation No. 731–TA–21 (Preliminary)), Luxembourg (investigation No. 731–TA–22 (Preliminary)), the Netherlands (investigation No. 731—TA–23 (Preliminary)), and the United Kingdom (investigation No. 731–TA–24 (Preliminary)), we determine, pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the following articles of iron or steel, other than alloys of iron or steel:

Plate, provided for in TSUS items 607.66, 607.83, 607.94, 608.07, and 608.11,

Hot-rolled sheet, provided for in TSUS items 607.67 and 607.83,

Cold-rolled sheet, except organic coated, provided for in TSUS item 607.83,

Sheet, coated or plated with zinc, except organic coated, provided for in TSUS items 608.07 and 608.13 and

Angles, shapes, and sections, except special sections, having a maximum cross-sectional dimension of 3 inches or more, provided for in TSUS item 609.80, from Belgium (except light I-beams), the Federal Republic of Germany, France, Italy (except angles, shapes, and sections), Luxembourg (angles, shapes, and sections only), the Netherlands (except angles, shapes, and sections), and the United Kingdom, which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value (LTFV).

Domestic Industry

The impact of allegedly dumped imports is to be measured against the industry producing a "like product." [7] However, in assessing this impact, the statute directs the Commission to isolate the affected product lines to the extent possible and, if available data permit, to separately consider "relevant economic factors (such as profits, productivity, employment, cash flow, capacity utilization, etc.), as they relate to the production of only the like product * * * " [8]

In the current investigations, the Commission investigative staff has been able to obtain information on many of these economic factors with respect to the production of each of the five product categories. In addition, although raw steel constitutes much of the value of each of the five product groups under investigation, competition in the U.S. market between domestically produced steel products and the alleged LTFV imports occurs in each of the five separate and distinct product groups. Further, there are separate identifiable facilities, manpower, sales forces, and

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[1] The record is defined in sec. 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

[2] Vice Chairman Alberger and Commissioner Stern dissenting with respect to hot-rolled sheet, cold-rolled sheet, and galvanized sheet.

[3] Vice Chairman Alberger dissenting with respect to galvanized sheet.

[4] Vice Chairman Alberger dissenting with respect to cold-rolled sheet and galvanized sheet; Commissioner Stern dissenting with respect to plate, hot-rolled sheet, cold-rolled sheet, and galvanized sheet.

[5] Vice Chairman Alberger dissenting with respect to plate and galvanized sheet; Commissioner Stern dissenting with respect to plate, cold-rolled sheet, and galvanized sheet.

[6] Vice Chairman Alberger and Commissioner Stern dissenting with respect to plate, hot-rolled sheet, cold-rolled sheet, and galvanized sheet.

[7] Sec. 771(4)(A) of the Tariff Act of 1930.

[8] United States Senate, *Trade Agreements Act of 1979: Report of the Committee on Finance . . .*, S. Rept. No. 96–249 (96th Cong., 1st sess.), 1979, pp. 83–84.

research and development programs associated with the production of each product line subject to the investigations. As a result, the Commission is able to separately examine the impact of imports of like products on each of these five product lines within the domestic industry.

Within each of the five product lines the impact of comparable imported items from as many of the respondent nations as produce and export to the United States the products in question has been cumulated for the purpose of this preliminary investigation. The imports of the same class or kind of merchandise are comparable and compete in the same markets, and the factors and conditions of trade show the relevance of such cumulative consideration to the determination of a reasonable indication of injury. [9]

Reasonable Indication of Material Injury

Section 771(7)(B) lists certain factors, among others, that the Commission shall consider in making its injury determination. They are the volume of imports; the effects of such imports on prices in the United States for like products; and the impact of imports of such merchandise on domestic producers of like products. An indication of how Congress intends that the Commission should consider these factors is provided in both the Senate Finance Committee and House Ways and Means Committee Reports, which discuss final determinations under section 735. The discussion is applicable here, however, since the same factors with respect to material injury are to be considered in making both preliminary and final determinations. The Committees instruct the Commission not to weigh injury caused by imports against harm caused by other sources. Such weighing would have the undesirable effect of making relief more difficult to obtain for precisely those industries which are most vulnerable to import competition. The causation link required in unfair trade circumstances, such as when dumping is occurring, is weaker than when fair trade conditions exist. [10]

In this investigation we determine that there is a reasonable indication of material injury to the domestic industry producing the five product lines under investigation, namely hot-rolled sheet, cold-rolled sheet, galvanized sheet, plate, and angles, shapes, and sections, by reason of imports of comparable items under investigation, which are alleged to be sold at less than fair value. The following information, analyzed in accordance with section 771(7), and contained in the record, supports our determination. [11]

Volume of Imports

The volume of imports of the subject merchandise from the countries under investigation continues to be significant. Substantial less-than-fair-value sales margins have been alleged, ranging from 7 to more than 70 percent. [12] Imports from the subject European Community (EC) countries of carbon steel hot-rolled sheet, cold-rolled sheet, galvanized sheet, plate, and angles, shapes, and sections generally increased in 1978 to 5.5 million tons and then declined in 1979 to 4.1 million tons. [13] Total imports of the five products under investigation increased by almost 10 percent in the first 2 months of 1980 compared with the corresponding months of 1979. [14] Ratios of imports to consumption for each of the five product groups from the EC remained above 5 percent during 1977–79, and averaged 7 percent in 1979. [15]

Effect of Imports on U.S. Prices

Although prices for selected carbon steel products rose significantly during 1977–79, price increases did not keep pace with costs incurred by carbon steel producers. [16] The increases for U.S.-produced material ranged from 20 to 40 percent depending on product, although prices appear to have leveled off since mid-1979. Responses to the Commission's questionnaire in these investigations indicate significant suppression of prices of the products in question owing to EC import competition, with resultant significant loss in industry revenue.

Impact on Affected Industry

Although the ratio of seven U.S. producers' [17] net operating profit or loss to net sales generally rose during 1977–79, profitability was exceedingly low both in absolute terms and in comparison with other manufacturing industries. For 1979, profitability for the five product groups in question totaled 1.2 percent of net sales. [18] There is a reasonable indication that suppressed prices and lost sales caused by the alleged LTFV sales may have contributed to this low profit level, especially since this industry is characterized by high fixed costs. Lost incremental sales have a disproportionately large negative effect on profitability. [19]

Low earnings retard U.S. Producers' efforts to modernize plants and improve technology, such as making greater use of oxygen furnaces and continuous casting. Information was presented that current profit levels do not generate sufficient internal funds for modernization nor are they at a level that permits U.S. producers to readily raise capital from external sources. This problem may be in part attributable to price suppression from the alleged LTFV imports. [20]

U.S. producers submitted a total of 1,868 allegations of sales lost to imports from the EC. The Commission contacted firms accounting for 401 of these allegations. In 298 instances the lost sales were confirmed. Many purchasers indicated that price was the principal reason for choosing the imported product in lieu of that produced in the United States. Significant margins of underselling by the EC products (ranging up 20 percent) were cited by several purchasers. In addition, the Commission was able to confirm many instances in which U.S. producers lowered domestic prices in order to make sales. [21]

U.S. producers' total shipments of the five products rose slightly each year during 1977–79 to 48.7 million tons. [22] Their total market share for the five products fell in 1978 and rose in 1979 to 82.5 percent. [23] U.S. producers' total capacity utilization for the five products rose in 1978 and remained unchanged in 1979 at 71 percent. [24]

Threat of Material Injury

Although the Commission's determination is based on a reasonable indication of current injury, the deterioration of the industry's position that is now apparent may, in light of the factors discussed below, continue. In

[9] United States Senate, *Trade Reform Act of 1974: Report of the Committee on Finance . . .*, S. Rept. No. 93–1298 (93d Cong., 2d sess.) 1974, p. 180; S. Rept. No. 96–249, p. 74.

[10] S. Rept. No. 96–249, pp. 74–75; *Trade Agreements Act of 1979: Report of the Committee on Ways and Means . . .*, H. Rept. No. 96–317 (96th Cong., 1st sess.), 1979, pp. 46–47.

[11] Commissioner Calhoun wishes to emphasize that he has, in accordance with section 771(4)(D), assessed the effect of the alleged LTFV imports on a product-line basis. Reference to aggregate statistics herein is for summary purposes only.

[12] Accompanying report (Report), pp. A–19–21.

[13] Report, p. A–50.

[14] Report, p. A–50.

[15] Report, p. A–64.

[16] Report, p. A–66; *see, e.g.*, Brief of Republic Steel Corp., p. 8.

[17] Accounting for about 70 percent of total shipments in 1979.

[18] Report, pp. A–77, A–92, A–107, A–121, and A–135, and Petitions of United States Steel Corp., vol. II, pp. 1–2.

[19] Transcript of the conference, pp. 37–40; Brief of Republic Steel Corp., pp. 12–14.

[20] Transcript of the conference, pp. 38–40.

[21] Report, pp. A–81, A–96, A–111, A–124, and A–138.

[22] Report, p. A–47.

[23] Report, p. A–64.

[24] Report, p. A–45.

analyzing threat of material injury, the Commission considers, among other factors such as the suspension of the Trigger-Price Mechanism (TPM), (1) the rate of increase of allegedly dumped imports in the U.S. market, (2) capacity in the exporting country to generate exports, and (3) the availability of other export markets.

Suspension of the TPM may have the effect of allowing alleged margins of underselling to increase, thereby raising a possible additional threat to the domestic industry, which is no longer protected from unfairly priced EC imports.

EC exports of the five products under investigation to the United States in January and February 1980 exceeded levels in the corresponding period of 1979.[25] In addition, capacity utilization rates in the EC are well below those in the United States: the EC steel industry operated at about 65 percent of capacity in 1979.[26] Although efforts are underway to reduce the amount of excess capacity by closing obsolete plants, there is no information that such reductions will be effected soon enough to significantly alter the capacity to increase exports to the United States in the next several years, especially since in recessionary periods a diminution in EC domestic demand can be anticipated. Further, demand for EC exports of the five products under investigation in third countries, which constitute significant export markets for the EC, is likely to decline since demand in those markets is increasingly being supplied by domestic production.[27]

Shipments and employment in the steel industry are in substantial part derived from the overall demand for goods in the economy.[28] Thus, in recessionary periods demand for steel products necessarily declines, making domestic steel producers even more vulnerable to the injurious impact of imported merchandise. The sharp declines reported in U.S. automobile production and new housing starts during recent weeks could severely depress U.S. demand for the five categories of steel products which are the subject of these investigations, contributing to declining sales and plant utilization rates and rising unemployment or underemployment. As utilization rates fall, price competition and pressure on operating margins may increase.[29] There is evidence that orders to United States Steel Corp. have fallen 40 percent in recent weeks.[30]

Conclusion

On the basis of the foregoing, we conclude that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the following articles of iron or steel, other than alloys of iron or steel, namely, plate, hot-rolled sheet, cold-rolled sheet, galvanized sheet, and angles, shapes, and sections, which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value.

Views of Vice Chairman Bill Alberger on Certain Steel Products From the European Community

The Domestic Industry

The impact of allegedly dumped imports should be measured against the industry producing a "like product" (Section 771(4)(A) of the Tariff Act of 1930). However, in assessing this impact, the statute directs the Commission to isolate the affected product lines to the extent possible. Section 771(4)(D) states:

> (D) PRODUCT LINES.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits* * *

The Senate Finance Committee Report states:

> In examining the impact of imports on the domestic producers comprising the domestic industry the ITC should examine the relevant economic factors (such as profits, productivity, employment, cash flow, capacity utilization, etc.), as they relate to the production of only the like product, *if available data permits (sic) a reasonably separate consideration of the factors with respect to production of the only the like product.* (Emphasis is added.) [1]

In current investigations, the Commission investigative staff has been able to obtain information on many of these economic factors with respect to the production of each of the five product categories. Although raw steel constitutes much of the value of each of the five product groups under investigation, competition in the U.S. market between domestically produced steel products and the alleged LTFV imports occurs in each of the five separate and distinct product groups. Further, there are separate identifiable facilities, manpower, sales forces, and research and development programs associated with the production of each product line subject to the investigations. As a result, the Commission is able separately to examine the impact of imports of like products on each of these five product lines within the domestic industry.

The Cumulative Impact of Alleged LTFV Imports

Within each of the five product lines the impact of comparable imported items from as many of the respondent nations as produce and export to the United States the products in question have been considered for cumulation. The imports of the same class or kind of merchandise are generally comparable and compete in the same markets, and the factors and conditions of trade show the relevance of such cumulative consideration to the determination of a reasonable indication of injury. *See,* S. Rep. 93–1298, 93d Cong., 2d Sess., at p. 180; and S. Rep. 96–249, 96th Cong., 1st Sess., at p. 74. In evaluating the appropriateness of cumulation within each product line, I have considered the volume of imports, marketing practices of each country, market shares, pricing practices, inventory practices and trends of imports. Thus, imports of some of these products from certain EC nations have been found inappropriate for cumulation as not having some contributing impact on the reasonable indication of material injury.[2]

The Period of Consideration

In arriving at my determinations in these investigations, I have generally relied upon data collected for the three—year period 1977–79, since the statutory considerations limit our inquiry to the existence of present or threatened future injury. I believe this three-year data does not limit my analysis. The Commission has extensive data on the steel industry over a considerable period of time. Thus, I have attempted to use data collected by the Commission in previous steel investigations for years prior to 1977 where such data was relevant. In certain cases, the longer term data gives a better picture of the conditions in the domestic industry vis-a-vis imports.

My analysis of the issue of whether there exists a reasonable indication of material injury, or threat thereof, to the domestic industry in each of the five product lines follows.

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[25] Report, p. A–50.
[26] Report, p. A–30.
[27] Brief of Republic Steel Corp., pp. 24–25.
[28] Transcript of the conference, p. 81.
[29] Report, p. A–62.
[30] Transcript of the conference, p. 58.

[1] S. Rep. 96–249, 95th Cong., 1st Sess., at p. 83–84.

[2] "Statement of Reasons of Vice Chairman Bill Alberger and Commissioners George M. Moore and Catherine Bedell," *Steel Wire Strand for Prestressed Concrete from India,* USITC Pub. 906, August 1978, p. 4, footnote 1.

Hot-rolled sheets

Analysis of the economic factors set forth in section 771(7) of the Tariff Act of 1930, as amended, show steady production levels, an increase in shipments and stable utilization of capacity as well as level year-end inventories for producers of hot-rolled sheets in the United States. Although there are steady, in not increasing, trends for most of these economic indicator, the financial performance for U.S. producers in their hot-rolled sheets operations has not been healthy. The net operating profit to net sales ratio (profit margin) showed a loss of 4.2 percent in 1977, and while this ratio has improved to the positive side of the ledger in 1978 and 1979, the 2.1 and 1.2 percent ratios for those years are quite low and well below the average for all manufactured products. Such a poor financial performance serves to limit investment and stifles attempts to modernize or replace outmoded facilities.

The poor financial performance of U.S. producers and their subsequent difficulties in generating the funds necessary to modernize to compete with more efficient producers has contributed to my conclusion that there is a reasonable indication of material injury to the industry by reason of alleged LTVF imports from the Federal Republic of Germany, France, the Netherlands and Italy. Cumulatively, imports from these countries accounted for 7.9 percent, 8.8 percent and 6.8 percent of apparent U.S. consumption for 1977, 1978 and 1979, respectively. Of these figures, Italy's portion had dipped to only 0.3 percent of consumption in 1979. However, import statistics of carbon steel plate include products the industry considers as hot-rolled sheets. Adding such imports to those already noted raise the Italian share of the hot-rolled sheets market in the United States from 0.8 to 1.2 percent in 1977, from 0.9 to 1.5 percent in 1978, and from 0.3 to 0.5 percent in 1979. Additionally, the record indicates that very significant amounts of hot-rolled sheets were imported from Italy in 1975 and 1976, but were warehoused and sold from inventory in later years at low prices. In view of the fact the Commission has not been able to analyze the details of prices of these sales, I am unable to dismiss Italian imports as a part of this investigation.

U.S. imports of hot-rolled sheets from Belgium and the United Kingdom have diminished to very low levels from 1977 through 1979. In the case of Belgium, imports as a share of consumption plummeted to 0.1 in 1979. A sharply declining market share means increased opportunity for expanded market share for the domestic industry and decreased pricing pressures. Imports from the United Kingdom dropped from 0.2 consumption in 1978 to an almost non-existent level of 0.3 percent in 1979. It is my view that neither of these countries is contributing to the material injury that may be caused by the imports from the other EC countries. In fact, it appears that the United Kingdom is pulling out of the market for hot-rolled sheets in the United States altogether. Thus I have decided it is inappropriate to cumulate the impact of alleged LTFV imports of Belgium and the United Kingdom with those from the other four countries.

Moreover, I have found there is not a reasonable indication that alleged LTFV imports of hot-rolled sheets from Belgium and the United Kingdom are causing or threatening to cause material injury to an industry in the United States.

Cold-Rolled Sheets

My analysis of the economic indicia raised in section 771(7) of the Tariff Act of 1930, as amended, show a slight drop in production of cold-rolled sheets by U.S. producers from 1977 through 1979 with a similar decline in shipments. Additionally, overall domestic capacity was down, but capacity utilization moved slightly upward. Yearned inventories held by U.S. producers followed irregular patterns, but show a basic downward trend for the 1977–1979 period. In this time span, the financial performance of U.S. producers was quite poor, moving from a net operating *loss* to net sales ratio of 6.6 percent to minimal profits of 0.3 and 0.5 in 1978 and 1979. As in the case of hot-rolled sheet, this is far from the sort of healthy profit picture that would permit necessary investment and modernization by the domestic industry.

I have concluded that there is a reasonable indication of injury to the industry in the United States producing cold-rolled sheet by alleged LTFV imports from the Federal Republic of Germany, France, and The Netherlands. These countries, as a percentage of apparent U.S. consumption, accounted for 6.1 percent in 1977, 5.7 percent in 1978 and 5.3 percent in 1979.

U.S. imports of cold-rolled sheets from Belgium, the United Kingdom and Italy have declined from 1977 through 1979, representing 0.5 percent, 0.03 percent and 0.4 percent of U.S. consumption in the latter year, respectively. Here, as well as in hot-rolled sheets, the United Kingdom seems to be leaving the U.S. market. Additionally, the market shares held by Belgium and Italy do not appear to be significantly contributing to the possible material injury as they have declined by 70 percent in the case of Belgium and 50 percent in the case of Italy. Thus, these imports from Belgium, Italy and the United Kingdom are inappropriate for cumulation with imports from Germany, France and The Netherlands.

As a result of these factors, I have therefore concluded that there is no reasonable indication an industry in the United States is materially injured or threatened with material injury by reason of alleged LTFV imports of cold-rolled sheets from Belgium, the United Kingdom and Italy.

Carbon Steel Plate

Most of the economic factors that I have analyzed pursuant to section 771(7) of the Tariff Act of 1930, as amended, point to a steady improvement in the production and sale of carbon steel plate in the United States. Despite this improvement, however, profitability levels for this product line are still very low and declined in 1979. The ratio of net operating profit to net sales (profit margin) rebounded from a negative 2.6 in 1977 (reflecting an aggregate net operating loss of $36 million) to 2.5 in 1978, but then declined to 2.3 in 1979.

As discussed previously with respect to other product lines equally affected with miserable profit levels, this kind of performance has substantially prevented the domestic steel industry from raising the new capital necessary to modernize its production facilities. Without a constant program of modernization, the aggregate industry will continue to do poorly while more efficient competitors, such as Japan, utilize a greater percentage of basic oxygen furnaces and continuous casting methods in their steelmaking plants.

I have determined that there is a reasonable indication of material injury to the industry by reason of alleged LTFV imports of carbon steel plate from the Federal Republic of Germany, Belgium,[3] France and Italy. The cumulative imports of steel plate from these countries amounted to 8.7 percent, 12.6 percent and 7.3 percent of apparent U.S. consumption for 1977, 1978 and 1979 respectively.[4]

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[3] Since import data from Belgium and Luxembourg are only available from the U.S. Customs Service on a combined basis, I am compelled in this preliminary investigation to attribute the import totals for each of these products to both countries. In any future investigation, it would be helpful if the importers and foreign manufacturers concerned would supply the Commission with separate import data.

[4] As previously mentioned in my discussion of hot-rolled sheets, the import figures for carbon steel plate include products that are considered by the industry as hot-rolled sheets. For that reason, the figures reported herein for plate should properly be

Footnotes continued on next page

While imports from Italy declined to only 0.5 percent of consumption in 1979, there is evidence that large volumes of steel imported from Italy in 1975, 1976 and 1977 were not immediately sold in those years but were instead warehoused and were sold out of inventory at a later date at very low prices. Until the Commission has had an opportunity to collect and assess better information regarding recent sales of Italian steel plate in the United States, I cannot conclude that these imports were insignificant and immaterial.

Imports of plate from the Netherlands were consistently very low and never amounted to more than 0.4% of U.S. consumption during the three year period 1977–79. Imports from the United Kingdom have declined from 1.3% in 1977 to 0.5% in 1978, and to 0.2% in 1979. It is apparent that the U.K. is withdrawing from the U.S. steel plate market and, like The Netherlands, is not contributing in any meaningful way to the material injury that might be caused by imports from other EC countries. Thus, imports from The Netherlands and The United Kingdom seem inappropriate for cumulation with other imports from EC nations. I have therefore determined that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of alleged LTFV sales of carbon steel plate from The Netherlands and the United Kingdom.

Galvanized Sheets

An analysis of available information for each of the relevant factors set forth in section 771(7) of the Tariff Act of 1930, as amended, clearly demonstrates that galvanized sheets is the only product line for which there is no reasonable indication of material injury to the domestic industry by reason of the alleged LTFV sales. For the period 1977 to 1979, U.S. production, shipments, capacity utilization, exports, apparent consumption and profitability have all increased. Although inventories have risen slightly, net sales of U.S. producers' galvanized sheets rose by 36 percent from $1.4 billion in 1977 to $2.0 billion in 1979. The ratio of imports to apparent consumption from all sources and from the EC countries named in the complaint remained stable during 1977–79 at about 25 percent and 5.8 percent respectively. Finally, galvanized sheets were the most profitable of the five product lines for domestic producers throughout the three-year period. The aggregate net operating profit jumped from $18 million in 1977 to $114 million in 1979—an increase of over 500 percent. During the same period, the aggregate profit margins increased from 1.3 percent to 5.8 percent.

Although no one of the above factors standing alone is a sufficient basis for making a negative determination, especially at the preliminary stage, it nevertheless cannot be ignored that virtually every one of the statutory criteria we are required to analyze describe a product line that is neither presently suffering nor threatened with any future injury by reason of these alleged LTFV imports. This is true whether the imports from the EC are considered separately by country or in any combination of countries.

Angles, Shapes and Sections

The portion of the domestic steel industry producing angles, shapes, and sections, although suffering no significant declines during the 1977–79 period, maintained only steady or slightly increasing levels of production, shipments, capacity, capacity utilization, exports, and employment. Financially, the domestic producers of angles, shapes and sections have been operating at substantial losses since 1977. Although gaining ground over the 3-year period, the 1979 ratio of net operating profit to net sales was still in the loss column.

Total imports of angles, shapes and sections rose from 1.7 million short tons in 1977 to over 1.8 million short tons in 1979. Imports of such items from the EC have also increased during this period from 645,000 short tons in 1977 to 653,000 short tons in 1979. Belgium and Luxembourg [5] are the principal suppliers of angles, shapes and sections accounting for over 6 percent of the domestic market. Overall market penetration by the EC countries has declined from 12.4 percent to 10.5 percent. Out of a sample of 24 allegations of sales lost to imports, 14 of the 24 checked confirmed that the sale was lost due to price.

The domestic industry producing angles, shapes and sections has been operating at unprofitable levels and has been unable to increase its production and related activities for sometime. While imports of these products from the United Kingdom have declined significantly since 1977, they still represent 1.1 percent of consumption, and probably should be cumulated with other EC countries for purposes of the reasonable indication of injury test. I cannot say now that they are clearly withdrawing from the market, as seemed to be obvious in other product lines. Therefore, I determine that there is reasonable indication that the domestic industry is being materially injured by reason of imports of angles, shapes and sections from Belgium, Luxembourg, the Federal Republic of Germany, France, and the United Kingdom,[6] which are alleged to be sold at less than fair value.

Section 771(7)(B) of the Tariff Act of 1930 requires the Commission to consider (i) the volume of the subject imports, (ii) their effect on the domestic price of the like product, and (iii) their impact on the domestic producers of the like product. In section 771(7)(C), the Act further specifies a series of economic facts that the Commission must include in these considerations. The following findings, based on the record in these investigations, set forth my evaluation of these factors.

Findings of Fact

A. *Volume of Imports*

1. The imported carbon steel products alleged to be sold at LTFV are essentially the same as those produced in the United States, although there are recognized standard quality gradations for each of the five product categories. Imported carbon steel products from the EC compete in the same geographic and product markets as domestically produced steel. As fungible products, sales are made primarily on the basis of availability and price. (Recommended Determination of the Director of Operations,[7] page 2; Posthearing briefs submitted on behalf of certain Belgian and French firms, pages 6 and 7).

2. Imports of each of the five carbon steel products under investigation from the United Kingdom (U.K.), Belgium, The Federal Republic of Germany (F.R.C.), France, Italy, Luxembourg, and The Netherlands are as set forth in Table 34 (hot-rolled sheets), page A–73; Table 40 (cold-rolled sheets), page A–87; Table 46 (galvanized sheets), page A–103; Table 52 (plates), page A–117; and Table 58 (angles, shapes and sections), page A–131 of the Commission Staff Report (hereafter "Report").

3. The ratios of imports of each of the five carbon steel products under investigation from the seven subject EC countries to U.S. producers' shipments and to apparent U.S. consumption are as set forth in Table 37 (hot-rolled sheets),

Footnotes continued from last page

adjusted downward. This adjustment has not materially affected my determination with respect to this product line.

[5] See footnote 1 on p. 7 of this opinion.

[6] The Department of Commerce found that imports from Italy and The Netherlands were not being sold at less than fair value and are thus eliminated from consideration in this investigation.

[7] For informational purposes, the Recommended Determination of the Director of Operations is attached following this opinion.

page A–80; Table 43 (cold-rolled sheets), page A–95; Table 49 (galvanized sheets), page A–110; Table 55 (plates), page A–123; Table 61 (angles, shapes and sections), page A–137.

B. *Price*

4. Reliable price data was not available to the Commission to permit an accurate assessment of the impact of the subject imports on the price of like products manufactured in the United States. (Report at A–66.)

5. In general, domestic (U.S.) prices for each of the five products under investigation increased between 20 and 40 percent from 1977 through the first quarter of 1980, although prices in the last three quarters have been relatively flat. Limited data available on imports from EC countries indicate a similar trend. (Report at A–66.)

6. On January 9, 1978, the U.S. Department of Treasury published the first set of prices under the "trigger price mechanism" (TPM). The TPM was designed to provide the Secretary of the Treasury, then the administering authority for the antidumping statute, with information necessary for determining when the government should self-initiate steel antidumping proceedings. Normally, investigations are commenced only upon receipt of a petition filed on behalf of the domestic industry. The trigger prices initially established were made applicable to all shipments loaded for export on or before June 30, 1978. Trigger prices were revised on a quarterly basis to reflect changes in Japanese production costs and yen/dollar exchange rates. On March 24, 1980, the Department of Commerce announced the suspension of TPM due to the filing of the instant petition by U.S. Steel Co. (Report at A–172–3.)

7. There is substantial evidence of lost sales by reason of price for hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plates, and angles, shapes and sections, as appears in Tables 30 and 31 on p. A–68.

C. *Impact on domestic producers of the like product*

8. Production by U.S. producers of hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate, and angles, shapes and sections from 1977 through 1979 was as appears on pages A–69, A–83, A–99, A–113, and A–127, respectively, of the Report.

9. Sales by U.S. producers of hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate, and angles, shapes and sections from 1977 through 1979 was as appears on pages A–70, A–84, A–100, A–114, and A–128, respectively, of the Report.

10. The market share held by U.S. producers of hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate, and angles, shapes and sections from 1977 through 1979 was as appears on pages A–76, A–91, A–105, 106, A–120, A–134, respectively, of the Report.

11. The financial experience of U.S. producers of hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate, and angles, shapes and sections from 1977 through 1979 was as appears on pages A–77, 78, A–92, 93, A–107, 108, A–121, 122, and A–135, 136, respectively, of the Report.

12. Worker productivity is derived from the production figures listed in finding 8 and the figures for manhours worked as set forth in Table 26, p. A–58 of the Report.

13. Capacity utilization for U.S. producers of hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate, and angles, shapes and sections from 1977 through 1979 was as appears on pages A–69, A–83, A–99, A–113, and A–127, respectively, of the Report. Information relative to the appropriate consideration of these figures appears on page A–47 of the Report.

14. Several U.S. producers who provided profit-and-loss information to the Commission did not separately report depreciation and amortization expenses, major non-cash outlays, as requested in the questionnaire. Thus, basic cash flow from operations (i.e., operating profits plus these non-cash outlays) cannot be computed on a basis that would be comparable with data presented in the staff report on U.S. producers' profits and/or loss. (Commission questionnaires)

15. Yearend inventories for 1976 through 1979 of hot-rolled sheets cold-rolled sheets, galvanized sheets, carbon steel plates, and angles, shapes and sections held by U.S. producers are as they appear on pages A–70, A–86, A–102, A–116 and A–130, respectively, of the Report.

16. The average number of production and related workers and the man-hours expended by same in establishments where certain carbon steel mill products were produced in the United States are as appears in Table 25, page A–57 and Table 26, page A–59, respectively, of the Report.

17. Wages for workers in U.S. steel mills rose at an annual rate 11.5% from 1977 through 1979. (Report at A–57)

18. Demand for hot-rolled sheets, cold-rolled sheets, galvanized sheets, carbon steel plate and angles, shapes and sections from 1977 through 1979 was as appears in Table 23, page A–55 of the Report.

19. In general, low earnings retard U.S. carbon steel producers' efforts to modernize plants and improve technology such as making greater use of oxygen furnaces and continuous casting. Present profit levels in certain product lines do not generate sufficient internal funds for modernization nor are they at a level that permits U.S. producers to readily raise capital from external sources. (Petition by U.S. Steel, *Injury and Threat of Continued Injury to the Steel Industry of the United States and the United Kingdom*, pp. 6–13; Recommended Determination, Finding of Fact K.)

20. U.S. producers' investment in producing facilities increased by 9 percent from $27.9 billion in 1976 to $30.4 billion in 1979 based on original cost. During the same period net book value increased by 10 percent. The increase in investment would be 19 percent based on estimated replacement cost. (Commission questionnaires)

Conclusions of Law

1. For purposes of these investigations, the relevant domestic carbon steel industry consists of five separate product lines within the meaning of section 771(4)(D) of the Tariff Act of 1930: hot-rolled sheets, cold-rolled sheets; galvanized sheets, carbon steel plate, and angles, shapes and sections.

2. There is a reasonable indication that an industry in the United States is materially injured by reason of alleged LTFV sales of the following products [1] imported from the following countries:

A. Hot-rolled sheets from France, the Federal Republic of Germany (FRG), Italy and The Netherlands;

B. Cold-rolled sheets from France, FRG and The Netherlands;

C. Plate from Belgium, France, FRG and Italy; and

D. Angles, shapes and sections from Belgium, France, FRG, Luxembourg and the United Kingdom.

3. There is no reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of LTFV sales of the following products [1] imported from the following countries:

A. Hot-rolled sheets from Belgium and the United Kingdom;

B. Cold-rolled sheets from Belgium, Italy and the United Kingdom;

[1] The products referred to in these determinations are as described in the Commission's notice of investigation of March 26, 1980, as limited by the U.S. Department of Commerce's notice of investigation of April 17, 1980.

C. Carbon steel plate from The Netherlands and the United Kingdom; and

D. Galvanized sheets from Belgium, FRG, France, Italy, The Netherlands and the United Kingdom.

Recommendation and Supporting Statement of the Director of Operations

1. Recommendation

In these investigations, Certain Carbon Steel Products from Belgium (Investigation No. 731–TA–18 (Preliminary)), the Federal Republic of Germany (Investigation No. 731–TA–19 (Preliminary)), France (Investigation No. 731–TA–20 (Preliminary)), Italy (Investigation No. 731–TA–21 (Preliminary)), Luxembourg (Investigation No. 731–TA–22 (Preliminary)), the Netherlands (Investigation No. 731–TA–23 (Preliminary)), and the United Kingdom (Investigation No. 731–TA–24 (Preliminary)), on the basis of the record, I recommend that the Commission determine, pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of the following articles of iron or steel, other than alloys of iron or steel:

Plate, provided for in TSUS items 607.66, 607.83, 607.94, 608.07, and 608.11,

Hot-rolled sheet, provided for in TSUS items 607.67 and 607.83,

Cold-rolled sheet, except organic coated, provided for in TSUS item 607.83,

Sheet, coated or plated with zinc, except organic coated, provided for in TSUS items 608.07 and 608.13 and

Angles, shapes, and sections, except special sections, having a maximum cross-sectional dimension of 3 inches or more, provided for in TSUS item 609.80

from Belgium (except light I-beams), the Federal Republic of Germany, France, Italy (except angles, shapes and sections), Luxembourg (angles, shapes, and sections only), the Netherlands (except angles, shapes, and sections), and the United Kingdom, which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value.

2. Procedural Background

The Commission instituted these investigations on March 26, 1980, following receipt of petitions on March 21, 1980, filed on behalf of the United States Steel Corporation. Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and the Commission's New York City Office located at 6 World Trade Center, and by publishing the notice in the **Federal Register** on April 1, 1980 (45 FR 21404).

The conference was held in Washington, D.C., on April 17 and 18, 1980. The statute directs that the Commission make its determination within 45 days of its receipt of the petitions, or in this case by May 5, 1980.

3. The Imported Products

The imported products identified in the recommended determinations are essentially the same as those produced in the United States. As fungible products, sales are made primarily on the basis of availability and price.

4. Domestic Industry

The impact of allegedly dumped imports is to be measured against the industry producing a "like product" (Section 771(4)(A) of the Tariff Act of 1930). However, in assessing this impact, the statute directs the Commission to isolate the affected product lines to the extent possible. Section 771(4)(D) states:

(D) Product lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. * * *

The Senate Finance Committee Report states:

In examining the impact of imports on the domestic producers comprising the domestic industry, the ITC should examine the relevant economic factors (such as profits, productivity, employment, cash flow, capacity utilization, etc.), as they relate to the production of only the like product, *if available data permits (sic) a reasonably separate consideration of the factors with respect to production of only the like product.* (Emphasis added) S. Rep. 96–249, 95th Cong., 1st Sess., at p. 83–84.

In the current investigations, the Commission investigative staff has been able to obtain information on many of these economic factors with respect to the production of each of the five product categories. Although raw steel constitutes much of the value of each of the five product groups under investigation, competition in the U.S. market between domestically produced steel products and the alleged LTFV imports occurs in each of the five separate and distinct product groups. Further, there are separate identifiable facilities, manpower, sales forces, and research and development programs associated with the production of each article subject to the investigations. As a result, each constitutes an industry in the United States. Accordingly, independent consideration, assessment, and determination by the Commission with respect to the industries producing each of the five product categories is appropriate.

5. Findings With Respect to "A Reasonable Indication of Material Injury"

The Commission's analysis of economic data covers the three-year ;period, 1977–79. This period was chosen by the Commission both because the injury required to be shown in antidumping investigations is present injury, and because, as a practical matter, given the short period in which the Commission must make its determination, analysis of data for a longer period would not be feasible. It is well established that the steel industry is a cyclical industry. The data developed in this investigation for 1977–79 represent "better" years in the current cycle which began with the very bad year, 1975.

a. Imports from the subject EC countries of carbon steel hot-rolled sheets, cold-rolled sheets, galvanized sheets, plates, and angles, shapes, and sections generally increased in 1978 and then declined in 1979 as shown below (in millions of tons) (Report p. A–50):

	1977	1978	1979
Hot-rolled sheets	1.3	1.6	1.1
Cold-rolled sheets	1.8	1.5	1.2
Galvanized sheets	0.4	0.5	0.5
Plates	0.8	1.2	0.7
Angles, shapes, and sections	0.6	0.6	0.7
Total	5.0	5.5	4.1

Imports increased in the first two months of 1980 compared with the corresponding months of 1979.

b. As a share of apparent U.S. consumption, U.S. imports from the subject EC countries followed the same general trend (in percent) (Report P. A–64):

	1977	1978	1979
Hot-rolled sheets	8.1	9.3	6.9
Cold-rolled sheets	8.9	7.4	6.1
Galvanized sheets	5.7	6.0	5.5
Plates	10.2	13.4	7.8
Angles, shapes, and sections	12.4	11.3	10.5
Total	8.7	9.0	7.0

c. U.S. producers' shipments rose each year during 1977–79 (in percent) (Report p. A–45):

	1977	1978	1979
Hot-rolled sheets	13.6	14.1	14.5
Cold-rolled sheets	17.1	17.2	16.6
Galvanized sheets	5.7	6.4	6.3
Plates	5.9	6.6	6.8
Angles, shapes, and sections	3.6	4.1	4.5
Total	45.9	48.4	48.7

d. U.S. producers' market share fell in 1978 and rose in 1979 (in percent) (Report p. A–64):

	1977	1978	1979
Hot-rolled sheets	83.7	84.4	87.0
Cold-rolled sheets	83.7	84.6	87.7
Galvanized sheets	74.6	73.8	74.8
Plates	73.7	69.4	78.9
Angles, shapes, and sections	67.0	69.1	70.3
Total	79.6	79.2	82.5

e. U.S. producers' capacity utilization rose in 1978 and remained unchanged in 1979 (in percent) (Report p. A–43):

	1977	1978	1979
Hot-rolled sheets	72	74	72
Cold-rolled sheets	79	80	81
Galvanized sheets	67	81	75
Plates	59	61	62
Angles, shapes, and sections	46	48	50
Total	68	71	71

f. The ratio of seven U.S. producers' (accounting for about 70 percent of total shipments in 1979) net operating profit or (loss) to net sales generally rose during 1977–79 (in percent) (report pp. A–77, 92, 107, 121, and 135):

	1977	1978	1979
Hot-rolled sheets	(4.3)	2.1	1.2
Cold-rolled sheets	(6.6)	0.3	0.5
Galvanized sheets	1.3	4.3	5.8
Plates	(2.6)	2.5	2.3
Angles, shapes, and sections	(11.6)	(3.5)	1.0
Total	(4.6)	1.4	1.7

g. U.S. employment generally rose during 1977–79 as shown below (in thousands (Report p. A–57):

	1977	1978	1979
Hot-rolled sheets	34	33	34
Cold-rolled sheets	42	41	41
Galvanized sheets	18	20	21
Plates	18	19	20
Angles, shapes, and sections	11	11	12
Total	123	124	128

h. Prices for selected carbon steel mill products rose significantly during 1977–79. The increase for U.S.-produced material ranged from 20 to 40 percent depending on product, although prices appear to have leveled off since mid 1979. Limited data available on imports from EC countries indicate a similar trend. (Report p. A–66)

i. The shipments and employment in these industries are in substantial part derived from the overall demand for goods in the economy. Thus, in recessionary periods demand for steel products necessarily declines. The sharp declines reported in U.S. automobile production and new housing starts during recent weeks will severely depress U.S., demand for the five categories of steel products which are the subject of these investigations, contributing to declining sales, plant utilization rates, and rising unemployment or underemployment. As utilization rates fall, price competition and pressure on operating margins will increase. There is evidence that orders for U.S. Steel have fallen 40 percent in recent weeks.

j. U.S. producers submitted a total of 1,868 allegations of sales lost to imports from the EC. The Commission contacted firms accounting for 401 of these allegations, and in 298 instances, the lost sale was confirmed. Many purchasers indicated that price was the principal reason for choosing the imported product in lieu of that produced in the United States. Significant margins of underselling by the EC products (ranging up 20 percent) were cited by several purchasers. (Report pp. A–81, 96, 111, 125, and 138).

k. Low earnings retard U.S. producers efforts to modernize plants and improve technology, such as making greater use of oxygen furnaces and continuous casting. Present profit levels do not generate sufficient internal funds for modernization nor are they at a level that permits U.S. producers to readily raise capital from external sources. This problem is in part attributable to price suppression from the alleged LTFV imports.

l. The European steel industry operated at about 65 percent of capacity in 1979. (Report p. A–30) Although efforts are underway to reduce the amount of excess capacity by closing obsolete plants, such reductions will not be effected soon enough to alter significantly the capaicity to increase export to the United States in the next several years. Further, there is evidence that the recession now beginning in the United States, will be followed by a recession in all or part of Europe which will reduce the operating rates of the European steel industry, further increasing the incentive to sell at less than the full cost of manufacture.

m. There are incentives for steel producers to price products to recover variable costs and make a contribution to fixed costs, even if the result of not recovering all fixed costs over a number of years is to lose all or substantially all the equity in the business. Substantial government support to certain production facilities in Italy, France, Belgium, and the United Kingdom has made this possible.

6. Standard for Determinations

In its analysis of final determinations under section 735 of the Tariff Act of 1930, the Senate Finance Committee Report on the Trade Agreements Act of 1979 discusses the method by which the Commission is required to evaulate The different factors affecting the health of the domestic industry. This analysis is equally, if not more relevant with respect to preliminary determinations under section 733(a).

Current law does not, not will section 735, contemplate that the effects from less-than-fair-value imports be weighed against the effects associated with other factors (e.g., the volume and prices of imports sold at fair value, contraction in demand or changes in patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology, and the export performance and productivity of the domestic industry) which may be contributing to overall injury to an industry. Nor is the issue whether less-than-fair-value imports are the principal, a substantial, or a significant cause of material injury. Any such requirement has the undesirable result of making relief more difficult to obtain for industries facing difficulties from a variety of sources; industries that are often the most vulnerable to less-than-value imports. S. Rep. 96–249, 96th Cong., 1st Sess., at p. 74–5.

The reasonable indication standard is to be applied by the Commission in essentially the same manner as it was under section 201(c)(2) of the Antidumping Act. The burden of proof is on the petitioner. *See,* S. Rep. 96–249, 96th Cong., 1st. Sess., at p. 66. The House Committee on Ways and Means stated in relation to preliminary determinations in countervailing duty investigations how it views the reasonable indication standard. There is no reason why the same view does not apply to antidumping investigations. "It is the intention of the Committee that a reasonable indication will exist in each case in which the facts reasonably indicate that an industry in the United States could possibly be suffering material injury, threat thereof, or material retardation." H. Rep. 96–317, 96th Cong., 1st Sess., at p. 52.

Within each of the five product categories the impact of comparable imported items from as many of the respondent nations as roduce and export to the United States the products in question has been cumulated. The imports of the same class or kind of merchandise are comparable and compete in the same markets, and the factors and conditions of trade show the relevance of such cumulative consideration to the determination of a reasonable indication of injury. *See,* S. Rep. 93–1298, 93d Cong., 2d Sess., at p. 180; and S. Rep. 96–249, 96th Cong., 1st Sess, at p. 74. The European Community is not being treated as one country so as *per se* to require cumulation of imports from the member states. However, the history of special joint EC planning with regard to iron and steel products, beginning with the Treaty of Paris creating the European Coal and Steel Community in 1951 and continuing through the decision of the Commission of the European Community of February 1, 1980, "establishing Commission rules for specific aid to the steel industry" suggests a pattern of attempted joint action worthy of U.S.I.T.C. consideration as a factor supporting cumulative treatment of imports of the same type of product.

7. Conclusion

Based on the standard discussed above, the petitioner has satisfied its burden of proof with respect to a reasonable indication of material injury and of threat thereof, and therefore I recommend that the Commission find with respect to each of the five domestic industries producing the products under investigation, namely hot-rolled sheet, cold-rolled sheet, galvanized sheet, plate, and angles, shapes, and sections, that there exists a reasonable indication of material injury or threat thereof by reason of imports of the comparable items from the countries under investigation, which are alleged to be sold at less than fair value.

In support of my recommendation I cite:

a. The volume of imports of the subject merchandise from the countries under investigation continues to be significant. Import-consumption ratios for each of the five product groups from the EC have remained above 5 percent during 1977–79, and average 7 percent in 1979. They are rising in 1980. Total importations have exceeded 4 million tons per year for each of the last three years.

b. All the information available to the Commission for the first four months of 1980 indicates evidence of present injury, declining sales, plant utilization rates, shipments, and rising unemployment or underemployment. Further, the entire year of 1980 is likely to follow the pattern of the first four months.

c. There is substantial evidence of sales lost by reason of price for all articles subject to the investigations. There were also margins of underselling of up to 20 percent reported by purchasers. In addition, the Commission confirmed many instances where U.S. producers lowered domestic prices in order to make sales.

d. The profitability of the domestic industries producing each of the five product groups is much lower than that of most manufacturing industries. Suppressed prices and lost sales caused by the alleged LTFV sales contribute to this low profit level, especially since these industries are characterized by high fixed costs. Lost incremental sales have a disproportionately large negative effect on profitability.

e. With respect to the threat of material injury, capacity utilization rates in the EC are well below those in the United States. Even if significant capacity reductions are made by producers in the EC, it is unlikely that such reductions will significantly detract from the currently evident capability of the EC to export to the United States, especially since in recessionary periods a diminution in EC domestic demand can be anticipated. In addition, demand for EC exports of the five products under investigation in third countries, which presently constitute significant export markets for the EC, is likely to decline since demand in those markets is increasingly being supplied by domestic production. Further, imports from the EC in January and February 1980 exceeded levels for the comparable period of 1979. Finally, suspension of the Trigger Price Mechanism (TPM) may have the effect of allowing alleged margins of underselling to increase to their higher pre-TPM levels.

Statement of Reasons of Commissioner Paula Stern

Introduction to Preliminary Findings

On the basis of the record in these investigations I found that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the following carbon steel products, alleged to be sold at less than fair value, as provided for in the Determination:

—Plate from Belgium, the Federal Republic of Germany, and France;

—Hot-rolled sheet from the Federal Republic of Germany, France, and the Netherlands;

—Cold-rolled sheet from the Federal Republic of Germany and France;

—Galvanized sheet from the Federal Republic of Germany and France;

—Angles, shapes and sections from Belgium, the Federal Republic of Germany, France, Luxembourg, and the United Kingdom.

As to the following, I found that there is no reasonable indication of material injury or threat thereof to an industry in the United States:

—Plate from Italy, the Netherlands, and the United Kingdom;

—Hot-rolled sheet from Belgium, Italy, and the United Kingdom;

—Cold-rolled sheet from Belgium, Italy, the Netherlands, and the United Kingdom;

—Galvanized sheet from Belgium, Italy, the Netherlands, and the United Kingdom.[1]

The present cases involving certain carbon steel products from the seven named countries, all members of the European Communities (EC), focus on a basic industry which has been the subject of intense discussion throughout the industrialized world.[2] Because of the significance of these cases and an apparently widespread misunderstanding of the role of the Commission in them, I believe it is especially important for me to take this occasion to attempt to clarify the relevant issues.[3]

The boundaries within which the Commission makes these determinations are circumscribed by the antidumping statutes.[4] The Commission

[1] The imported goods which are the subject of this investigation included five lines of carbon steel products (with certain exceptions) from Belgium, the Federal Republic of Germany (FRG), France, Italy, Luxembourg, the Netherlands, and the United Kingdom. For the sake of easy reference, I shall refer to these five lines as hot-rolled sheet, cold-rolled sheet, galvanized sheet, plate, and structural shapes. Except as otherwise noted, I refer only to articles that are the subject of these investigations. See the Commission's notice of investigation in Appendix A of the accompanying staff report (Report) for a specific delineation of the subject imports.

[2] See, for instance, the papers of "The Symposium in the Steel Industry in the 1980's" conducted under the auspices of the Organization for Economic Cooperation and Development (OECD) in Paris, February 27 and 28, 1980. I have based my determinations solely on information available in the record of these investigations.

[3] There is a tendency to regard the Commission as having found in these cases that dumped imports have injured the U.S. industry. Rather, emphasis should be given at the fact that the Commission has determined in these preliminary cases that there is a reasonable indication of material injury or threat thereof due to alleged less-than-fair-value (LTFV) imports. Staff also was reported to have made determinations whereas its role is only to investigate and make recommendations.

[4] Tariff Act of 1930 (Act), as amended by the Trade Agreements Act of 1979 (1979 Act). The 1979

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is not an arbiter of monetary, investment, environmental, industrial, foreign or national security policy. Rather, in preliminary antidumping cases, it has only 45 days to determine whether there is a reasonable indication of injury or threat thereof to an industry in the United States by imports allegedly sold at less than fair value (LTFV). The Commission's task in this preliminary stage is to do nothing less and nothing more. In preliminary cases, I must base my determination as much on what information the Commission has not been able to gather (but has expectations of developing in a full scale investigation) as on the information I have before me.

Primarily legal issues of particular importance in these cases centered on the appropriate breadth of product aggregation in describing the domestic industry and the propriety of judging the cumulative impact of the subject imports on the domestic industry. Both these issues played a role in setting the stage for reaching the primarily economic findings on the existence or threat of injury and the causation of any problems experienced by the U.S. steel industry.[5] In these cases I made my findings in the absence of systematic consumer surveys and comparable price data crucial to linking alleged LTFV imports to any material injury of the domestic industry.

Defining the Domestic Industry: the Question of Aggregation

The steel industry in the United States is a large and vertically integrated one. In many cases single corporations control all operations from the mining of iron ore and coal through the marketing of products at distribution centers. Although five distinct product lines were identified in the data gathered by the Commission's staff, all five have a common feedstock—raw steel—which itself is the product of common melting facilities. This raw steel may be channeled in proportions varied at the discretion of the firms into these five different product categories, as well as others, in order to maximize each firm's total profit rather than the profit on any one line. The allocation of profit to product lines is not done with any consistency by the firms in this industry.

The desire to vary product mix in response to the composition of demand and the prospects for profit explains the very manner in which the steel industry operates in the United States. The full utilization of productive capacity in all five lines would create demands for raw steel feedstock far beyond the industry's capacity to produce raw steel. Thus, it is clear that no steel producers in their plans have ever intended or provided for all product lines to be operated simultaneously at their peak capacities.

The antidumping statute gives guidance on how an industry should be defined for purposes of the law. Section 771(4)(A) defines industry for the purposes of Title VII of the Act, which includes Section 733 under which my preliminary determinations have been made:

The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output constitutes a major proportion of the total domestic production of the product.

The Act requires that the Commission make a finding with respect to the narrowest set of domestic production facilities which satisfy resasonable criteria:

(D) Product lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

It is clear that Congress desired the Commission determinations and any resulting relief to be applied on alike product basis. There is a semantic problem, of little practical consequence in these cases, as to whether "the industry" consists of all suitable product lines, or each product line should define a separate industry for the purposes of the Act. Because Section 731 requires that the determination shall be made in terms of "an industry," I have decided to adopt the convention that product lines which are spearately identifiable in the terms suggested by Section 771(4)(D) constitute separate industries for the purposes of the Act. In the present cases, demand in general appears to be product-line specific, and the staff has been able to compile almost all data on this basis.[6] I find that hot-rolled sheet, cold-rolled sheet, galvanized sheet, plates, and structurals, all of carbon steel, constitute separately identifiable product lines within the terms of Section 771(4)(D) and, therefore, that the domestic production facilities devoted to each constitute a separate industry for the purposes of Section 733(a).[7] This finding, however, does not prevent me from discussing the steel industry as a whole, in much the way "industry" is used in the vernacular. As Section 771(4)(D) makes clear, Congress was concerned that the domestic production of a like product have a separate identity in terms of such criteria as the production process and the producers' profits. In the cases before us, the separate identity of the lines is clouded by the almost complete vertical integration of domestic production, the reliance of the five product lines on a common feedstock which cannot even theoretically keep all five lines at full capacity simultaneously, and the producers' rational concern for maximizing total profit rather than profit on any one line. These considerations demonstrate that aggregate capacity utilization and profit data for the raw

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Act (93 Stat. 163) added section 733 (19 U.S.C. 1673) to the Act:

"Preliminary Determinations.

. . . (T)he Commission, within 45 days after the date on which a petition is filed . . . shall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable indication that—(1) an industry in the United States—(A) is materially injured, or (B) is threatened with material injury, or (2) the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority."

[5] Since there are many firms already in existence, the establishment of an industry in the United States was not at issue and will not be discussed further.

[6] There are indications on the record of circumstances under which hot- and cold-rolled sheet may be substitutes. The record in any final investigations should fully develop the boundaries between the product lines considered here.

[7] In my views in *Pipes and Tubes of Iron or Steel from Japan*, Inv. No. 731-TA-15 (Preliminary) (1978), I noted:

"The Commission must determine what the value of the information is for the purpose of its assessment, not merely whether data exists (on product lines). The Commission is not to make its decision mechanically or in a vacuum. The profit data and production data specified . . . must be evaluated in the light of all other information obtained in an investigation in order for the Commission to judge whether the impact of allegedly dumped imports can be assessed on the basis of product lines with separate identities or whether there is no separate identity to these product lines." (at 18)

In that investigation, as in the present one, there was no "absolutely clear answer as to the question of the scope of the domestic industry impacted by imports" (at 21). My judgment in *Pipes and Tubes* was against assessment by narrowly defined product lines. In contrast to the present cases, there was no clear distinction in *Pipes and Tubes* between the markets for the product lines; many producers testified that it would be extremely difficult or impossible to supply profit data on individual product lines. Neither of these qualifications applied to nearly the same extent in the present cases. Also, as will be seen below, consideration by product line allows a much more refined and discriminating approach to injury, causation, and remedy considerations in the present cases.

steel melting facilities common to all lines are crucial to understanding industry performance in the individual product lines and, thus, to determinations made "on the best information available." [8] Therefore, though I have made my determination on a product line basis, I shall make reference to industry-wide data wherever they facilitate a fuller understanding of the conditions of trade and development in the domestic steel industry.

Conditions of Trade, Competition, and Development [9]

Background

Section 771(7) gives specific guidance on what factors, among others, the Commission must consider in evaluating whether a domestic industry has suffered material injury by reason of alleged LTFV imports. Three general categories of analysis are mentioned: (i) the volume of imports of the merchandise which is the subject of the invetigation; (ii) the effect of imports of that merchandise on prices in the United States for like products; and (iii) the impact of imports of such merchandise on domestic producers of like products.

The volume of subject imports is to be evaluated by considering its overall magnitude and any increase either absolute or relative to consumption in the United States.[10] In analyzing price effects, the Act directs the Commission to look for evidence that subject imports have brought about "significant" undercutting, depression or suppression of domestic prices.[11] Finally, the impact on the affected industry is to be judged on the basis of "all relevant economic factors" including output, sales, market share, profits, productivity, return on investments, capacity utilizaiton, and factors affecting domestic prices, cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.[12]

The record in these investigations contains information on virtually all these factors; a detailed compilation may be found in the Report. To simplify the difficult task of culling the most important data on the many product lines and countries, I have chosen first to consider the five product lines taken individually. Later I shall discuss any of these factors and others which, though relating to the entire carbon steel industry, are helpful in reaching my determinations on a product-line basis. The Act's language in requiring consideration of "all relevant economic factors," as well as the broad discretion Congress has traditionally allowed the Commission in making its findings on a case-by-case basis, provide firm support for this approach.

The Commission's questionnaires in the present investigation followed the established practice in preliminary cases of gathering detailed data for the three most recent years, 1977 through 1979. While this practice has limitations, it is adapted to the will of Congress that preliminary findings be reached within only 45 days. Also, dumping investigations consider only present injury or threat, and their period is a recent one in time. However, where relevant information lying outside the bounds of this three-year period is on the record, I shall take note of it.

Hot-Rolled Sheets

The domestic industry's U.S. production increased slowly but steadily by five percent from 1977 to 1979. Capacity increased during the same period by about five percent. As a result, capacity utilization hovered between 72 and 74 percent in the period.[13] Shipments increased steadily, reaching 14.5 million short tons in 1974, a level six percent higher than that of 1977. United States exports increased irregularly during the period but accounted for less than 0.8 percent of total domestic production in the period. Year-end inventories fluctuated over the period around a level of 1.7 million short tons; they declined from 1978 to 1979. Apparent domestic consumption rose irregularly by two percent from 1977 to 1979, hitting 16.6 million short tons in 1979. Employment attributed to production of hot-rolled sheets, based on data covering 78 percent of U.S. shipments of this product line increased irregularly from 33,500 production and related workers in 1977 to 34,400 in 1979.

Financial information on producers accounting for two-thirds of U.S. hot-rolled sheet production showed an uneven improvement in operations on this product line. Net operating profit went from a loss of $101 million in 1977 to a profit of $55 million in 1978 before falling to $36 million in 1979. The ratio of net operating profit to net sales showed the same pattern, never exceeding the positive 2.1 percent level of 1978. The majority of responding firms reported losses in all years.

Imports from France decreased steadily from 520 thousand short tons (1977) to 422 thousand (1979). Imports from the FRG rose from 366 thousand short tons (1977) to 513 thousand (1978) before declining to 398 thousand (1979). Imports from the Netherlands repeated this pattern reaching 241 thousand short tons in 1979. Italian imports, although peaking at 154 thousand short tons in 1978, declined to 55 thousand in 1979 from the 130 thousand posted in 1977. Belgium-Luxembourg [14] supplied 16 thousand short tons (1979) and the U.K. 5 thousand short tons (1979), both countries having followed the Italian pattern over the three years.

The share in consumption of total subject imports increased from 8.1 percent in 1977 to 9.3 percent in 1978 before declining to 6.9 percent in 1979. Individual import penetrations followed this trend except for that of France, which declined in 1978 to 2.6 percent and then remained at that same level in 1979. The FRG showed an import penetration of 2.4 percent, almost identical to its 1977 level. In third place among subject imports was the Netherlands at 1.5 percent in 1979, also similar to its 1977 level. Italy at 0.3 percent, Belgium and Luxembourg at 0.1 percent, and the United Kingdom (U.K.) at less than 0.05 percent were much less important suppliers to the domestic consumers.

Lost sales were alleged in 367 instances affecting about 5 percent of consumption during the three-year period of investigation.[15] More than one-third were checked by telephone and 107 were confirmed to have involved

[8] Committee on Finance has stated that ". . . the ITC will consider . . . the factors set forth in Section 771(7)(C) and (D) together with any other factors it deems relevant." Committee on Finance, U.S. Senate, *Trade Agreements Act of 1979*, S. Rept. No. 96-249, 96th Cong., 1st Sess., at 88.

[9] Unless otherwise indicated, data are drawn from the Report.

[10] Section 771(7)(C)(i) states: "In evaluating the volume of imports of merchandise the Commission shall consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant."

[11] Section 771(7)(C)(ii) states: "In evaluating the effect of imports of such merchandise on prices, the Commission shall consider whether—(i) there has been significant price undercutting by the imported merchandise as compared with the price of like products of the United States, and (ii) the effect of imports of such merchandise otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred, to a significant degree."

[12] Section 771(7)(C)(iii) enumerates these factors as follows: "In examining the impact on the affected industry, the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including, but not limited to—(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity, (II) factors affecting domestic prices, and (III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment."

[13] As explained above, capacity utilization and profits in any milling operation are not directly indicative of overall performance.

[14] Separate data for the two nations is not generally available from the U.S. Customs Service.

[15] In the absence of a systematic survey of consumers, the meaning of the lost sales data that were gathered is questionable.

products from the European Community (EC). In a large percentage of cases, the purchaser did not know which country supplied the steel in question. Stated reasons of availability, alternate supply source and quality outnumbered those of price by a margin of five to one in the choice of the imported over the domestic product. There were confirmed instances of lost revenue where domestic producers reduced prices or failed to increase prices in order to meet European competition.

Cold-Rolled Sheets

Domestic production increased from 11.4 million short tons (1977) to 11.7 million (1978) before declining to 11.3 million in 1979. Capacity followed a similar trend, declining in 1979 to 13.9 million tons, four percent below the level of 1977. Capacity utilization steadily increased one percent each year, reaching 81 percent in 1979. U.S. producers' shipments were steady from 1977 to 1978 before declining four percent to 16.6 million tons in 1979. Exports by U.S. firms were not a factor since they never amounted to more than 0.6 percent of shipments during the period. Year-end inventories fluctuated without a trend; in 1979 they declined 7 percent from the previous year's levels to 1.2 million short tons. Apparent U.S. consumption fell 7 percent between 1977 and 1979, virtually all of the decrease occurring in 1979. Employment attributed to production of cold-rolled sheets, based on data covering 76 percent of U.S. shipments in 1979, declined slightly from 41,600 production and related workers in 1977 to 40,600 in 1979.

Financial data, compiled on U.S. firms accounting for over two-thirds of U.S. shipments in 1979, showed that the experiences of individual firms varied. There was a steadily positive move from aggregate net operating losses at $217 million (1978) to a small profit of $20 million (1979), 0.5 percent on net sales.

The total import penetration of subject imports as a percentage of U.S. consumption declined from 16.3 percent (1977) to 12.3 percent (1979). The individual shares of all subject countries were smaller in 1979 than in 1977, with the exception of France whose share was constant over the period. In 1979 the FRG supplied 3.1 percent of consumption; France 1.3 percent; the Netherlands 0.9 percent; Belgium and Luxembourg 0.5 percent; Italy 0.4 percent; and the U.K. 0.3 percent.

Lost sales allegations involved five percent of cold-rolled sheet consumed during the period. Of the one-third of the transactions that were confirmed, non-price reasons given for purchases of the subject imports outnumbered price by a margin of over three to one. Instances of lost revenue were confirmed.

Galvanized Sheets

Domestic production of this product line increased irregularly to 4.4 million short tons in 1979, 12 percent above the level in 1977. Capacity was essentially constant at 5.9 million short tons over the period. Capacity utilization rose from 67 percent (1977) to 81 percent (1978) before falling to 75 percent (1979). Shipments followed the same pattern, though with a much more moderate fall in 1979 to 6.3 million short tons, 12 percent greater than the level posted in 1977. U.S. exports never exceeded one percent of production in the period and were not a factor in industry performance. Year-end inventories grew steadily from 444 thousand at the end of 1979; this represents a growth from eight percent of shipments (1977) to eleven percent (1979). Employment attributed to production of galvanized sheets, based on data covering 80 percent of U.S. shipments in 1979, increased steadily from 18,300 production and related workers in 1977 to 20,900 in 1979.

Financial data was gathered by the staff on firms accounting for 77 percent of U.S. shipments in 1979. Steady improvement was noted by all firms in the industry over the period, though one firm still posted losses in every year. Net operating profit rose from $18 million (or 1.3 percent of net sales) in 1977 to $114 million (5.8 percent) in 1979.

The volumes of subject imports tended to remain relatively stable or increase from 1977 to 1978, before consistently falling slightly in 1979. Levels in thousand short tons in 1979 for subject countries and their relation to 1977 figures were: the FRG (217 or 6 percent lower); France (133 or 37 percent greater); Italy (41 to 41 percent greater); the Netherlands (33 or 38 percent greater); Belgium-Luxembourg (21 or 61 percent lower); the U.K. (16 or 60 percent higher).

These figures are brought into perspective by those for the market penetration of imports as a percentage of U.S. consumption which tended to rise slightly in 1978 before falling in 1979 to levels generally at or below those of 1977. In 1979 the ratios were: the FRG (2.6 percent); France (1.6 percent); Italy (0.5 percent); the Netherlands (0.4 percent); Belgium-Luxembourg (0.3 percent); the U.K. (0.2 percent).

Of 328 allegations of lost sales covering less than five percent of U.S. production in the period, staff confirmed thirty-three. Reasons other than price were cited more frequently than price. Some instances of lost revenues were confirmed.

Plate

U.S. production increased steadily from 5.0 million short tons in 1977 to 5.6 million in 1979. Capacity followed the same trend and reached 9.0 million short tons in 1979. Capacity utilization rose over the period from 59 percent (1977) to 62 percent (1979). Domestic shipments also grew steadily, reaching 6.8 million short tons in 1979. U.S. exports grew steadily to 169,000 short tons in 1979, but this represented only 13 percent of domestic production. Inventories grew steadily to 326 thousand short tons in 1979 when they still represented less than five percent of domestic shipments. Consumption grew from 7.9 million short tons to 9.3 million (1978) before falling off to 8.4 million (1979). Employment attributed to production of plates, based on data covering 84 percent of U.S. shipments in 1979, increased steadily from 18,000 production and related workers in 1977 to 20,400 in 1979.

The financial experience of reporting firms covering four-fifths of U.S. shipments in 1979 shows uninterrupted recovery from net losses of $36 million (1977) to a net profit of $46 million (1979). Net profit as a ratio of net sales was 2.3 percent in 1979, down from the 2.5 percent of 1978, but well above the 2.6 percent of 1977.

The volume of subject imports generally rose in 1978 before falling in all cases in 1979. In the latter year, the respective volumes in thousands of short tons and their relation to 1977 levels were: the FRG, 223, down 13 percent; Belgium-luxembourg, 2.18, up 48 percent; France, 123, down 0.8 percent; Italy, 45, down 72 percent; the Netherlands, 33, up 50 percent; the U.K., 15, down 85 percent.

Market penetration as a percentage of consumption tended to rise in 1978 before falling to its lowest period levels in 1979. The figures in 1979 were: the FRG (2.7 percent), Belgium-Luxembourg (2.6 percent), France (1.5 percent), Italy (0.5 percent), the Netherlands (0.5 percent), the U.K. (0.2 percent).

Lost sales were alleged for less than five percent of U.S. production during the three-year period. Reasons other than price were given far more frequently than price in the 13 percent of allegations confirmed by staff. There were no confirmed losses of revenue to domestic firms.

Structurals

Domestic production increased steadily from 2.7 million short tons (1977) to 2.9 million (1979). Capacity was essentially steady at 5.8 million short

tons through the period. As a result, capacity utilization rose from 46 percent (1977) to 50 percent (1979). U.S. producers' shipments grew steadily from 3.5 million short tons (1977) to 4.5 million (1979). Year-end inventories were 192 thousand tons in 1979 and exhibited no particular trend over the period. Exports rose steadily from 82,000 ton (1977) to 126,000 tons (1979), when they still accounted for less than five percent of production. Apparent consumption in 1979 was 6.2 million tons, 20 percent above the level of 1977. Employment attributed to the production of structurals, based on data covering 74 percent of U.S. shipments in 1979, grew irregularly from 11,200 production and related workers in 1977 to 11,900 in 1979.

Financial data was compiled on U.S. firms accounting for three-quarters of U.S. shipments in 1979. Losses of $90 million in 1977 were reduced to $11 million by 1979.[16]

The total import penetration of subject imports declined from 12.4 percent (1977) to 10.5 percent (1979). Individual shares of most subject countries were lower in 1979 than in 1977, those of Belgium-Luxembourg and the FRG increased slightly over the period. In 1979, the individual shares were: Belgium-Luxembourg (6.1 percent), the FRG (2.1 percent), France (1.1 percent), the U.K. (1.1 percent). Italy and the Netherlands had shares less than 0.05 percent each.

Lost sales allegations involved 13 percent of U.S. production during the period. Of the five percent of the transactions that were confirmed, price was given as the reason in 58 percent of the instances. No lost revenue was confirmed by the staff.

Industry-wide considerations

As noted above, certain factors relating to the entire carbon steel industry enhance the information available on the five subject product lines and thus allow for better informed, more specific determinations by product line.[17]

Much weight should be given to the capacity utilization of raw steel melting facilites, as it measures the common constraint on full simultaneous utilization of all milling operations.[18] As a ratio of raw steel production to production capability, the capacity utilization of the feed-stock facilities rose from 78 percent (1977) to 87 percent (1978) before peaking at 88 percent in 1979. This figure appears to be extremely close to the point where rapidly increasing marginal costs set in. Thus, there is a good basis for regarding the steel industry as operating at close to full effective capacity, though each milling operations is running at lower levels.

Employment aggregated over all five subject product lines has risen slowly but steadily from 122,600 (1977) to 128,200 (1979), despite plant closings and a slow move to more efficient technology. Manhours have followed the same trend.

Price data were solicited from both domestic producers and importers of the subject goods. Though the staff received excellent cooperation the data were not very useful for two independent reasons. Adequate data for analysis were not received for six of the countries and data reported on some products of the FRG were sparse. Furthermore, freight allowances were not calculated in a consistent fashion by the domestic respondents. Thus, there is no possibility of a meaningful comparison of prices to analyze underselling and price supression or depression for any product line or country. Only trends are obvious. Prices of domestic producers generally increased between 20 and 40 percent over the 13 quarters surveyed, although in the last three quarters they were relatively constant. The limited data for imports indicated that they probably followed the same trend.

Any discussion of prices and financial performance would be deficient without reference to the trigger-price mechanism described in detail in appendix E of the Report. Implemented during 1978, the TPM was intended to substitute for individual antidumping petitions by the domestic steel industry. The TPM base price for a steel product was calculated each quarter based on constructed costs in Japan, a producer generally regarded as one of the world's most efficient. Any repeated or substantial imports below applicable trigger prices could "trigger" an expedited antidumping investigation. Clearly, the trigger prices were not identical to a price floor for imports, but they do seem to have had similar effects. They increased steadily with the growth of Japanese production costs and the dollar-value of the yen from the first quarter of 1978 through the first quarter of 1979, and then remained constant as the value of the yen fell against the dollar. Trigger prices were increased in the first quarter of 1980, but the entire TPM program was suspended in the second quarter when United States Steel Corporation filed the instant petitions. The trend in TPM prices is identical to that in domestic steel prices.

One might have reasonably expected the worldwide overcapacity[19] in steel to induce severe competition in the relatively open U.S. markets as foreign firms attempted to recover variable costs in these high fixed-cost industries. No such price competition appears to have occurred. Thus, the TPM is probably linked to the upward trend in domestic prices which allowed for the improvement of the domestic steel Industry's financial status over the investigation period even in the face of worldwide overcapacity.

The reported aggregate profit experience of U.S. steel producers covering 72 percent of U.S. shipments in 1979[19] shows that their ratio of net operating profit to net sales grew from −2.5 percent (1977) to +1.7 percent (1978) before falling again to 1.2 percent (1979).

Indications of Injury

The general picture that emerges out of the vast array of data that I have culled from the record of these investigations is that there are for all five product lines very few negative indicators. By some indicators, 1978 was slightly better than 1979. However, in this case one indicator must carry prime weight—profits. Although the financial picture has improved since 1977, the domestic industry has effectively argued that the period of investigation represents the upside of a business cycle now in a downturn. If the modest profits of the past two years are viewed in this light, one must seriously question whether the fat of these relatively good years will be sufficient to carry the industry through the lean years of this very cylical industry. Only in galvanized sheet has the net profit on sales exceeded 2.5 percent. Even in this line, a profit rate of 5.8 percent appears to be insufficient to sustain a rate of investment adequate to continue modernization of the industry.[20] However, with raw steel operating at

[16] The Report erroneously noted, until corrected, this figure as being a positve ratio of net profit to sales of 1.0 percent. It should have read −1.0 percent

[17] The carbon steel industry includes the subject product lines as well as other products such as strip, bars, and rod. In 1979, the subject products accounted for about half of all U.S. producers' shipments of carbon steel products. The breakdown was: hot-rolled sheet (17 percent), cold-rolled sheet (19 percent), galvanized sheet (7 percent), plates (8 percent), structural shapes (5 percent).

[18] Approximately two-thirds of the value of the subject products is added at the raw steel stage.

[19] I have already noted that I regard the U.S. industry as an exception to this generalization because it is operating near full capacity.

[19] See the Report for a precise description of what these data cover.

[20] See, American Iron and Steel Institute, *Steel at the Crossroads—the American Steel Industry in the 1980's* (January 1980) at 17–23. Modernization of the steel industry does not appear to be proceeding very rapidly.

what amounts to almost full capacity, it does not appear that the solution to these problems can be found in selling more steel. Rather, the problems of all product lines and the larger industry appears to lie in the price at which the steel is sold and the costs at which it is made, not the quantity produced.[21]

Therefore, I find that there are reasonable indications of material injury to each of the five product lines. It is now necessary to reach the question of whether any of the subject imports appears to be causing a material portion of this injury.

Causation

The links between alleged LTFV imports and any injury the domestic industry may be experiencing are extremely weak in these cases: first, import penetations are low, in some cases barely measurable. Secondly, lost sales information covers only a tiny portion of total sales and the reasons given for them are most often not the price of the imports in question. Finally, there are no comparable price data which may be used; statements on underselling or price suppression or depression would verge on complete speculation.

The problems of the steel industry do have explanations. The legislative history of the Act specifically recognizes that Commission should take into account causes of injury other than the subject imports.[22] Without weighing other causes against those of the alleged LTFV imports, I believe it is important to note the factors which have kept the costs of the steel industry from falling to a point at which adequate profits might be earned even at the prevailing prices in the subject product lines.

Partly as a result of a very effective cost-of-living adjustment negotiated by the United Steel Workers of American and the unexpected increase in the rate of inflation during the last decade, there has been an accelerating growth of wages at a rate far higher than in general manufacturing.

In 1977 steel wages stood at 153 percent of those in general manufacturing. By 1980 this number had grown to 175 percent. Despite the rapid increases in wage rates, the portion of wages in total costs has fallen in all product lines owing to a doubling of energy costs during the period.

Significant portions of the total investment that has been undertaken has gone to satisfying stricter mandatory standards for environmental protection. Further investment funds have gone into diversification beyond the traditional bounds of the steel industry. While these investments may have been socially desirable or economically sound, they have not added to productivity in the industry.

Additionally, foreign producers not the subject of these investigations, among them some of the world's most efficient and low-cost ones, are significant sources for U.S. imports. In hot-rolled sheets, Japan is the single largest foreign supplier. In 1979, she supplied 31 percent of imports, when the combined subject countries supplied 53 percent. The figures for cold-rolled are almost identical. In galvanized, Japan supplied 58 percent of total U.S. imports against the subject countries' combined 22 percent. In structural shapes, Japan and the subject countries have equal shares at 35 percent. Only in plates did the subject countries' combined share (37 percent) dwarf the largest single supplier's share (7 percent for Japan). Without adequate comparable data for all significant foreign suppliers, I am not able to discount the possibility that some other foreign producers stands to gain if the alleged LTFV imports were reduced. The alleged LTFV imports may be hurting the foreign supplier rather than the domestic producers.

Citing these other possible causes of injury does not *ipso facto* imply that all the subject imports have failed to contribute in a material way to injury for which they may not be primarily responsible. Even relatively small market shares captured by LTFV imports can result in injury by price depression if the product in question is inelastically demanded (and has a price which is very price sensitive to small changes in supply).[23] However, there is no information on the record to suggest that steel's price in any line is unusually price sensitive to changes in supply.[24]

Cumulation

I have made my determinations on a case-by-case basis. The imports in the investigations that I voted to terminate could not conceivably have contributed to material injury even were I to cumulate imports across countries within product lines. Should any of the affirmative preliminary cases return for final determinations, I do not preclude cumulation in circumstances when the record as developed shows its appropriateness. In any event, I believe the long-standing practice of the Commission in cumulating imports on a discretionary basis merits careful consideration before discussing my determinations.

The practice of cumulation of subject imports by the Commission for the purposes of an injury determination has always been a discretionary one. There are no specific references to cumulation in the Trade Agreements Act of 1979 or its legislative history, nor are there any in the Trade Act of 1974, the previous legislation relating to antidumping proceedings. However, the Finance Committee has stated in its report on the Trade Act:

A number of cases before the Commission have been concerned with the question of whether imports of comparable articles from different countries should be considered together or cumulated in making injury determinations. The issue arises in several different contexts, viz: (1) when Treasury determinations involving comparable imports from two or more different countries are simultaneously

[21] Republic Steel Corp. argued that the loss of incremental sales is "especially injurious" because fixed costs have already been recovered on the submarginal sales when the industry is operating above the break-even point. However, if the industry is at near full capacity by the most appropriate measure, it is difficult to see that the industry may solve its profit problems by merely transferring on paper foreign sales to domestic firms. For Republic's argument to have bearing on these cases, it would have to be shown that sales had been lost by domestic producers to subject imports in sufficient quantity to depress capacity utilization. See *Brief of Republic Steel Corporation*, April 23, 1980, at pp. 12–13.

[22] Comments on Ways and Means, U.S. House of Representatives, Trade Agreements Act of 1979, H.R. 96–317, 96th Cong., 1st Sess. (1979) at 47:

"Of course, in examining the overall injury being experienced by a domestic industry, the ITC will take into account evidence presented to it which demonstrates that the harm attributed by the petitioner to the subsidized or dumped imports is attributable to such other factors.

"However, the petitioner will not be required to bear the burden of proving the negative, that is, that material injury is not caused by such other factors, nor will the ITC be required to make any precise, mathematical calculations as to the harm associated with respect to such factors. In short, the Committee does not view overall injury caused by unfair competition, such as dumping, to require as strong a causation link to unfairly competitive imports as would be requiredfor determining the existence of injury under fair trade conditions."

[23] The relevant legislative history supports this discretionary approach: "It is expected that in its investigation the Commission will continue to focus on the conditions of trade, competition, and development regarding the industry concerned. For one industry, an apparently small volume of imports may have a significant impact on the market; for another, the same volume might not be significant. Similarly, for one type or product, price may be the key factor in making a decision as to which product to purchase, and a small price differential resulting from the amount of the subsidy or the margin of dumping can be decisive; for others the size of the differential may be of lesser significance." S. Rept. No. 96–249, 96th Cong., 1st Sess. at 88. See "Views of Commissioners Paula Stern and Michael Calhoun" in *Spur Acrylic Yarn from Japan and Italy*, Inv. Nos. 731–TA–1 and 2 (Final) (1980) at 12 for an analysis of extremely price sensitive products.

[24] See J. Fred Weston, "A Policy for Steel Imports," (presented at the public conference, March 17–18, 1980) at 1–2. Also, see the testimony o! Dr. Richard M. Cyert at the public conference at 2–3

submitted to the Commission; (2) when Treasury determinations on comparable imports are submitted to the Commission at different times. Under consistent practice, affirmed by the U.S. Customs Court in City Lumber Co. v. United States (R.D., 11557, July 9, 1968; 64 Cust. Ct. 826 (1970); 311 F. Supp. 340 (1970); 457 F.2d 991 (C.C.P.A. 1972)) the Commission has considered the combined impact of less-than-fair-value imports in making injury determinations when the facts and economic considerations so warrant. *Such result does not follow as a matter of law; it follows, on a case by case basis, only when the factors and conditions of trade shows its relevance to the determination of injury.* (Emphasis added.)[25]

In Section 771(7)(D), for instance, the current law speaks of "like product" instead of "comparable articles." However, "like product" is defined in Section 771(10) in a manner not dissimilar to the previous usuage of "comparable articles." [26] The Finance Committee has stated in general "current ITC practice with respect to which imports will be considered in determining the impact on the U.S. industry is continued under this bill." [27]

For cumulation to be appropriate, it must be demonstrated that "the factors and conditions of trade in the particular case show its relevance to the determination of injury." While there are many claims on the record that the Commission should treat the EC as a single entity, there has been no showing that the EC coordinates in any fashion the export behavior of member country steel producers.[28] Furthermore, there is little to show that the conditions of trade of subject imports in any product line warrant or require such treatment at this preliminary stage. Relevant considerations might include the identity and fungibility of the subject imports, the separability of the markets affected by the various imports, and the presence or absence of coordinated action and/or common approaches to the domestic market (even if not coordinated) so as to exhibit a collective "hammering" effect on the domestic industry. The law is clear that the EC may *not* be considered a country for the purposes of these investigations. Section 771(3) of the Tariff Act defines "country" to mean:

> . . . a foreign country, political subdivision, dependent territory, or possession of foreign country, and, *except for the purpose of antidumping proceedings,* may include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a custom union outside the United States. (emphasis added)

The exception is explained by the Finance Committee:

> . . . However, a customs union may not be considered a country in antidumping duty proceedings. Thus, the foreign market value of merchandise in such a proceeding may not be calculated on a customs-union-wide-basis.[29]

This exception does not, however, preclude cumulation for the purposes of the Commission's injury determinations because the Commission looks at the class or kind of merchandise under investigation, not just at the country of origin.

LTFV Imports: Negative Determinations

On the basis of the best information available and the entire record, I have decided on a selective case-by-case basis to vote to terminate the following 14 investigations because there is no reasonable indication that the subject imports in each case could have possibly contributed to any material injury of the domestic industry:

—Plate and hot-rolled, cold-rolled and galvanized sheet from the U.K.; hot-rolled and cold-rolled from Belgium: Volumes and market penetrations of the imports are too miniscule to warrant further attention.

—Cold-rolled sheet from Belgium: The import penetration was tiny and declined steadily over the entire period from 1.7 percent (1977) to 0.5 percent (1979).

—Plate and cold-rolled, hot-rolled, and galvanized sheet from Italy: In 1979, the relevant importers reduced their sales and administrative staff in the United States by one-half and announced plans to close their U.S. warehouse at the end of June 1980. Import penetrations are tiny.

—Plate and cold-rolled and galvanized sheet from the Netherlands. Import penetrations are tiny. These products have been sold to the same customers for a number of years; changes in import levels reflect changes in the demand of these customers and not the acquisition of new customers.

LTFV Imports: Affirmative Determinations

In all of the remaining 15 cases I have decided that there is a reasonable indication of material injury due to the subject imports. I have made these determinations because these are preliminary cases and I am not able to rule out the possibility that further development of the record will show that these imports, though as yet-to-be established underselling made possible by sufficient LTFV margins, depressed or suppressed domestic prices sufficiently to cause material injury. If these cases return for final determinations, the record should be augmented to include fully comparable price data for all relevant domestic products and imports as well as a detailed demand analysis by product line.

Threat of Injury

In those cases where I have made affirmative preliminary findings it is not necessary for me to reach the issue of threat. In all cases where I have made negative preliminary findings I determine that there is no reasonable indication of threat. Congress has made the standard for threat quite clear—it must be "real and imminent" and related to the economic indicators already considered.[30]

The relevant market shares of imports are tiny or minuscule. In most cases they are declining; in no case have there been any significant increases in the penetration or volume of subject imports. There are no indications that the volumes of imports over the 1977 to 1979 period are in excess of traditional trade patterns.

The industry's performance generally improved over the 1977–1979 period. There was discussion at both the Conference and Commission meeting on

[25] Committee on Finance, U.S. Senate, Trade Reform Act of 1974, S. Rept. No. 93–1298, 93rd Cong., 2d Sess. (1974) at 180.

[26] Section 771(10) states: "Like product.—The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

[27] S. Rept. No. 96–249, 96th Cong., 1st Sess. at 74.

[28] I note in passing that the record in this case does not indicate any reason whatever, vis-a-vis exports, why membership in the European communities have any greater significance than membership in the United Nations on the subject of cumulation.

[29] S. Rept. No. 96–249, 96th Cong., 1st Sess. at 83–84.

[30] The legislative history of the Act provides guidance: "In determining whether an industry in the United States is threatened with material injury, the ITC will consider the likelihood of actual material injury occurring. It will consider any economic factors it deems relevant, and consider the existing and potential situation with respect to such factors. An ITC affirmative determination with respect to threat of material injury must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture. The 'threat of material injury' standard is intended to permit import relief under the countervailing duty and antidumping laws before actual injury occurs and should be administered in a manner so as to prevent actual injury from occurring. Relief should not be delayed if sufficient evidence exists for concluding that the threat of injury is real and injury is imminent."

S. Rept. No. 96–249, p. 89.

developments in the first few months of 1980. General references were made to the economic downturn now underway in the U.S. economy. U.S. Steel stated daily order receipts had fallen 40 percent in the previous five weeks.[31] The Report notes that imports in the first two months of 1980 were almost ten percent higher than in January-February 1979. Data of this tentative nature covering a period beyond the one systematically studied in the investigation (1977–1979) is unsuitable for a discussion of the present injury. For two reasons, I also find that this information is not useful in a consideration of threat. First, import data for a short period like two months may be vulnerable to wild fluctuations depending on when a single boat of imports arrives. Certainly a ten percent change in *any* direction cannot indicate a quarterly trend. Secondly, by U.S. Steel's own account, customers in a business downturn cancel domestic orders first because lead-times are shorter.[32] Imports are ordered well in advance and paid for by irrevocable letters of credit.[33] In uncertain times, domestic products have especially strong non-price advantages over foreign competitors. One should expect a scenario where at the onset of a recession domestic orders would fall. But as the recession proceeded, any new order would be placed with domestic rather than foreign producers to avoid the inflexible character of overseas orders. Thus, even if the two-month figures prove to be part of a trend, that trend might very well include an ensuing decline in import volumes and penetrations. However, econometric forecasts for the immediate future were not included in the record and it would be a violation of Congressional intent to base any judgment on seat-of-the-pants predictions or newspaper-inspired conjecture.[34]

Issued: May 5, 1980

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-14810 Filed 5-13-80; 8:45 am]

BILLING CODE 7020-02-M

[31] Conference transcript at 58.

[32] *Ibid.*, at 57.

[33] Report at A-*50.*

[34] Without factoring in the TPM, which is in place and ready to be applied, speculation on the future state of the economies in Europe and the potential response of its steel producers is just that—speculation, and not even the best informed speculation. I regard any discussion of potential responses of European producers with or without the TPM program as speculative and have given it no weight in reaching my determinations.

[Investigation No. 337-TA-67]

Certain Inclined Field Acceleration Tubes and Components Thereof; Notice of Commission Determination Denying the Presiding Officer's Recommended Summary Determination of Noninfringement and Designating This Investigation as More Complicated

Procedural History

On December 11, 1979, respondent Dowlish Developments, Ltd., filed a motion for summary determination of noninfringement of U.S. Letters Patent No. 3,308,323 in connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation and sale of certain inclined field acceleration tubes and components thereof in the United States. The motion for summary determination was opposed by both complainant, High Voltage Engineering Corporation, and the Commission investigative attorney. Oral argument on the motion was heard by the presiding officer on December 28, 1979, and supplemental briefs were submitted. In his supplemental brief, the Commission investigative attorney recommended that the motion for summary determination be granted.

On January 10, 1980, the ALJ certified the motion to the Commission with the recommendation that it be granted. On January 24, 1980, complainant filed exceptions to the recommended determination and moved for an oral hearing before the Commission on the ALJ's recommended determination. The Commission granted complainant's motion and published notice of the hearing in the **Federal Register** on March 5, 1980.

Oral argument was held on March 12, 1980, in the Commission Hearing Room. Counsel for complainant and respondent Dowlish and the Commission investigative attorney participated. Posthearing briefs were submitted by complainant and Dowlish.

In its posthearing brief of March 24, 1980, complainant moved that the Commission designate this investigation "more complicated" within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15.

Recommendation of the Presiding Officer

In her recommended determination of January 10, 1980, the presiding officer recommended that the Commission (1) find that there is no genuine issue of material fact that must be decided in this case, (2) find that, based on the pleadings, affidavits, depositions, and admissions on file, respondent Dowlish is entitled to summary determination as a matter of law, and (3) terminate the investigation as to all respondents.

The presiding officer certified the evidentiary record to the Commission for its consideration. Copies of the presiding officer's recommendation and all other public documents may be obtained by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523–0161.

Commission Determination

Having reviewed and considered (1) the presiding officer's recommended determination of noninfringement together with the record as certified to the Commission pursuant to 19 CFR 210.50 and 210.53; and (2) oral argument and written submissions subsequent to the recommended determination, The Commission determines that the motion for summary determination of the noninfringement of U.S. Letters Patent No. 3,308,323 should be denied and that the investigation should be designated "more complicated." The extended investigation will be completed no later than December 27, 1980.

Accordingly, it is ordered that—

(1) Respondent's motion for summary determination be denied;

(2) The matter of infringement be remanded to the presiding officer to develop a record on all issues and continue adjudication of the case; and

(3) Investigation No. 337–TA–67 is designated "more complicated" within the meaning of 19 U.S.C. 1337(b)(1) and 19 CFR 210.15, allowing 6 additional months for completion of the investigation.

By order of the Commission.

Issued: May 6, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-14815 Filed 5-13-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-63/65]

Certain Precision Resistor Chips; Notice of Termination

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is ordering the termination of investigation No. 337–TA–63/65, Certain Precision Resistor Chips.

The order is effective as of May 9, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission order.

Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's action and order, the Commissioners' opinion(s), and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, telephone (202) 523-0161.

Notice of the institution of this investigation was published in the Federal Register of January 17, 1979 and April 25, 1979 (44 FR 3575, 44 FR 25522).

By Order of the Commission.

Issued: May 9, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-14812 Filed 5-13-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 10:00 a.m. on June 2, 1980, in the Dodge Center, Second Floor, 1010 Wisconsin Avenue, N.W., Washington, D.C. The purpose of this prehearing conference is to review the prehearing statements submitted by the parties, to stipulate into the record as many exhibits as possible, and to discuss any questions raised by the parties relating to the hearing.

Notice is also given that the hearing in this proceeding will commence at 9:00 a.m. on June 3, 1980, in the Dodge Center, Second Floor, 1010 Wisconsin Avenue, N.W., Washington, D.C.

The Secretary shall publish this notice in the Federal Register.

Issued: May 7, 1980.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 80-14817 Filed 5-13-80; 8:45 am]

BILLING CODE 7020-02-M

[332-108]

Investigation; Study of the Multifiber Arrangement

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-108 for the purpose of gathering and presenting information on trade in textile products covered under the Arrangement Regarding International Trade in Textiles, Dec. 20, 1973, 25 U.S.T. 1001, T.I.A.S. No. 7840, extended Dec. 15, 1977, T.I.A.S. No. 8839, known as the Multifiber Arrangement (MFA). Data will be provided to show U.S. imports by country, by MFA category, and by fiber and product, and the import restraint levels in the bilateral agreements which the United States has entered into under the MFA will be compared with actual imports. In addition, the report will describe the administration and monitoring of quotas, examine changes in quota levels that occurred during the lifetime of the bilateral agreements, and discuss the tightening of those agreements in accordance with the commitments in the administration's textile program. The report will build on an earlier study released by the Commission, *The History and Current Status of the Multifiber Arrangement*, USITC Publication 850 (1978).

This report will assist in an accurate review and analysis of experience with the current MFA and provide a basis for developing a position with regard to any subsequent negotiated extension and its likely impact on the textile program.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Reuben Schwartz or Mr. John Taylor, Textiles, Leather Products, and Apparel Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-0114 or 202-523-0365).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than October 15, 1980. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: May 7, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-14816 Filed 5-13-80; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-13 and 14 (Final)]

Melamine in Crystal Form From Italy and Austria

Determination

On the basis of the record [1] developed in the investigation Nos. 731-TA-13 and 14, the Commission determines pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of melamine in crystal form [2] from Austria and Italy, which the U.S. Commerce Department has determined are being sold in the United States at less than fair value.

Background

Melamine Chemical, Inc. (MCI) filed a petition, alleging injurious dumping of melamine in crystal form from Austria, Italy and the Netherlands, with the Treasury Department on March 23, 1979. On November 13, 1979, Treasury issued preliminary affirmative LTFV determinations with respect to melamine from Austria and Italy, but a tentative negative LTFV determination with respect to melamine from the Netherlands. Effective January 1, 1980, authority to administer the antidumping statute was transferred from Treasury to the Commerce Department.

On January 7, 1980, the Commerce Department notified the Commission that, as of January 1, 1980, the Treasury Department had made an affirmative preliminary determination that imports of melamine in crystal form from Austria and Italy had been sold or were being sold in the United States for less than fair value. Consequently, the Commission instituted on January 8, 1980, but effective January 1, 1980, antidumping investigations Nos. 731-TA-13 (Final) and 731-TA-14 (Final) pursuant to section 735 of the Tariff Act of 1930, as added by Title I of the Trade Agreements Act of 1979, to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the

[1] The "record" is defined in § 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

[2] Provided for in item 425.10 of the Tariff Schedules of the United States.

establishment of an industry in the United States is materially retarded, by reason of imports of melamine in crystal form, from Austria and Italy, which are being, or likely to be, sold at less than fair value.[3] Commerce issued a preliminary affirmative determination with respect to melamine in crystal form from the Netherlands on February 26, 1980. The Commission instituted its antidumping investigation No. 731–TA–16 (Final) corresponding to investigation Nos. 731–TA–13 and 14 on March 13, 1980.

Commerce made final affirmative LTFV determinations with regard to imports of melamine from Italy on March 20, and with regard to Austria and the Netherlands on March 21, 1980. A public hearing was held in Washington, D.C. on April 11–12, 1980, and all persons who had requested the opportunity were permitted to appear in person or through counsel. On April 25, 1980, Commerce notified the Commission that "melamine in crystal form from the Netherlands is not being sold at less than fair value," thus terminating investigation No. 731–TA–16.

Statement of Reasons of Chairman Catherine Bedell, and Commissioners George M. Moore and Paula Stern

For the Commission to make an affirmative final determination in these investigations pursuant to section 735(b) of the Tariff Act of 1930 (1673d(6)), it must find that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded,[1] by reason of imports of melamine in crystal form from Austria and Italy, which the Department of Commerce (Commerce) has found to be, or likely to be, sold in the United States at less than fair value.[2]

The Domestic Industry

For the purposes of these investigations, we have concluded that the domestic industry against which the impact of imports of LTFV melamine from Austria and Italy should be measured, consists of those facilities in the United States producing melamine in crystal form. Virtually all melamine produced in the United States and abroad is consumed in the manufacture of melamine-formaldehyde resins for end uses, such as high-pressure laminates, molding compounds, surface coatings, paper treating and paper coating, and textile treating and textile coating. There were three such producers during the period of investigation: Allied Chemical Corp. (Allied), American Cyanamid Co., and the complainant, Melamine Chemical, Inc. (MCI). Allied's melamine production was shut down in December 1978, and was sold to Ashland Oil in mid-1979. The Allied facility has not since been reopened. In contrast, American Cyanamid remains quite active; it imports, produces for domestic sales, and produces for its own captive use. MCI produces only for the merchant market, and has no captive consumption of its own melamine.[3] The staff report presents aggregated figures is some areas for an industry based on the above definition. However, in evaluating the competitive impact of LTFV import on a U.S. industry, wherever the record allows us to make the distinction, we have specifically looked at melamine produced for the merchant market.

The Nature and Extent of LTFV Sales

The Commerce investigation concluded that LTFV margins existed for melamine from Austria, ranging from 7.2 to 23.1 percent of the fair market value, with a weighted average LTFV margin of 10.8 percent; and for melamine from Italy, ranging from 13.2 to 25.8 percent of the fair market value with a weighted average LTFV margin of 23.7 percent. Commerce examined 100 percent of the sales of melamine to the United States made during the period November 1, 1978–March 31, 1979, for imports from Austria and 100 percent of the sales of melamine to the United States during the period November 1, 1978–April 30, 1979, for imports from Italy, and found that all sales were at less than fair value prices.

The Question of Material Injury

With respect to the question of material injury, the Commission is directed by section 771 of the Tariff Act of 1930 to consider, among other factors, the volume of imports of the merchandise subject to the investigation, the price effects of such imports, and the impact of such imports on the affected U.S. industry.

The Volume of LTFV Imports

Imports of melamine from Italy rose from zero in 1976 to 263,000 pounds in 1977 and 6 million pounds in 1978, but fell from 5.6 million pounds in January–November 1978 to 1.5 million pounds in January–November 1979. Imports from Austria wer 579,000 pounds in 1976, 2.2 million pounds in 1977 and 3 million pounds in 1978. They then fell from 2.7 million pounds in January–November 1978 to 2 million pounds in January–November 1979. Melamine imports from the two LTFV countries together rose from 579,000 pounds in 1977 to 9 million pounds in 1978, but dropped to 3.5 million pounds in January–November 1979, from 8.3 million pounds in January–November 1978. The ratio of melamine imports from Italy to U.S. domestic consumption rose from 1976 to 1978, but fell sharply in 1979.[4] The ratio of melamine imports from Austria to U.S. domestic consumtion likewise rose during the period 1976 to 1978 and fell by nearly half for the first 11 months of 1979. The combined ratio of melamine imports from Austria and Italy, to domestic consumption, also rose from 1976 to 1978 and fell sharply in 1979.[5] This ratio, based on Commission questionnaire responses, is confidential. However using public import data the ratio of imports to domestic production fell from 8.1 percent in January–November 1978 to less than half that figure for the period January–November 1979.[6] This volume, in light of the other factors discussed below, is not significant.

Price Effects of LTFV Imports

Austrian melamine was priced competitively with the domestic product in each of the years investigated, except in 1977 when a margin of underselling of more than one cent per pound occurred.[7] Italian melamine was priced more than one cent per pound below the price for domestic melamine during the period November 1977–March 1979, but was priced competitively with the domestic product for the balance of 1979.[8]

However, during the period of increased LTFV imports, 1976–1978, domestic prices of melamine rose at an average annual rate of 4 percent, roughly paralleling trends of other industrial chemicals and resins.[9] This indicates the absence of price suppression or depression in the

[3] Notice of the institution of investigation Nos. 731–TA–13 and 14 and of the hearing to be held in connection therewith was published in the **Federal Register** of January 17, 1980 (45 FR 3401).

[4] Notice of institution of this investigation and a hearing date was published in the **Federal Register** of March 17, 1980 (45 FR 17096).

[1] Since there is an established domestic melamine industry, the question of material retardation of the establishment of an industry is not at issue.

[2] Commissioner Stern concurs in the Findings of Fact as stated in the Views of Vice Chairman Alberger and Commissioner Calhoun.

[3] See additional views of Commissioner Paula Stern on the scope of the domestic industry on pp. 10–11 of this report.

[4] Id. Staff Report to the Commission, at A–46, table 18.

[5] Id., at A–45, table 17.

[6] Id., at A–19, table 3 and A–31, table 9.

[7] Id., at A–56, table 22.

[8] Id., at A–57, table 23.

[9] Id., at A–60, see also A–62, figure 6.

industry despite the existence of some underselling of the domestic product by LTFV imports.

Impact of LTFV Imports on the Domestic Industry

Section 771 of the Act instructs the Commission to examine, with respect to the impact of the LTFV imports on the domestic industry, all relevant economic factors, including, but not limited to, actual and potential decline in output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. The Commission received questionnaire responses on nearly all of the above-mentioned factors for the firms that account for 100 percent of production and shipments.

Total domestic capacity utilization declined from 85 percent in 1976 to 84 percent in 1977 and to 77 percent in 1978. Capacity utilization increased slightly in January–November 1979 from the corresponding period in 1978.[10] However, much of the decline in capacity utilization during 1976–1978 can be attributed to non-import related problems of Allied during this period.[11] Because of its antiquated production facilities, Allied suffered breakdown and quality-control disruptions. In addition, its melamine production was dependent upon its production of urea and ammonia which was also periodically disrupted.

When Allied finally closed its plant in December 1978, obviously capacity also declined for the industry. However, company representatives cited non-import related reasons for their decision: (1) aging plant and equipment which required substantial capital investment for modernization and satisfaction of federal pollution requirements; and (2) the inability to produce ammonia (and urea) feedstocks at a profit because of the depressed prices for ammonia.[12] Likewise, total U.S. production of melamine declined steadily from 1976 to 1979, but much of this decline is attributable to difficulties suffered by Allied.[13] Although Allied suffered numerous problems, imported melamine sold at LTFV prices does not appear to have been one of them. Therefore, we have been careful to avoid having Allied's experience color our assessment of the impact of LTFV imports on the melamine industry.

Other economic factors make a positive showing. The number of industry-wide workers involved in domestic melamine production increased from 207 in 1976 to 223 in 1978. In 1979, the number of workers declined because Allied closed its plant. But in the two remaining companies, MCI and American Cyanamid, the number of workers actually rose from 1978 to 1979.[14] Although producers' inventories increased substantially from 1976 to 1978, they dropped in 1979 to less than half the level for the previous year.[15]

Aside from Allied, in domestic producers have demonstrated healthy profit levels in the aggregate. Futhermore, evidence was introduced in the hearing that MCI's profits through 1979 were not only large but also increasing.[16] MCI, however, indicated that its profits for the second half of 1979 decreased sharply. However, LTFV imports of melamine also fell sharply in 1979 and therefore cannot be regarded as a cause of MCI's low profits during July–December 1979.[17] Indeed, MCI is in the process of expanding its capacity by 10 million pounds within the next few months through "debottlenecking" and it may have plans for additional facilities in the future.[18] Lost sales data provide a mixed indicator. However, lost sales verification by Commission staff revealed that purchasers' need for alternative sources of supply and their fear that MCI could not meet its shipment obligations on a timely basis were mentioned as more important factors than price consideration.[19]

Conclusion

We therefore conclude that an industry in the United States is neither materially injured nor threatened with material injury by reason of imports of melamine in crystal form from Austria and Italy, which the Department of Commerce has found are being sold at less than fair value.

Additional Views of Commissioner Paula Stern on the Scope of the Domestic Industry

Because of American Cyanamid's multi-faceted character, the petitioner, MCI, asserts that it should be regarded as part of the domestic industry only to the extent that it produces for the domestic merchant market.[1] In its prehearing brief, MCI quoted section 771(4)(B) of the Act:

> (B) Related parties.—When some producers are related to the exported or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term "industry" may be applied in appropriate circumstances by excluding such producers from those included in that industry.

According to MCI, the Commission has discretion to exclude American Cyanamid from the domestic industry because it also imports melamine. MCI's advice, however, is neither to exclude American Cyanamid entirely nor to include it entirely. Rather, MCI suggests that American Cyanamid's production for its captive market be excluded but its production for the domestic merchant market be included.[2]

MCI's argument raises two very distinct questions. First, is it appropriate to exclude American Cyanamid from the domestic industry under section 771(4)(B) because it both produces and imports melamine?

Section 771(4)(B) does imply a large measure of latitude for the Commission in its application. And the legislative history underscores this broad latitude by specially mentioning the Commission's "discretion."[3][4]

Applying discretion to the instant case, I conclude that it is appropriate to include American Cyanamid in the group of domestic producers on which the impact of imports is to be measured. Since American Cyanamid is one of only two surviving domestic producers of melamine and has significant merchant market sales, its absence would severely distort our preception of the domestic industry. By recognizing American Cyanamid's hybrid nature as both an importer and a producer, I am able to place its profit and sales statistics in proper perspective.

The second question posed is whether to exclude from Commission calculations of the domestic industry that portion of American Cyanamid's production which is for captive consumption.[5] Melamine produced by American Cyanamid for its own use

[10] Id., at A–21–23, table 5.

[11] Statement of ECON, Inc., Economic Impact Analysis Report to the United States International Trade Commission in the Matter of the Importation of Melamine in Crystal Form: Investigation Number 731–TA–13, March 28, 1980, p. 22.

[12] Transcript at 265–270.

[13] See note 12 *supra*.

[14] Id. at A–33, 35, and 36, table 12.

[15] *Id.* at A–33–34, table 11.

[16] Transcript at 240.

[17] Id. at A–36–41.

[18] Transcript at 57–58.

[19] Id. at A–63–65.

[1] Prehearing Statement of Melamine Chemical, Inc., Investigations Nos. 731–TA–13 and 14 (Final), pp. 11–12.

[2] Transcript of Commission Hearing, Inv. Nos. 731–TA–13 and 14 (Final), p. 70.

[3] S. Rep. No. 96–249, 96th Cong. 1st Sess. 83 (1979).

[4] *Cf., Unlasted Leather Footwear Uppers from India*, Inv. No. 701–TA–1 (Final); (In that subsidy case the Commission declined to apply section 771(4)(B) when that would have excluded several of the more important firms of the industry. at 405.)

[5] This question in no way pertains to the fact that American Cyanamid is both a producer and an importer.

does not compete directly on the open market with other melamine. However, some of the data in this investigation do discriminate between captive and merchant market production. [6] I have borne in mind that American Cyanamid in internal transfers may skew, for example, its profit and sales statistics.

Statement of Reasons of Commissioners Bill Alberger and Michael J. Calhoun

On the basis of the record in investigations Nos. 731–TA–13 (Final) and 731–TA–14 (Final), we determine, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d), that an industry in the United States is not materially injured or threatened with material injury, nor is the establishment of an industry materially retarded [1] by reason of imports of melamine, in crystal form, from Austria and/or Italy which are sole or are likely to be sold at less than fair value (LTFV) as determined by the Department of Commerce (Commerce).[2]

In these investigations, the relevant domestic industry is comprised of the facilities in the United States devoted to the production of melamine, in crystal form. Melamine is currently produced in the United States by two companies: Melamine Chemical, Inc., the petitioner, and American Cyanamid Co. These two companies produce melamine by a process using a urea-based, continuous process technology which permits the off gases ammonia and carbon dioxide to be effectively recycled. Production difficulties have occurred at both the MCI and American Cyanamid facilities during the 1976–79 period. During these downtimes, however, the domestic market for melamine was supplied from inventories.

Until the end of 1976, Allied Chemical Corp. was also a manufacturer of malamine in the United States. Allied produced melamine from 1962 to December of 1978 using it own process technology and its own internally produced feed-stock urea. Ammonia was also produced at Allied's facility. The process used by Allied did not permit the recycling of off gases as did that used by the other manufacturers in the domestic industry. The chief reasons cited by company representatives for the shutdown included aging plant and equipment and the inability to profitably produce ammonia and urea feedstock. Imported melamine sold at less than fair value was not stated as the reason for Allied's shutdown. After Allied closed, it continued to sell melamine from inventories into early 1979. Although Allied's production of melamine continually decreased and sales declined since 1976, it continued to operate profitably, although at decreasing levels, until it closed in 1978.

In mid-1979, Allied sold its facilities to Ashland Oil. This sale included plant, equipment, and land, but there was no transfer of Allied's melamine or production technology. There is no indication that Ashland Oil intends to begin production of melamine in the near future, and such production could require considerable capital investment.

MCI claims[1] that American Cyanmid should be partially excluded from the domestic industry as to production of melamine for its captive market and included only as to its production for the domestic merchant market. MCI cites section 771(4)(B) of the Act[2] as the authority under which the Commission has discretion to allow such exclusion and points out that the legislative history supports such view.[3] This claim by MCI presents two issues, however: (1) The exclusion of a producer as a related party as defined in section 771(4)(B) and (2) the discretion of the Commission to exclude that portion of the domestic industry which is captively consumed by a producer. Excluding American Cyanamid as a related party is inappropriate as it is a major supplier of U.S.-produced melamine to the open market.

In our opinion, excluding American Cynamid's production for captive consumption presents the best possible situation for the case presented by petitioner. When the factors are considered in the light most favorable to the petitioner, there is no material injury or threat thereof. Even if captive consumption were included, there would be no finding of material injury or threat thereof.

During the period 1976–78, U.S. production of melamine declined by 16 percent; in the first eleven months of 1979, the production further declined to a level below that for the same period in 1978. Apparent U.S. merchant market consumption fluctuated during the period with 1976 and 1978 being the peak years.

Official statistics[1] show that imports of melamine from Italy began in 1977 and rose to 6 million pounds in 1978, but then fell below 1.5 million pounds for the first 11 months of 1979. Imports from Austria amounted to 579,000 pound in 1976, rising to 3 million pounds in 1978 and then falling to 2 million pounds for the first 11 months of 1979. In comparison to total U.S. production, Austrian imports never reached 3 percent during the 1976–78 period and those for Italy increased to just over 5 percent of domestic production in 1978. For the first eleven months of 1979, the market shares for imports from Austria and Italy were substantially below the same period in 1978. The ratio of imports from Italy to U.S. merchant market sales climbed to 0.4 percent in 1977 to over 7 percent in 1978; the percentage for the first eleven months of 1979, however, dropped to less than a third of that figure. Austria held under 4 percent of the U.S. merchant market consumption in 1978, but its share also declined substantially in 1979.

Throughout the time of decreased production, decreasing consumption, and increasing imports, the domestic industry's total sales continually increased and profits remained at consistently high levels. The market formerly held by Allied was diverted, in part, to MCI and American Cyanamid, accounting for a portion of their increased sales. Net operating profits for MCI increased steadily with a consistently high ratio to net sales since 1976. Although the financial experience of American Cyanamid showed losses, this can largely be attributed to their accounting procedures and internal transfers made at cost.

Sections 771(7)(B) and (C) of the Act require the consideration of the volume of imports, their effect on domestic prices, and their impact on domestic producers of a like product using the

[6] Staff Report to the Commission, Inv. Nos. 731–TA–13 and 14 (Final), pp. A–43–46, tables 15–18.

[1] Since melamine is produced by two firms in the United States, the establishment of an industry is not at issue in these investigations and will not be discussed further.

[2] On March 13, 1980, the Commission instituted an investigation on melamine, in crystal form, from the Netherlands upon notice from Commerce of its preliminary affirmative determination of LTFV sales. The Commission heard testimony at the hearing held April 11–12, 1980, with respect to all three investigations. Subsequently, on April 25, 1980, Commerce issued a final negative determination that melamine from the Netherlands was not being sold at LTFV. Therefore, the Commission's investigation with respect to the Netherlands was terminated.

[1] Prehearing Statement of MCI, pp. 11–12.

[2] Section 771(4)(B) provides that—

"When some producers are related to the exporters or importers, or are themselves importers of the allegedly subsidized or dumped merchandise, the term 'industry' may be applied in appropriate circumstances by excluding such producers from those included in that industry."

[3] Senate Report No. 96–249 (96th Cong., 1st sess.), 1979, p. 83.

[1] With only two firms comprising the domestic industry, Commission rules prevent the disclosure of information which would reveal the industry's operations. Therefore, specific data regarding the operations of the domestic industry which are not part of the public record will not be discussed in this opinion. In order to present as much information as possible, we have used official statistics.

guidelines of certain specific economic factors. The following are our findings based on the record in these investigations.

Findings of Fact

A. Volume of Imports

1. Imports of melamine from Italy, as reported in official statistics, rose from zero in 1976 to 263,000 pounds in 1977, 6 million pounds in 1978, and fell from 5.6 million pounds in January–November 1978 to 1.5 million pound for the same period of 1979. Imports of melamine from Austria were 579,000 pounds in 1976, 2.2 million pounds in 1977, 3 million pounds in 1978, and fell from 2.7 million pounds in January–November 1978 to 2 million pounds for that period of 1979. Questionnaire statistics differ from those reported by Commerce but follow the same trends. (Report at A–31, Table 9)

2. Based on the questionnaire responses, sales by importers of melamine from Austria and Italy show a peak level in 1978 but declined sharply in January–November of 1979. (Report A–32, Table 10)

3. The ratio of imports of melamine from both Italy and Austria to U.S. merchant market consumption increased from 1976 to 1978 but fell sharply in 1979. Although those data are confidential, the ratio of imports to domestic producers' merchant sales are similar, they never reached above 4 percent for Austria or 8 percent for Italy in any year. The ratio of imports from these two countries to total U.S. production followed the same trend. (Report at A–31, Table 9; A–43, Table 15; and A–44, Table 16)

B. Effect of Imports on U.S. Prices

4. Austrian melamine was priced competitively with the domestic product in each of the years investigated except 1977, when a margin of underselling of more than a cent per pound occurred. (Report at A–56; Table 22)

5. Italian melamine was priced by more than a cent per pound below domestic melamine during the period November 1977–March 1979, but was priced competitively with the domestic product for the balance of 1979. (Report at A–57; Table 23)

6. The margins of underselling by Austrian and Italian melamine of the domestic product were more than accounted for by the LTFV margins found by Commerce. (Report at A–48)

7. Melamine prices have increased at an average annual rate of 4 percent since 1976, roughly paralleling recent trends of other industrial chemical and resins operations. (Report at A–62; Figure 6)

C. Impact on Domestic Producers of the Like Product

8. Total U.S. production of melamine declined steadily from 1976 to 1979. Much of the decline is due to the difficulties suffered by Allied. MCI, however, has increased production since 1977 and although production at American Cyanamid has trended downward through 1978, the first eleven months of 1979 show increases for that firm. The domestic industry's total market share has steadily remained above 75 percent. (Report A–21–22; Tables 5 and 17)

9. Total U.S. producers' open-market sales (including export sales) declined from 1976 to 1979. But combined sales of American Cyanamid and MCI rose sharply in 1979 after Allied ended production. (Report A–25)

10. Total domestic production capacity as well as capacity utilization declined from 1976 to 1979, primarily owing to the shutdown of Allied's facilities in 1978. MCI has reported that it intends to increase its capacity and may plan further expansion in the future. (Report A–21–25, Table 5 and Transcript pp. 57–58)

11. The industry's total profits declined since 1976 with a slight increase in the period January–November 1979. However, within the industry, MCI reported substantially increasing profits throughout the period. Allied continued to operate profitably until it closed in 1978 and American Cyanamid reported losses in every year except 1977 (these reported losses are attributed to accounting procedures employed by American Cyanamid and their internal transfers of melamine); the financial experiences of these two companies combined account for the declining profits of the whole industry. Although there are declining profit trends, the profits have remained at a consistently high level. (Report A–36–39, Table 13)

12. Total domestic end-of-period inventories more than doubled from 1976 to 1978, but then returned to the 1976 level in 1979. MCI had considerable inventories built up in 1978, however, with the closing of Allied, substantial sales were made from inventories to meet demand in 1979, accounting for the reduced inventory in that year. (Report A–33; Table 11)

13. Domestic workers involved in melamine production rose from 207 in 1976 to 223 in 1978, but the total number of workers declined in 1979. The number of production and related workers at MCI and American Cyanamid increased from 1978 to 1979. The total number of person-hours worked by production and related workers in the production of melamine followed the same trend. (Report A–33–36; Table 12)

14. Apparent U.S. consumption and U.S. merchant market consumption fluctuated during the 1976–79 period with peak consumption in 1976 and 1978. (Report Tables 17 and 18)

15. The return on investment experienced by the domestic industry generally trended downward in the period 1976–January–November 1979, whether considered as a ratio of net operating profit to the original cost, book value, or replacement cost of net fixed assets. (Report at Table 14)

16. No information has been provided to the Commission regarding wages, cash flows, and the ability to raise capital.

Conclusions of Law

A. The domestic melamine industry consists of those facilities in the United States devoted to the production of melamine for the merchant market.

B. Excluding American Cyanamid's production for captive consumption presents the best possible situation for the case presented by petitioner, however, the consideration of the effect of LTFV imports on a domestic industry which included American Cyanamid's captively consumed melamine would not have changed the outcome of these investigations.

C. Upon assessing the impact of imports of melamine from Austria and Italy, both separately and in combination, we conclude that the domestic melamine industry is not materially injured or threatened with material injury by reason of imports of melamine from these countries which Commerce has determined are being or are likely to be sold at LTFV.

Issued: May 5, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–14813 Filed 5–13–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–63 (Final)]

Textiles and Textile Products of Cotton From Pakistan; Institution of Final Countervailing Duty Investigation and Scheduling of Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of a Final Countervailing Duty Investigation.

SUMMARY: As a result of a request by the Government of Pakistan for review of an outstanding countervailing duty order issued by the United States Department of Commerce, that subsidies are being paid on certain textiles and textile products from Pakistan described hereinafter, the Commission hereby gives notice of the institution of investigation No. 701–TA–63 (Final) to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order announced on July 13, 1979, (44 FR 40884) if that order were revoked. The textiles and textile products which are the subject of this investigation are the same as those covered by the **Federal Register** notice of April 16, 1980 (45 FR 25977) instituting inv. No. 701–TA–62 (Final), except for cotton towels provided for in items 366.18, 366.21, 366.24, and 366.27 of the Tariff Schedules of the United States which are not covered by the Commerce Department's outstanding countervailing duty order and therefore are not included in this investigation.

EFFECTIVE DATE: May 2, 1980.

FOR ADDITIONAL INFORMATION, CONTACT:

Ms. Vera Libeau, Senior Investigator, Office of Operations, U.S. International Trade Commission, Room 339, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523–0368.

SUPPLEMENTARY INFORMATION: The provisions of the Trade Agreements Act of 1979 (Pub. L. 96–39, 93 Stat. 144) amending the Tariff Act of 1930 (19 U.S.C. 1303) (hereinafter "the Act") became effective on January 1, 1980. The provisions of sections 104(b) (1) and (2) provide that in the case of a countervailing duty order issued under section 303 of the Act—

(A) Which is not a countervailing duty order to which subsection (a) applies,

(B) Which applies to merchandise which is the product of a country under the Agreement, and

(C) Which is in effect on January 1, 1980, or which is issued pursuant to court order in an action brought under section 516(d) of that Act before that date,

upon the request of the government of such a country or of exporters accounting for a significant proportion of exports to the United States of merchandise which is covered by the order, submitted within 3 years after the effective date of title VII of the Act, the Commission shall commence an investigation to determine whether—

(A) An industry in the United States—

(i) Would be materially injured, or

(ii) Would be threatened with material injury, or

(B) The estabishment of an industry in the United States would be materially retarded,

by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

Section 104(b)(3) required that the determination shall be made not later than three (3) years after the commencement date of the investigation. However, pursuant to § 207.32 of the Commission's rules of practice and procedure (19 CFR 207.32) this investigation shall be conducted in accordance with the procedures and time limitations prescribed by part 207, Subpart C (19 CFR Part 207) applying to final investigations as to whether injury to domestic industries results from subsidized exports to the United States. Inasmuch as the products covered by this investigation are the same as those covered in investigation No. 701–TA–62 (Final), Textiles and textile products of cotton from Pakistan, except as specified above, the two investigations will be conducted concurrently.

WRITTEN SUBMISSIONS: Any person may submit a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before June 30, 1980.

All written submissions, except for confidential business data, will be available for inspection by interested persons at the Office of the Secretary and in the Commission's New York Office, 6 World Trade Center, New York, N.Y. 10048. Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on June 3, 1980.

HEARING: The Commission will hold a hearing in connection with this investigation on June 25, 1980. It will be held in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, and will begin at 10:00 a.m., e.d.t. Parties wishing to participate should notify the Office of the Secretary not later than five (5) days prior to the date of the hearing. In addition, all parties desiring to appear at the hearing and make oral presentations must submit prehearing statements. Such statements must be filed on or before June 17, 1980. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

This notice is published pursuant to § 207.20 of the Commission's rules of practice and procedure (19 CFR 207.20, 44 FR 76458).

Issued: May 6, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–14814 Filed 5–13–80; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

United States Circuit Judge Nominating Commission, Second Circuit Panel; Meeting

May 9, 1980.

The Second Circuit Panel of the United States Circuit Judge Nominating Commission will hold meetings on the following dates: May 17, 1980; May 23, 1980; May 30, 1980; June 5–6, 1980; June 12–13, 1980; and June 19–20, 1980. All meetings will begin at 10 a.m. in the offices of Davis, Polk, and Wardwell, One Chase Manhattan Plaza, New York. These meetings will be devoted to discussions of applicants and interview of candidates for nomination to the Second Circuit Court of Appeals, and will be closed to the public pursuant to Pub. L. 92–463, Section 10(d) as amended. (CF 5 U.S.C. 552b(c)(6)). Due to scheduling arrangements and the limited time in which to complete the work of the Panel, the scheduling of the May 17 and May 23 meeting could not meet the full 15 day requirement for public notice.

Phillip B. Cover,

Committee Management Control Officer.

[FR Doc. 80–14747 Filed 5–13–80; 8:45 a.m.]

BILLING CODE 4410–01–M

LEGAL SERVICES CORPORATION

Grants and Contracts

May 9, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Western Kentucky Legal Services, Inc., in Madisonville, Kentucky, to serve Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Hancock, Hickman, Livingston, Lyon, Marshall, McLean, Ohio, Todd, Trigg, Union and Webster Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, N.E., 9th Floor, Atlanta, Ga. 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80–14776 Filed 5–13–80; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

May 9, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project * * *."

The Legal Services Corporation hereby announces publicly that is is considering the grant application submitted by:

Redwood Legal Assistance in Eureka, California, to serve Del Norte County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, California 94104.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80–14777 Filed 5–13–80; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

May 9, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services of Northern California, Inc., in Sacramento, California, to serve Modoc, Siskiyou and Trinity Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, California 94104.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80–14778 Filed 5–13–80; 8:45 am]

BILLING CODE 6820–35–M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report; Nineteenth Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the nineteenth periodic report to Congress on abnormal occurrences NUREG–0090, Vol. 2, No. 4). The release date is May 9, 1980.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The nineteenth report to Congress is for the fourth quarter of 1979. The report identifies the occurrences or events that the Commission determined were significant and the remedial action that was undertaken. The report indicates that the following incidents or events were determined by the Commission to be significant and reportable:

(a) There were no abnormal occurrences at the nuclear power plants licensed to operate.

(b) There were no abnormal occurrences at fuel cycle facilities (other than nuclear power plants).

(c) There were no abnormal occurrences at other licensee facilities.

(d) There was one abnormal occurrence reported by the Agreement States. The incident involved overexposure of a hot cell operator.

The nineteenth report to the Congress also contains updating information on some abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, N.W., Washington, D.C. or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG–0090, Vol. 2, No. 4, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, or from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or about May 23, 1980.

Dated at Washington, D.C. this 8th day of May, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80–14781 Filed 5–13–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Notice of Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised

the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment authorizes changes that will enhance low temperature overpressure protection and increase assurance that the reactor vessel will not be subjected to pressure transients which could exceed the limits established in accordance with Appendix G of 10 CFR Part 50.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment did not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 3, 1978, and supporting information transmitted by letters dated September 3, 1976, October 15, 1976, December 3, 1976, March 1, 1977, March 21, 1977, April 26, 1977, June 1, 1977, September 7, 1977, November 30, 1977 and March 6, 1978, (2) Amendment No. 33 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nucler Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th Day of April, 1980.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 80-14782 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Notice of Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the license for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment incorporates a new license Condition (Paragraph 3.G) into License DPR-20 to allow performance of a feedwater line water hammer test.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 11, 1980, and a supplement thereto dated April 16, 1980, (2) Amendment No. 56 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of April, 1980.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Division of Operating Reactors.

[FR Doc. 80-14783 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co. et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit operation with one recirculation loop out of service.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 2, 1980, (2) Amendment No. 60 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 7th day of May 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 80-14784 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co.; Notice of Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Provisional Operating License No. DPR-16, issued to Jersey Central Power & Light Company (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as its date of issuance.

The amendment allows a minimum suppression chamber downcomer submergence of three feet.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 29, 1980, (2) Amendment No. 46 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Brick Town, New Jersey 08723. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 23rd day of April, 1980.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch #2, Division of Operating Reactors.

[FR Doc. 80-14785 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co. et al.; Notice of Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for TMI-1 to establish the qualifications of the site Supervisor of Radiation Protection and Chemistry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For futher details with respect to this action, see (1) the application for amendment dated October 6, 1977, (2) Amendment No. 53 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of April 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 80-14786 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.14, Revision 1, "Radiological Effluent and Environmental Monitoring at Uranium Mills," describes programs acceptable to the NRC staff for measuring and reporting releases of radioactive materials to the environment from typical uranium mills. This guide has been revised as a result of public comment and additional staff review. In addition, its scope has been expanded to include offsite environmental monitoring.

Therefore, although comments and suggestions in connection with improvements in all published guides are encouraged at any time, comments on this guide will be particularly helpful to the NRC staff in evaluating the need for another revision to this guide if they are submitted within two months of the publication of the guide. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory

Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 5th day of May 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-14787 Filed 5-13-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11161; 812-4541]

American Music Stores, Inc. and National Bank of Detroit; Filing of Application

May 7, 1980.

Notice is hereby given that American Music Stores, Inc. ("Company"), P.O. Box 126, Bloomfield Hills, Michigan 48013, registered under the Investment Company Act of 1940 ("Act") as a nondiversified, closed-end, management investment company, and National Bank of Detroit ("Bank") as Co-Executor of the Will of Jack J. Wainger, Deceased, Trust Division, Box 222A, Detroit, Michigan 48232, filed an application on September 24, 1979, and an amendment thereto on February 21, 1980, for an order of the Commission pursuant to Section 17(b) of the Act exempting from the provisions of Section 17(a) of the Act the proposed sale of a promissory note by the Company to Ruth Wainger and the Bank, as Co-Executors of the Will of Jack J. Wainger, Deceased ("Estate"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

As stated in the application, on August 1, 1973, Andrews Music Company ("Andrews"), a wholly-owned subsidiary of the Company, purchased the assets of Stephenson Music Company and issued a promissory note ("Andrews Note"), guaranteed by the Company, in the principal amount of $80,000 as a part of the purchase payment. Applicants state that the Stephenson Music Company assigned the Andrews Note to Charles A. Stephenson, Jr., and that upon his death on May 13, 1976, the Wachovia Bank & Trust Company, N.A. ("Wachovia") was appointed administrator of his estate.

Applicants state that pursuant to a purchase agreement dated December 17, 1975, the Company sold on June 8, 1976, substantially all of its assets to GBI, Inc. (which subsequently changed its name to Grinnell Brothers, Inc. ["Grinnell"]).

Applicants also state that under the terms of the purchase agreement, Grinnell assumed and agreed to pay all of the debts and obligations of the Company, which included the Andrews Note; however, notwithstanding the assumption by Grinnell of the Company's liabilities, the Company remained contingently liable on the Andrews Note because it was not released from its obligations under the guarantee.

According to the application, a lawsuit entitled *Galdi v. Wainger* was commenced in August 1976, against the Company and certain individual defendants by certain stockholders of the Company alleging violations of the Securities Exchange Act of 1934 ("1934 Act"), the Act and the rules and regulations thereunder, as well as breaches of common law fiduciary trust owed to the Company. The suit, according to Applicants, sought to compel the Company to adopt a plan of liquidation, among other things. Applicants state that a second lawsuit against the Company was filed on June 6, 1977, by Grinnell, who soon thereafter came under the jurisdiction of the Bankruptcy Court, alleging certain violations of the Securities Act of 1933, the 1934 Act, the Michigan Uniform Securities Act, the Uniform Commercial Code and common law, arising out of the sale of the Company's assets to Grinnell.

Applicants state that as a part of the settlement of the *Galdi v. Wainger* lawsuit, the Board of Directors of the Company adopted a plan of Liquidation ("Plan") in December 1977, pursuant to which the first liquidating distribution of $10.95 per share was made to each stockholder that year. Applicants also state that on June 22, 1978, the Grinnell lawsuit was settled. Applicants state that in conformance with the settlement agreement, Grinnell paid to Wachovia $11,640, representing the amount in default plus interest on the Andrews Note, and issued a promissory note ("Grinnell Note") to Wachovia in the amount of $44,000, representing the amount then outstanding on the Andrews Note, with the following features: the note was dated June 7, 1978, payable at the rate of $4,000 semi-annually and the last payment was due in 1984, with interest at 7% per annum on the unpaid balance. Notwithstanding the issuance of the Grinnell Note, Applicants state that the Andrews Note was not cancelled or paid, and the Company remained contingently liable for the amount owed Wachovia.

As indicated in the application, the Company purchased the Grinnell Note on June 22, 1978, from Wachovia for the discounted price of $38,000. The application states that the Grinnell Note was purchased in order to facilitate the settlement of the Grinnell lawsuit and to eliminate the Company's contingent liability to Wachovia. Since purchasing the Grinnell Note, the Company has received payments from Grinnell totaling $16,000, according to the application.

According to the application, subsequent to the settlement of the lawsuits the Company took the following steps to effect liquidation according to the Plan. (1) On November 28, 1978, the stockholders of the Company met at a special meeting and approved the dissolution of the Company. (2) On December 11, 1978, a Certificate of dissolution of the Company was filed with the State of Delaware; thereafter, a liquidating trust, consisting of all the undistributed assets of the Company, was formed and a trustee appointed. Applicants state that as of December 18, 1978, there were approximately $435,000 in net assets in the liquidating trust and approximately 520 holders of record of the Company's stock. (3) On November 21, 1979, the Company informed its stockholders, with the advice of independent accountants, and after setting aside such amounts necessary for the payment of unascertained or contingent liabilities, that the trustee had arranged to make the final liquidating distribution. Applicants state that in connection with this announcement the Estate consented to the deferral of $24,500 of the final liquidating dividend due the Estate upon the understanding that upon approval of this application and receipt by the trustee of the purchase price of the Grinnell Note, the trustee will pay the deferred portion of the final liquidating dividend due the Estate. Applicants further state that as of January 11, 1980, there were approximately $159,500 in assets (including cash, investments and the Grinnell Note) and $152,500 in liabilities (including, among other payables, distributions still to be made from the first and the final liquidating distributions) in the liquidating trust, the net assets of the trust having been reduced from the December 1978 figure by expenditures on, among other things, final liquidating distributions, disbursing agent fees, and mailing and printing costs.

Applicants have requested an order pursuant to Section 17(b) of the Act to permit the Company to sell the Grinnell Note to the Estate. Applicants state that in order to allow the trustee to pay the deferred portion of the final liquidating

dividend due the Estate as soon as possible and to avoid incurring the cost of maintaining the liquidating trust until the last payment is received on the Grinnell Note in 1984, the Estate has offered to purchase the Grinnell Note for $24,500, which is $2,500 more than the difference between the $38,000 price paid by the Company for the Grinnell Note and the $16,000 received to date as payments from Grinnell on the note. Applicants also state that the Board of Directors of the Company approved a resolution authorizing the proposed sale of the Grinnell Note for $24,500, determining that the proposed transaction was fair and in the interest of the Company.

Section 2(a)(3) of the Act includes within the definition of "affiliated person" of another person any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person.

Applicants state that Ruth Wainger owns 136,750 shares or 27.9% of the Company's outstanding common stock and that the Estate, for which she serves as co-executor along with the Bank, owns 110,056 shares or 22.7% of the Company's outstanding common stock, and acknowledge that the Estate, by virtue of its stock ownership of the Company, is an affiliated person of the Company.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company or any affiliated person of such person, acting as principal, knowingly to purchase from such registered investment company any security or other property except securities of which the seller is the issuer. Section 17(b) of the Act generally provides that, upon application, the Commission shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants submit that an order of exemption pursuant to Section 17(b) is appropriate for the reasons which follow. (1) The Company in its registration statement of October 28, 1976, clearly set forth its intention to propose a plan of liquidation and the stockholders approved the dissolution of the Company at a special meeting held on November 28, 1978. Therefore, it is consistent with the policy of the Company to sell the Grinnell Note for cash, which would then be available for distribution as the final liquidating dividend due the Estate. (2) The terms of the proposed transactions, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned. The sale of the Grinnell Note to the Estate for $24,500 will, when added to the $16,000 in payments previously received by the Company from Grinnell, result in a return of $2,500 more than the $38,000 purchase price paid by the Company. (3) The purchase of the Grinnell Note by the Estate is consistent with the general purposes and policy of the Act for, if the Company is not permitted to make the proposed sale, the Estate will have to wait until 1984 to receive the deferred portion of the final liquidating dividend and the Company will not be able to finish winding up its affairs until 1984, and thus, will absorb the costs associated with continued existence. These costs would include accounting and audit fees, legal fees, trustee services, fidelity bond premium (approximately $840) and directors fees ($100 per director for a total of $500 for each time the directors meet).

NOTICE IS FURTHER GIVEN that any interested person may, not later than June 2, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–14730 Filed 5–13–80; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11158; 812–4650]

Carnegie Liquid Assets, Inc.; Filing of Application

May 7, 1980.

Notice is hereby given that Carnegie Liquid Assets, Inc. ("Applicant"), 831 National City Bank Building, Cleveland, Ohio 44114, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company filed an application on April 4, 1980, requested an order of the Commission to exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act, to the extent necessary to permit Applicant to compute its net asset value per share according to the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant has filed a registration statement on Form N–1 to register under the Act. Applicant will be "money market" fund designed primarily as an investment vehicle for investors with cash reserves or temporary cash balances with the objective of obtaining as high a level of current income as is consistent with prudent investment management, the preservation of capital and liquidity.

Applicant indicates that it will invest exclusively in various high-grade money market instruments maturing in one year or less, including securities issued or guaranteed by the U.S. government, its agencies and instrumentalities, obligations of qualifying banks and savings and loans, high-grade commercial paper, certain corporate debt obligations, and instruments (including repurchase agreements) secured by such obligations.

Applicant states that the experience of "money market" funds to date indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant represents that it can provide these features to investors by maintaining a portfolio of high quality, short-term money market instruments

valued at amortized cost. Under the amortized cost method of valuation, a portfolio security is valued at its historic cost (purchase price) and the interest to be earned on the security (plus any discount received or less any premium paid upon purchase) is accrued ratably over the remaining maturity of the security. Applicant indicates that by declaring these accruals to its shareholders as a daily dividend, the value of Applicant's assets and, thus, its net asset value per share, will generally remain constant.

Rule 22c–1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 adopted under the act provides, in pertinent part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. Section 2(a)(41) defines, in pertinent part, the term "value" in a similar manner.

In Investment Company Act Release No. 9786, dated May 31, 1977, the Commission expressed the view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments (except those having maturities of 60 days or less) on an amortized cost basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

According to the application, Applicant's Board of Directors has determined in good faith that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method and that the amortized cost method is in the best interest of the Applicant's stockholders. Applicant's Board has further determined to monitor continuously valuation indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board undertakes—as a particular responsibility within the overall duty of care owed to its stockholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedures to be adopted by the Board shall be the following:

(a) Review by the Board, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board will promptly consider what action, if any, should be initiated.

(c) Where the Board believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing stockholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity, withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted averaged portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the Board determines present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board in the exercise of its discretion to be appropriate indicators of value. In addition, the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

fiscal quarter, and, if any was taken will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than May 30, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–14731 Filed 5–13–80; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11160; 812–4649]

The Chase Fund of Boston; Filing of Application

May 7, 1980.

Notice is hereby given that The Chase Fund of Boston ("Applicant"), 535 Boylston Street, Boston, Massachusetts 02116, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 4, 1980, and an amendment thereto on April 29, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the proposed money-market series of the Applicant, Phoenix-Chase Money Market Fund Series (the "Series") from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit the Series to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant states that it was organized as a Massachusetts business trust on April 7, 1978. The Applicant further states that its investment adviser is Phoenix Investment Counsel of Boston, Inc. and that all of the outstanding stock of the adviser is owned by Phoenix Equity Planning Corporation, the national distributor for the Applicant and a wholly-owned subsidiary of Phoenix Mutual Life Insurance Company.

Applicant states that on December 20, 1979, a plan of recapitalization was approved by its Trustees and that this plan of recapitalization is expected to be submitted to the Fund's shareholders for approval in June, 1980.

Applicant states that under the terms of the proposed plan of recapitalization, its name would be changed to Phoenix-Chase Series Fund and that its shares of beneficial ownership would be divided into several series of shares. Applicant further states that the Series would have as its investment objective that of seeking as high a level of current income as is consistent with the perservation of captial and the maintenance of liquidity by investing in money market instruments having a maturity date of generally less than one year. Applicant also states that it is expected that Phoenix Mutual Life Insurance Company will make an initial investment of $3,000,000 to $5,000,000 in shares of the Series.

According to the application, Applicant will declare and pay its net income as a dividend to its shareholders on a daily basis. Applicant presently defines "net income" for this purpose to consist of (i) all accured interest and discounts earned on its portfolio assets, (ii) minus amortized premiums, (iii) plus or minus all realized gains or losses on the portfolio assets and (iv) less all expenses of the Series. Applicant states that, as a result of these policies, a sudden rise in interest rates or other factors could cause the Series' net income to be a negative amount, in which case Applicant would offset dividends accured during the month for shareholder accounts by such negative amount, Applicant further states that in the event such negative amount exceeded accrued dividends the Applicant would reduce the number of its outstanding shares in order to maintain a constant net asset value of $1.00 per share.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) which respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of order to purchase or sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate, Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or

transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that in order for the Series to be competitive with other "money market funds", it is essential for the Series to maintain a constant net asset value per share. Applicant further states that maintenance of a constant net asset value per share will afford investors in the Series the convenience of being able to determine the value of their share holdings in the Series simply by knowing the number of shares which they own. In addition, Applicant states that amortized cost valuation, absent unusual circumstances, represents the fair value of the Series' portfolio securities and reduces the possibility of forced redemptions triggered automatically by minor fluctuations in the net asset value of the portfolio securities of the Series causing the realization of negative income. Finally, the application states that Applicant's Trustees after giving consideration to the special reserve requirements adopted by the Board of Governors for the Federal Reserve System as to what effect those requirements would have on the Series or its valuation procedure, have concluded that it would be in the best interests of the shareholders of the Series to value its portfolio securities using the amortized cost method of valuation.

Applicant consents to the following conditions being contained in any order of the Commission granting the exemptive relief requested:

(1) In supervising the Series' operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders to establish procedures reasonably designed, taking into account current market conditions and the Series' investment objective, to stabilize the series' net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

(2) Included within the procedure to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Series' $1.00 amortized cost price per share, and maintainence of records of such review.[1]

(b) In the event such deviation from the Series' $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from the Series' $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Series' average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) The Series will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Series will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) The Series will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant represents that its Trustees have determined in good faith that in light of the characteristics of the Series as described above and, subject to compliance with the above conditions, absent usual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and reflects fair value of such securities. Applicant further represents that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 2, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application

[1] Applicant states that to fulfill this condition, the Series intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Trustees in the exercise of its discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Series will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14732 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16788; File Nos. SR-CBOE-80-4, SR-AMEX-80-7, SR-MSE-80-3, SR-PSE-80-4, SR-Phlx-80-10]

Chicago Board Options Exchange, Inc., et al.; Filing of Proposed Rule Changes and Order Approving Proposed Rule Changes

May 6, 1980.

In the Matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Midwest Stock Exchange Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603; Pacific Stock Exchange Incorporated, 301 Pine Street, San Francisco, California 94104; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that the self-regulatory organizations listed above ("SROs") have filed with the Commission copies of proposed rule changes [1] to implement the first phase of the expansion of authorized put options classes.[2] The proposals were filed in accordance with the puts expansion schedules described below submitted by each of the SROs in response to a Commission request in its March 26, 1980, release announcing the termination of the options expansion moratorium (the "March 26 release").[3]

Easch of the SROs has represented that it has sufficient operational and surveillance capabilities to handle any increased volume that may result from the listing of additional put classes.

A. CBOE

The CBOE proposes to implement the first phase of its puts expansion program by listing put options on 27 additional securities on which it currently lists call options, in groups of 15 and 12, approximately two weeks apart. According to its puts expansion schedule, the CBOE intends to make subsequent filings monthly to add additional put classes at a rate not to exceed 12 classes per month. The CBOE has indicated that it may revise its projected schedule downward if it determines that such a modification is dictated by its own operational or regulatory capabilities, the operational capabilities of its member firms, or market conditions.[4]

B. Amex

The Amex proposes initially to list puts on six additional securities underlying its non-multiply traded call options classes, as well as on any underlying security on which Amex calls are mutiply traded, if another SRO intends to list such puts. According to its puts expansion schedule, the Amex intends in subsequent filings to request Commission approval to add up to 10 put classes monthly and, in the event another SRO elects to list puts on securities on which Amex calls are multiply traded, the Amex intends to ist the corresponding put option, notwithstanding the expansion schedule.

C. MSE

As the first phase of its puts expansion program, the MSE proposes to list puts on up to six underlying securities on which it currently lists call options. In accordance with its puts expansion schedule, approximately one month following the approval of the initial filing, the MSE intends to file a request to list puts on the remaining underlying securities on which it currently trades call options.

D. PSE

The PSE, as the first phase of its puts expansion program, proposes to list 13 additional put classes. According to its puts expansion schedule, the PSE intends, upon Commission approval of a subsequent filing, to list puts on its remaining eight securities currently subject to call option trading.

E. Phlx

The Phlx proposes initially to list up to 11 additional put classes. In accordance with its puts expansion schedule the Phlx intends to make subsequent filings to add up to ten more classes during a second phase followed by its remaining classes during a third phase.

Interested persons are invited to submit written data, views and arguments concerning the submission within 30 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the file numbers captioned above.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and of all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes before the thirtieth day after the date of publication of notice of filing thereof. As the Commission observed in the March 26 release, it perceives certain benefits with respect to the listing of both puts and calls on the same underlying security. For example, expanded puts trading will provide investors with an additional investment vehicle to complement call options in the formulation of trading stategies, and may improve the markets for both puts and calls through their concurrent use by market professionals in hedging and arbitrage transactions. In addition, as the Commission also noted in the March 26 release, the major regulatory deficiencies identified by the Commission's Special Study of the Options Markets have been addressed

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[1] The proposed rule changes were filed on the following dates: Chicago Board Options Exchange, Incorporated ("CBOE"), April 15, 1980; American Stock Exchange, Inc. ("Amex"), April 18, 1980; Midwest Stock Exchange, Incorporated ("MSE"), April 16, 1980; Pacific Stock Exchange Incorporated ("PSE"), April 23, 1980; and Philadelphia Stock Exchange, Inc. ("Phlx"), April 21, 1980.

[2] As a result of the options expansion moratorium, each of these SROs has been limited since mid-1977 to the listing and trading of five put classes.

[3] Securities Exchange Act Release No. 16701.

[4] The CBOE has also stated in its filing that its proposed puts expansion schedule is exclusive of the listing of any additional put classes that may result from the consummation of its combination with the MSE options program.

responsibly by the SROs, and the Commission has not identified any regulatory problems unique to puts trading. Each SRO has represented that its surveillance and operational capabilities are sufficient to handle the increased volume resulting from the additional puts listings. Further, it appears at this time that puts expansion in the manner contemplated by the SROs would not adversely affect member firm back office operations. Accordingly, the Commission believes that further delay in the commencement of expansion of put option classes is not necessary or appropriate in furtherance of the purposes of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14733 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21553; 70-6452]

Consolidated Natural Gas Co., et al.; Proposed Intrasystem Financing, Issuance and Sale of Short-Term Notes to Banks and Commercial Paper by Holding Company; Issuance and Sale of Subsidiary Common Stock to Holding Company; Exception From Competitive Bidding

May 6, 1980.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, 30 Rockefeller Plaza, New York, New York 10020, and certain of its subsidiary companies, CNG Coal Company ("Coal Company"), CNG Development Company Ltd., CNG Producing Company ("Producing Company"), CNG Research Company ("Research Company"), Consolidated Gas Supply Corporation ("Gas Supply"), Consolidated Natural Gas Service Company, Inc., Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), The River Gas Company ("River") and West Ohio Gas Company ("West Ohio") have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50(a)(5) and 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to issue up to $125,000,000 of short-term notes to a group of banks during 1980. Such notes will bear variable interest at the prime commercial rate in effect from time to time at Chase Manhattan Bank, N.A. ("Chase Manhattan"). Prepayments may be made in whole or in part, from time to time, upon five days' notice without penalty or premium. There will be no closing or related charges or commitment fee, and the notes will mature not more than twelve months from the date of the first borrowing. No compensating balance requirements will be imposed. The average of deposits regularly maintained by the Consolidated companies in the participating banks for normal operating purposes amounted to approximately $25,700,000 for 1979. It is stated that based on a requirement of 10% of the proposed credit line and 10% of average borrowings thereunder, the average compensating balances would have amounted to approximately $26,600,000 for the year 1979.

Consolidated proposes to use the proceeds from said bank borrowings and from part of the proceeds of Consolidated's proposed issuance and sale of up to $100,000,000 of commercial paper and/or back up bank borrowings as hereinafter described, to make open account advances to its subsidiary companies for the seasonal increase in gas storage inventories, payable as gas is withdrawn and sold during the 1980–81 heating season, and to provide the necessary flexibility for day to day working capital requirements. The total open account advances made by Consolidated through May 31, 1981 shall not exceed $260,000,000. At any one time, however, the aggregate amount of advances to subsidiaries outstanding shall not exceed $225,000,000. Such advances to the subsidiaries will be made up to the amounts set forth in the table below. All advances will be repaid not more than one year from the date of the first advance to each subsidiary with interest at substantially the same effective rate as incurred by Consolidated on the related gas storage bank loan, commercial paper sale and/or bank borrowings.

Subsidiary company	Amounts
Producing Company	$20,000,000
Gas Supply	105,000,000
LNG Company	30,000,000
East Ohio	50,000,000
Peoples	50,000,000
River	2,000,000
West Ohio	3,000,000
	260,000,000

Consolidated further proposes to acquire, and the subsidiary companies set forth below propose to issue and sell to Consolidated from time to time up to May 31,1981, capital stock up to the following amounts at the par value thereof:

	Number of shares		Aggregate par value
Coal Company	20,000	($100 par)	$2,000,000
Producing Company	725,000	($100 par)	72,500,000
Research Company	35,000	($100 par)	3,500,000
Gas Supply	300,000	($100 par)	30,000,000
River	10,000	($100 par)	1,000,000
West Ohio	200,000	($5 par)	1,000,000
	1,290,000	(shares)	110,000,000

The proceeds derived from the proposed sale of stock will be used to finance, in part, the subsidiaries' capital expenditures. The purchase of such stock will be made principally with funds from internal cash generation, and from the sale of common stock pursuant to Consolidated's stockholder and employee stock plans.

The authorized capital stock of CNG Producing Company, CNG Research Company, Consolidated Gas Supply Corporation and The River Gas Company is not sufficient to cover the additional shares they proposed to issue, as stated above. Consolidated as of the date hereof holds 1,081,000 shares of Producing capital stock, 92,500 shares of Research capital stock, 1,761,000 shares of Supply capital stock and 25,500 shares of River capital stock. Therefore, in order to accommodate the proposed transactions and to provide for future issues, the companies listed below propose to amend their certificates of incorporation.

	From	To
Producing Company	1,250,000	2,000,000
Research Company	100,000	140,000
Gas Supply	2,000,000	2,500,000
River Company	35,000	50,000

As indicated above, Consolidated proposes to issue and sell from time to time up to May 31, 1980 commercial paper, in the form of short-term promissory notes payable to bearer, in the aggregate face amount not to exceed $100,000,000 outstanding at any one time to Salomon Brothers ("Salomon"). The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued

and sold in varying denominations of not less than $50,000 and not more than $5,000,000 directly to Salomon at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Consolidated proposes to sell commercial paper only so long as its discount rate or effective interest cost on the date of sale does not exceed the equivalent cost of borrowings from a commercial bank.

No commission or fee will be payable by Consolidated in connection with the issue and sale of such commercial paper notes. Salomon as principal, will reoffer such notes at a discount not to exceed one-eighth of one percent per annum less than the prevailing discount rate to Consolidated. Such notes will be reoffered to not more than 200 identified and designated customers on a nonpublic list prepared in advance by Salomon and furnished to the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by the dealer pursuant to a repurchase agreement, such paper will be reoffered only to others in the group of 200 customers. The issuance and sale of commercial paper is to meet working capital requirements.

Consolidated proposes to the extent that it becomes impracticable due to market conditions to issue such commercial paper, to borrow, repay, and reborrow from Chase Manhattan, from time to time up to May 31, 1981, an aggregate principal amount not to exceed $50,000,000 outstanding at any one time, on an unsecured basis and without a commitment fee, at the prime commercial rate of interest in effect on the date of each borrowing. In such event, it would also borrow, repay and reborrow from Citibank, N.A. from time to time up to May 31, 1981, an aggregate principal amount not to exceed $50,000,000 outstanding at any one time on an unsecured basis and with a commitment fee of .375% on said principal amount, at the base rate of interest of Citibank in effect on the date of each borrowing. The borowings will be evidenced by the note or notes of Consolidated having a maturity date not more than 90 days from the date of each borrowing. The notes may be prepayed, in whole or in part at any time, without prior notice and without premium. There will be no closing or related charges with respect to the bank loans.

Consolidated requests that, for the period commencing upon the date of the granting of this application-declaration and ending May 31, 1981, an exemption be allowed from the provisions of Section 6(a) of the Act pursuant to the first sentence of Section 6(b), relating to the issuance and sale of short-term notes, by increasing the 5% limitation on such notes to a maximum of 12% in order to permit Consolidated to have outstanding at any one time up to $100,000,000 principal amount of short-term notes during such period as proposed herein.

Consolidated requests exception from the competitive bidding requirements of Rule 50(b) with respect to the sale of commercial paper pursuant to paragraph (a)(5). It states that such commercial paper will have maturities of nine months or less, that current rates for commercial paper for prime borrowers, such as Consolidated, are published daily in financial publications, and that it is not practical to invite competitive bids for commercial paper. Consolidated also proposes that the Rule 24 certificates of notification regarding the proposed transactions be filed on a quarterly basis.

It is stated that CNG Development Company Ltd. and Consolidated Natural Gas Service Company, Inc., have no new financing requirements for 1980 at the time of filing and that if such requirements should arise, an amendment to that effect will be filed as part of this proceeding.

The application-declaration states that the Public Service Commission of West Virginia has jurisdiction over the proposed short-term borrowings and stock issuances of Gas Supply, that the Public Utilities Commission of Ohio has jurisdiction over the stock issuances proposed by River and West Ohio. It is further stated that no other state or federal commission, other than this Commission has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $12,500, including $10,000 for the system service company charges, at cost. All of such fees and expenses are to be paid by Consolidated.

Notice is further given that any interested person may, not later than May 30, 1980, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14734 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21554; 70-6454]

Indiana & Michigan Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds

May 7, 1980.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M"), 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc., has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell up to $80,000,000 aggregate principal amount of its first mortgage bonds of a new series, having a maturity of not less than 5 years and not more than 30 years. The interest rate, which will be expressed in a multiple of ⅛ of 1%, and the price to be paid to I&M for the bonds, which shall not be less than 99% and shall not exceed 102-¾%, will be determined by competitive bidding. The bonds will be issued under and secured by I&M's Mortgage and Deed of Trust, dated June 1, 1939, between it and Irving Trust Company and D. W. May, Trustees, as

previously amended and supplemented, and as to be further amended by a Supplemental Indenture to be dated June 1, 1980. None of the bonds may be redeemed prior to a date five years subsequent to the first day of the month in which the bonds are first authenticated and delivered, if such redemption is for the purpose of refunding such bonds through the use, directly or indirectly, of borrowed funds at an effective interest cost of less than the effective interest cost to the company of such bonds.

The proposed sale of the bonds is part of an overall financing program of I&M which also contemplates that American Electric Power Company, Inc., I&M's parent, will make cash capital contributions in an aggregate amount of up to $50,000,000 during 1980, as previously authorized on October 12, 1979 (HCAR No. 21248). As of March 30, 1980, I&M had received cash capital contributions in an aggregate amount of $25,000,000.

The proceeds from the sale of the bonds will be used to repay unsecured short-term indebtedness of I&M consisting of notes payable to banks and commerical paper. As of March 31, 1980, approximately $128,330,000 principal amount of such unsecured short-term debt was outstanding and it is anticipated that, at the time of the sale of the new bonds and following receipt of the cash captial contributions, not less than $150,000,000 aggregage principal amount of such unsecured short-term debt will be outstanding.

The fee and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Public Service Commission of Indiana and the Michigan Public Service Commission have jurisdiction over the proposed transactions and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than June 2, 1980, request in writing that a hearing be held on such a matter, stating the nature of his interest, the reasons for such request, and that issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14735 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11162; 812-4599]

Edward D. Jones & Co. Daily Passport Cash Trust; Filing of Application

May 7, 1980.

Notice is hereby given that Edward D. Jones & Co. Daily Passport Cash Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 24, 1980, and an amendment thereto on April 4, 1980, requesting an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for statements of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts business trust and that Daily Cash Research Corp. ("Daily Cash"), serves as its investment adviser. According to the application, Federated Investors, Inc., owns all of the outstanding voting stock and one-half of the non-voting stock of Daily Cash. Edward D. Jones & Co., distributor of shares of Applicant, owns the remainder of Daily Cash's non-voting stock. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking current income consistent with stability of principal, and that its portfolio may be invested in money market instruments that mature in one year or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant represents that its trustees ("Management") have properly determined in good faith under the provisions of the Act to value its portfolio by use of the amortized cost

method and that this method is in the best interest of its shareholders. According to the application, experience has shown that, given the unique nature of Applicant's policies and operations, there should be a negligible discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Applicant further represents that: (1) its Management has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its Management has further determined to monitor continuously valuations by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit its assets to be valued on an amortized cost basis.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemption it requests satisfies these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Management undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Management shall be the following:

(a) Review by Management, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that Management will promptly consider what action, if any, should be initiated by Management.

(c) Where Management believes the extent of any deviation from Applicant's $1.00 amortized costs price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of Management's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of Management's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by Management in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United states dollar denominated instruments which Management determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Management.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 2, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–14736 Filed 5–13–80; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 21557; 70–66225]

Louisiana Power & Light Co., Post-Effective Amendment Regarding Increase of Short-Term Borrowings

May 7, 1980.

Notice is hereby given that Louisiana Power and Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, an

electric subsidiary company of Middle South Utilities, Inc., a registered holding company has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated December 15, 1978, January 5, 1979, and July 10, 1979 (HCAR Nos. 20832, 20873, and 21141), Louisiana was authorized to issue and sell, from time to time until December 31, 1980, notes to banks and commercial paper to a dealer in an aggregate principal amount of all such borrowings at any one time outstanding not exceeding $150,000,000. The presently effective loan commitments from such banks terminate on December 31, 1980, with loans thereunder maturing not later than December 31, 1980. Louisiana presently has an aggregate principal amount of short-term borrowings by means of bank loans and the sale of its commercial paper of $107,700,000.

Louisiana now proposes that the aggregate principal amount of all such borrowings that it is permitted to have outstanding at any one time be increased to the lesser (from time to time) of $165,000,000 or ten per centum (10%) of the aggregate of (a) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by Louisiana and then outstanding and (b) the capital and surplus of Louisiana as then stated on its books of account. Set forth below are the respective maximum amounts which the banks from which such bank loans are to be made have committed themselves to lend during the period through December 31, 1980, and the names of such banks:

	Maximum amount
The Chase Manhattan Bank, N.A., New York, N.Y.	$59,000,000
Irving Trust Company, New York, N.Y.	15,000,000
Chemical Bank, New York, N.Y.	10,000,000
Citibank, N.A., New York, N.Y.	10,000,000
Manufacturers Hanover Trust Company, New York, N.Y.	10,000,000
Whitney National Bank of New Orleans, LA	8,000,000
First National Bank of Lousiville, Kentucky	8,000,000
First National Bank of Commerce, New Orleans, LA	6,000,000
Bank of the Southwest, Houston, Texas	5,000,000
Bank of Virginia, Richmond, VA	5,000,000
Hibernia National Bank, New Orleans, LA	5,000,000
Security Pacific National Bank, Los Angeles, CA.	5,000,000
National American Bank of New Orleans, LA	2,800,000
Jefferson Bank & Trust Company, Metairie, LA	1,000,000
The Bank of New Orleans and Trust Company, New Orleans, LA	750,000
The National Bank of Commerce in Jefferson Parish, LA	750,000
First State Bank & Trust Company, Bogalusa, LA	640,000
Central Bank, Monroe, LA	500,000
First National Bank of West Monroe, LA	500,000
First National Bank of Jefferson Parish, Gretna, LA	400,000
Bastrop National Bank, Bastrop, LA	250,000
The First National Bank of Delhi, LA	250,000
Assumption Bank and Trust Company, Napoleonville, LA	240,000
American Bank & Trust Company in Monroe, LA.	100,000
Bank of Louisiana in New Orleans, LA	100,000
Bank of South, Gretna, LA	100,000
Guaranty Bank & Trust Company, Gretna, LA	100,000
Metairie Bank & Trust Co., Metairie, LA	100,000
Ouachita National Bank, Monroe, LA	100,000
Terrebonne Bank & Trust Company, Houma, LA.	100,000
First Guaranty Bank, Hammond, LA	75,000
Franklin State Bank & Trust Company, Winnsboro, LA	50,000
Winnsboro State Bank & Trust Company, Winnsboro, LA	50,000
Bank of Morehouse, Bastrop, LA	25,000
Citizens Bank & Trust Company, Thibodaux, LA.	20,000
Total amount	$155,000,000

The proposed transactions remain unchanged in all other respects, including the maturity date of December 31, 1980. Louisiana's construction program contemplates expenditures of approximately $285,000,000 in 1980, and the company now estimates that it will require approximately $257,000,000 of funds from external sources in 1980.

It is stated that no special or separate expenses are anticipated in connection with the proposed transactions except legal fees not exceeding $1,000, and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14737 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 16789; SR-Phlx—80-6]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

May 6, 1980.

On March 24, 1980, the Philadelphia Stock Exchange, Inc. ("Phlx"), 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Commentary .01 and adds Commentary .15 to its Rule 1014 to clarify that options transactions of a Registered Options Trader ("ROT") must actually be initiated by the ROT while on the floor of the exchange in order to qualify for the specialist exemptions from Regulation T of the Federal Reserve Board (12 CFR 220) and Section 11(a) of the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 16694, April 1, 1980) and by publication in the **Federal Register** (45 FR 21425, April 1, 1980). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14-738 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11159; 812-4639]

Western Daily Income Fund, Inc.; Filing of Application

May 7, 1980.

Notice is hereby given that Western Daily Income Fund, Inc. ("Applicant"), 28041 South Hawthorne Boulevard, Suite 213, Rancho Palos Verdes, California 90274, registered under the Investment Company Act of 1940 ("Act") as an open end, diversified management investment company, filed an application on March 25, 1980, and an amendment thereto on May 1, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute its net value per share, for purposes of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summzrized below.

Applicant is a corporation newly organized and existing under the laws of the State of California. Applicant has filed with the Commission a Registration Statement on Form N–1 pursuant to Section 8(b) of the Act and the Securities Act of 1933, as amended. The 1933 Act Registration Statement on Form N–1 has not yet been declared effective. Thus, Applicant has not yet commenced a public distribution of its shares.

Applicant states that it is a "money market" fund, designed to act as an investment medium for investors having idle cash reserve assets. Applicant's investment objective is to provide high current income to the extent consistent with liquidity and the preservation of principal. According to the application, Applicant proposes to invest exclusively in the following high grade money market instruments: (a) obligations issued or guaranteed as to principal or interest by the United States Government, or any agency, instrumentality or authority established, controlled or supervised by the United States Government pursuant to authority granted by Congress; (b) certificates of deposit of United States banks and savings and loan associations which, at the date of the investment have total assets in excess of $500,000,000; and (c) repurchase agreements with any member bank of the Federal Reserve System or primary dealer in United States Government securities. Applicant states that such investments will be limited to transactions with financial institutions believed by its investment adviser to present minimal credit risks.

Applicant further states that it's investment adviser will be Western Capital Management Co., Inc. ("Western Capital"), a California corporation wholly-owned by Messrs. John J. Chavanne, Chairman of the Board and Secretary of Applicant, and James E. McMurray, Jr., President, Treasurer and a Director of Applicant. Western Capital filed an Application for Registration on Form ADV under the Investment Advisers Act of 1940 with the Commission on March 14, 1980, which application is presently pending before the Commission.

According to the application, Applicant proposes to value each of its portfolio securities having remaining maturities in excess of 60 days by utilizing the mark-to-market method of valuation. Under this method of valuation portfolio securities for which a market quotation is readily available will be valued at the mean between the most recent bid and asked prices. Those securities for which market quotations are not readily available will be valued at their fair value as determined in good faith by or under the direction of the Board of Directors of Applicant. Securities with a remaining maturity of 60 days or less will be valued on an amortized cost basis, that is, the securities will initially be valued at cost on the date purchased (or, in the case of securities purchased with more than 60 days remaining to maturity, the market value on the 61st day prior to maturity), thereafter, Applicant will assume a constant proportionate amortization in value until maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of the securities.

Applicant further proposes to effect sales, redemptions and repurchases of its shares at prices calculated to the nearest one cent on a share net asset value of $1.00. Applicant will determine its net asset value per share for purposes of effecting sales, redemptions and repurchases of its shares as of the close of trading on each day the New York Stock Exchange is open for trading, or at such other times, not inconsistent with the requirements of the Act and the Commission's Rules and Regulations thereunder, as its Board of Directors shall prescribe.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for purposes of distribution, redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company.

In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' proper portfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicant request an exemption, from the provisions of Rules 2a–4 and 22c–1 under the Act, to permit its net value to be determined in the manner set forth above.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly

intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that it believes potential investors in its shares are not concerned with the theoretical differences which might occur between the yield achieved through "market" pricing and the yield computed by using the "penny rounding" valuation method described above. Applicant further believes that such potential investors are vitally concerned with the net asset value of the their shares remaining stable and with the daily net income declared on their investment not exhibiting the volatility which can often occur when changes in market prices cause changes in yield on a daily or weekly basis. Applicant contends that such investors might forgo investing in a money market fund which did not alleviate these concerns. In addition, Applicant submits that granting the relief requested would not only provide its shareholders with the convenience of being able to determine the value of their holdings merely by knowing the number of Applicants' shares they own, but would also make the task of maintaining an investment record easier.

Applicant further states that it believes that computing its net asset value per share to the nearest one cent on a share value of $1.00 will allow Applicant to maintain a constant net asset value per share under usual or ordinary circumstances. According to application, such method of calculation would enable Applicant to better serve the needs of its shareholders, given its use of the mark-to-market method, as opposed to the amortized cost method, of valuing its portfolio instruments having remaining maturities in excess of 60 days. Applicant further represents that its Board of Directors has determined in good faith that this method of calculating its net asset value per share under such circumstances is appropriate and in the best interest of Applicant's future shareholders. Applicant states that it Board of Directors, in making that determination of specifically considered the credit control regulations recently adopted by the Board of Governors of the Federal Reserve System which impose a 15 percent reserve requirement on certain investment companies, including "money market" funds such as Applicant.

Applicant further states that its request for exemption is based upon its existing management policies and has agreed that the following conditions may be imposed in any order granting the requested exemptions.

1. That Applicant's Board of Directors, in supervising operations and delegating special responsibilities involving Applicant's portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within the their overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objective, that the price per share of Applicant's shares as computed for purposes of effecting sales, redemptions and repurchases, rounded to the nearest one cent, will not deviate from $1.00.[1]

2. That Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share, and that Applicant will neither (a) purchase an instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. That Applicant's purchases of portfolio instruments, including repurchase agreements, will be limited to those United States dollar dominated instruments which the Board determines present mimimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board.

Notice is further given that any interested person may, not later than May 30, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-14739 Filed 5-13-80; 8:45 am]

BILLING CODE 8010-01-M

[1] Applicant believes that its Board of Directors can fully carry out this undertaking by (a) requiring Applicant's investment adviser to adopt policies calculated to prevent such price, as so rounded, from deviating from $1.00 except under unusual or extraordinary circumstances, and (b) periodically reviewing the investment adviser's management of Applicant in accordance with such policies at regularly scheduled meetings of Applicant's Board of Directors.

SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY

Public Hearing—San Francisco, Calif.

The select Commission on Immigration and Refugee Policy will hold its twelfth regional hearing on:

Date: June 9, 1980.

Time: 9:00 a.m.–5:00 p.m. and 7:00 p.m.–9:00 p.m.

Place: Golden Gate University, Second Floor Auditorium, 536 Mission Street, San Francisco, California 94105.

The San Francisco hearing will be chaired by the Honorable Cruz Reynoso, Associate Justice, California Court of Appeals, and member, Select Commission on Immigration and Refugee Policy.

The major portion of this hearing will be devoted to testimony from invited witnesses addressing issues relating to cooperation between border nations; refugee and immigrant acculturation; legalization of undocumented/illegal aliens, and INS structure and procedures.

There will be an Open Mike available from 7:00–9:00 p.m. in the evening to anyone wishing to address any immigration issue before the Commission.

The public is cordially invited to attend both the day and evening discussions.

Written statements will be accepted for a period of seven days following the hearing from people unable to appear in person.

The Select Commission on Immigration and Refugee Policy was created by Public Law to provide a comprehensive review of U.S. immigration law, policies, and

procedures. The regional hearings are being held to ensure that a wide range of views are heard and considered by the Commission. Other hearings are being held in Albany, Baltimore, Boston, Chicago, Denver, Los Angeles, Miami, New York, New Orleans, Phoenix, and San Antonio.

Members of the Commission include four Cabinet officers, eight members of Congress with four members selected from each Judiciary Committe, and four members appointed by the President.

Anyone wishing more information about the San Francisco hearing or about testifying at the evening session should contact:

Lee Thomas Surh, Select Commission on Immigration and Refugee Policy, New Executive Office Building, Suite 2020, 726 Jackson Place NW., Washington, D.C. 20506. Telephone: 202–395–5615.

Dr. Lawrence H. Fuchs,

Executive Director.

[FR Doc. 80–14797 Filed 5–13–80; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF STATE

[Public Notice 713]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its April 1980 list of US accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: May 6, 1980.

Richard A. Dugstad,

Acting Deputy Director, Office of International Conferences.

U.S. Delegation to the Study Group XVII International Telecommunication Union (ITU) Geneva, April 25–May 1, 1980

Representative

Ted Thijs de Haas, Group Chief, National Telecommunications and Information Administration, Boulder, Colorado.

Private Sector Advisers

Gordon Bremer, Paradyne Corporation, 8550 Ulmerton Road, Largo, Florida.

Claude C. Kleckner, Assistant Engineering Manager, Data Network Services Planning, American Telephone and Telegraph Company, 295 North Maple Avenue, Basking Ridge, New Jersey.

Roy J. Levy, Senior Applications Engineer, Advanced Micro Devices, 901 Thompson Place, Sunnyvale, California.

San Youn Whang, Senior Vice President, Technical Director, International Communications Corporation, 8600 N.W. 41st Street, Miami, Florida.

U.S. Delegation to the Fifth Extraordinary Session of the Assembly of Parties of the International Telecommunications Satellite Organization (INTELSAT) Orlando, April 4–5, 1980

Representative

Arthur L. Freeman, Director, Office of International Communications Policy, Bureau of Economic and Business Affairs, Department of State.

Adviser

Melvin Barmat, Senior Policy Analyst, National Telecommunications and Information Administration, Department of Commerce.

Private Sector Adviser

Andrea Malater, Manager, Representative Support, INTELSAT Affairs Division, Communications Satellite Corporation.

U.S. Delegation to the United Nations Conference on Restrictive Business Practices, United Nations Conference on Trade and Development (UNCTAD), Geneva, April 8–18, 1980

Representative

Stuart E. Benson, Deputy Assistant Legal Adviser, Department of State.

Alternate Representative

Joel Davidow, Director, Office of Policy Planning, Antitrust Division, Department of Justice.

Advisers

Peter R. Keller, United States Mission, Geneva.

Dana M. Marshall, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State.

Private Sector Adviser

David G. Gill, Chairman, Restrictive Business Practices Committee, U.S. Council of the International Chamber of Commerce, New York, New York.

U.S. Delegation to the 14th Session, Intergovernmental Group on Oilseeds, Oils and Fats, and the Statistical Subgroup Food and Agriculture Organization (FAO), Rome, April 9–15, 1980

Representative

George E. Wanamaker, Oilseeds and Products Division, Foreign Agricultural Service, Department of Agriculture.

Alternate Delegate

Sandy Dembski, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State.

Adviser

Avram Guroff, Agricultural Attache, United States Mission to FAO, Rome.

Private Sector Advisers

Carl C. Campbell, National Cotton Council of America, Washington, D.C.

Robert J. McCoy, Institute of Shortening and Edible Oils, Washington, D.C.

U.S. Delegation to the Intergovernmental Meeting on Communications Development United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, April 14–21, 1980

Representative

The Honorable, Barbara Newell, Ambassador, United States Permanent Delegation to UNESCO, Paris.

Advisers

Howard Hardy, United States Permanent Delegation to UNESCO, Paris.
William G. Harley, Media Consultant, U.S. Commission to UNESCO, Paris.
Robin Homet, International Communication Agency.
Martin Jacobs, Agency Directorate for UNESCO, Bureau of International Organization Affairs, Department of State.

Private Sector Advisers

Philip Power (Special Consultant), Vice President, Suburban Communications Corporation, Ann Arbor, Michigan.
Roger Tatarian, Professor of Communications, California State University, Fresno, California.

U.S. Delegation to the Eighth Session of the Governing Council of the United Nations Environment Program (UNEP), Nairobi, April 16–29, 1980

Representative

Donald R. King, Director, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Alternate Representative

The Honorable, Wilbert J. Lemelle, United States Ambassador, Nairobi.

Advisers

Robert Brandt, Director, International Forestry, Forest Service, Department of Agriculture.
Frank Cunningham, Office of Science and Technology, Bureau of International Organization Affairs, Department of State.
Dolores Gregory, Deputy Director, Office of International Activities, Environmental Protection Agency.
David Macuk, U.S. Permanent Representative to UNEP, American Embassy, Nairobi.
Edward A. Mainland, Office of Environment and Health, Bureau of Oceans and International Environmental And Scientific Affairs, Department of State.

Private Sector Adviser

Rafe Pomerance, Legislative Director, Friends of the Earth, Washington, D.C.

U.S. Delegation to the Working Party Steel Committee Organization for Economic Cooperation and Development (OECD) Paris, April 17, 1980

Representative

A. M. Brueckmann, Senior Policy Analyst, Office of the Secretary, Office of Industry Policy, Department of Commerce.

Advisers

Charles H. Blum, Special Trade Activities Division, Bureau of Economic and Business Affairs, Department of State.
John D. Darroch, Acting Director, Iron and Steel Division, Bureau of Industrial Economics, Department of Commerce.

Private Sector Advisers

John B. Corey, Manager, International Trade Services, Armco, Middletown, Ohio.
Frank Fenton, Vice President, American Iron and Steel Institute, Washington, D.C.

U.S. Delegation to the Study Group III of the International Consultative Committee on Telephone and Telegraph (CCITT) International Telecommunication Union (ITU) Geneva, April 18–24, 1980

Representative

Earl Barbely, Federal Communications Commission.

Adviser

Leslie Taylor, National Telecommunications and Information Agency, Department of Commerce.

Private Sector Advisers

Janet L. Boudris, Western Union Telegraph Company, New York, New York.
John Klotsche, RCA Globcom, New York, New York.
Wendell Lind, American Telegraph & Telephone Company, Bedminster, New Jersey.
John O'Boyle, ITT, New York, New York.
Philip Onstad, Control Data Corporation, Greenwich, Connecticut.
Denis O'Shea, IBM, Armonk, New York.
Louis Peterec, Western Union International, New York, New York.
Ronald Sabacek, TRT Telecommunications, Washington, D.C.
Beverly Sincavage, GTE Telenet, Vienna, Virginia.
Joseph Wellington, COMSAT, Washington, D.C.

U.S. Delegation to the First Preparatory Meeting on Bananas, United Nations Conference on Trade and Development (UNCTAD) Geneva, April 21–25, 1980

Representative

James A. Truran, Office of the U.S. Trade Representative, Executive Office of the President.

Alternate Representatives

Paul Walters, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State.
Ralph Ives, Office of Commodity Policy, Department of Commerce.

Private Sector Adviser

Ralph D. Pagan, Jr., Vice President for Government and Industry Affairs, Castle and Cooke, Inc., San Francisco, California.

U.S. Delegation to the Thirteenth Session of the Subcommittee on Standards of Training and Watchkeeping, Intergovernmental Maritime Consultative Organization (IMCO) London, April 21–25, 1980

Representative

Donald E. Hand, Captian, USCG, Chief, Merchant Vessel Personnel Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternate Representative

James R. Norman, Lt. Commander, USCG, Chief, Licensing and Evaluation Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

H. Clay Black, Shipping Attache, United States Embassy, London.
Arthur W. Friedberg, Director, Office of Maritime Manpower, Maritime Administration, Department of Commerce.
Richard A. Sutherland, Captain, USCG, Commanding Officer, Marine Safety Office, United States Coast Guard, Providence, Rhode Island.

Private Sector Advisers

John F. Fay, Port Agent, Seafarers International Union—AFL–CIO, Philadelphia, Pennsylvania.
Paul M. Hammer, Director of Marine Affairs, American Institute of Merchant Shipping, Washington, D.C.
Roy A. Luebbe, National Marine Engineers Beneficial Association, AFL/CIO, New York, New York.
William A. Mayberry, Captain, USCG (Ret.), Executive Director, Offshore Marine Service Association, New Orleans, Louisiana.
Harold D. Muth, Captain, USCG (Ret.), Vice President, Government Relations, The American Waterways Operators, Inc., Arlington, Virginia.
James Paterson, Vice President, National Maritime Union, New York, New York.
Franklin K. Riley, Jr., Council of American Flag Ship Operators, Washington, D.C.
William Rich, Director, Research and Training, International Organization of Masters, Mates and Pilots, AFL–CIO, New York, New York.

U.S. Delegation to the Thirty-First Session of the Subcommittee on the Carriage of Dangerous Goods of the Intergovernmental Maritime Consultative Organization (IMCO), London, April 28–May 2, 1980

Representative

Larry H. Gibson, Lieutenant, USCG, Chief, Cargo Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternate Representative

Kevin J. Eldridge, Lieutenant, USCG, Cargo and Hazardous Material Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

Edward A. Altemos, Office of Hazardous Material Regulations, Research and Special Programs Administration, Department of Transportation.
H. Clay Black, Shipping Attache, United States Embassy, London.
Stanely E. Burgess, Lt. Commander, USCG, Port Safety and Law Enforcement Division, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation.
Robert Davis, Science and Education Administration, Department of Agriculture, Savannah, Georgia.

Private Sector Advisers

Michael T. Bohlman, Sea-Land Service Incorporated, Elizabeth, New Jersey.
Donald W. Gates, Vice President and Chief Surveyor, National Cargo Bureau, Inc., New York, New York.

[FR Doc. 80–14765 Filed 5–13–80; 8:45 am]
BILLING CODE 4710–01–M

DEPARTMENT OF THE TREASURY

[General Counsel Order No. 23]

Appointment of Members of Legal Division Performance Review Board for Review of Deputy General Counsel

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 1009 and 26 U.S.C. 7801, Treasury Department Order No. 101–5, the Civil Service Reform Act of 1978, and pursuant to my role as head of the Legal Division of the Department of the Treasury, I hereby appoint the following persons to the Legal Division Performance Review Board for the review of the Deputy General Counsel:

Leon G. Wigrizer
Richard J. Davis
Walter J. McDonald

Effective Date: May 7 1980.

Robert H. Mundheim,
General Counsel.

[FR Doc. 80–14749 Filed 5–13–80; 8:45 am]
BILLING CODE 4810–25–M

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 16–80]

Bonds of 2005–2010; Interest Rate

May 8, 1980.

The Secretary announced on May 8, 1980, that the interest rate on the bonds designated Bonds of 2005–2010, described in Department Circular—Public Debt Series—No. 16–80, dated May 1, 1980, will be 10 percent. Interest on the bonds will be payable at the rate of 10 percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-14809 Filed 5-13-80; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the Park Central Hotel, 705 18th Street, NW, Washington, DC, on June 9, 1980. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on June 9, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C. (202-389-3702) prior to May 30.

The meeting will be closed from 8:30 a.m. to 4:15 p.m., on June 9, for consideration of specific proposals in accordance with provisions set forth in Subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and Subsections 552b(c)(6) of Title 5, United States Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 8, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-14767 Filed 5-13-80; 8:45 am]

BILLING CODE 8320-01-M

Cooperative Studies Evaluation Committee; Renewal

This is to give notice in acordance with the Federal Advisory committee Act (Pub. L. 92-463) of October 6, 1972, that the Cooperative Studies Evaluation Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning May 2, 1980 through May 2, 1982.

Dated: May 8, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-14786 Filed 5-13-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 95
Wednesday, May 14, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

[M-279, Amdt. 2; May 9, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the May 8, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., May 8, 1980.

PLACE: Room 1027 (open); room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. Negotiations with Australia, May 12-16, 1980. Washington, D.C.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-961-80 Filed 5-12-80; 3:29 pm]

BILLING CODE 6320-01-M

2

[M-280, amdt 1; May 9, 1980]

CIVIL AERONAUTICS BOARD.

Notice of addition and deletion from the May 13, 1980 meeting agenda.

TIME AND DATE: 1:30 a.m., May 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

Deleted: 11. Docket 37169—Petition for rulemaking by Golden Holiday Tours, Inc., to make the direct air carrier responsible for returning charter passengers who are stranded by a strike or other interruption in its service. (OGC, BDA, BCP, OEA)

Deleted: 14. Docket 34308—*Worldways Travel Corporation v. Worldways Travel Company*, review on Board initiative (no petition for review filed) of ALJ's termination of proceeding on respondent tour operator's misappropriation of complainant tour operator's trade name. (OGC)

Addition: 4a. Essential air service at Alamogordo and Silver City. (BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-962-80 Filed 5-12-80; 3:29 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 23, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-957-80 Filed 5-12-80; 1:25 pm]

BILLING CODE 6351-01-M

4

May 12, 1980.

COUNCIL ON ENVIRONMENTAL QUALITY.

TIME AND DATE: 11:30 a.m., Thursday, May 22, 1980.

PLACE: Conference room, 722 Jackson Place NW, Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old business.
2. Review of recent research on Sweden's solar transition.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea, III (202)395-4616.

[S-960-80 Filed 5-12-80; 3:29 pm]

BILLING CODE 3125-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 31256, May 12, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. May 14, 1980.

CHANGE IN THE MEETING: The following item has been added:

Item Number, Docket Number, and Company

ER-11: ER78-522, Virginia Electric & Power Co.

Kenneth F. Plumb,

Secretary.

[S-958-80 Filed 5-12-80; 1:45 pm]

BILLING CODE 6450-85-M

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10:00 a.m., May 19, 1980.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.
2. Report on Notation Items disposed of during April 1980.
3. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during April 1980.
4. Report of the Secretary on Applications for Admission to Practice approved during April, 1980 pursuant to delegated authority.
5. Assignment of Informal Dockets by the Secretary during April 1980.
6. Billie Ione Crtalic—Application for independent ocean freight forwarder license.
7. Proposed rule to exempt certain non-exclusive husbanding agreements from the approval requirements of section 15, Shipping Act, 1916.
8. Docket No. 80-4: Matson Navigation Company—Proposed 5.67% Bunker Surcharge in the Hawaii Trade—Consideration of proposed offer of settlement.
9. Special Docket No. 710: Application of Japan Line (U.S.A.) for Japan Line Ltd. for the Benefit of Nomura (America) Corporation—Consideration of the record.
10. Docket No. 80-15: Rules of Practice and Procedure Proceedings Under the Intercoastal Shipping Act—Consideration of comments received in response to notice of proposed rulemaking.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-959-80 Filed 5-12-80; 2:57 pm]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, May 19, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: May 9, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–955–80 Filed 5–12–80; 9:34 am]

BILLING CODE 6210–01–M

8

NATIONAL SCIENCE BOARD.

DATE AND TIME:

May 15, 1980, 12:30 p.m., closed session, 1 p.m., open session.

May 16, 1980, 9 a.m., closed session, 11 a.m., open session (added).

PLACE: National Science Foundation, room 540, 1800 G Street NW., Washington, D.C.

STATUS: Change to previously published announcement. Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION (REVISED): Thursday, May 15, 1:00 p.m.—

1. Minutes—Open Session—215th Meeting.
2. Chairman's Report.
3. Director's Report.
   a. Report on Grant and Contract Activity—April 16–May 14, 1980.
   b. Organizational and Staff Changes.
   c. Congressional and Legislative Matters.
   d. NSF Budget for Fiscal Year 1981.
   e. Master Grants.
   f. Other Items.
4. Board Committees—Reports on Meetings.
   a. Executive Committee.
   b. Plannng and Policy Committee.
   c. Programs Committee.
   d. Committee on Minorities and Women in Science.
   e. Committee on Role of NSF in Basic Research.
   f. Committee on Fourteenth NSB Report.
   g. Committee on Thirteenth NSB Report.
   h. Committee on Twelfth NSB Report.
   i. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs.
5. Presentation by The Honorable Shirley M. Hufstedler, Secretary of Education.
6. NSF Advisory Groups and Other Events.
   a. Reports on Meetings.
   b. Representation at Future Events.
7. Reports on Annual Reviews of NSF Centers at NSF.
8. Office of Management and Budget Circular No. A–21.
9. Grants, Contracts, and Programs.
10. Annual Business.
    a. Annual Report of Executive Committee.
    b. Meeting Schedule for Calendar Year 1981.
    c. Annual Consideration of National Science Board Committees.
    d. Biennial Review of Delegations of Authority to Director and/or Executive Committee.
11. Other Business.
12. Next Meeting—National Science Board—217th Meeting—June 18–20—Stanford University.

Added open session: Friday, May 16, 11 a.m.

13. Program Review—Mathematical Sciences.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION (REVISED): Thursday, May 15, 12:30 p.m.

A. Minutes—Closed Session—215th Meeting.
B. Annual Business.

Friday, May 16, 9 a.m.

C. Grants, Contracts, and Programs.
D. NSB and NSF Staff Nominees.
E. NSB Annual Reports.
F. NSF Budgets for Fiscal Year 1982 and Subsequent Years.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S–956–80 Filed 5–12–80; 11:21 am]

BILLING CODE 7555–01–M

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NEIGHBORHOOD REINVESTMENT CORPORATION.

(Board of Directors)

TIME AND DATE: 2:30 p.m., May 19, 1980.

PLACE: Board room, seventh floor, National Credit Union Administration, 1776 G Street NW., Washington, D.C.

STATUS: Open meeting; rescheduled from April 23, 1980.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Assistant Director, Communications, (202) 377–6815.

AGENDA:

Call to Order and Remarks of the Chairman.
Approval of Minutes, January 23, 1980.
Report of the Personnel Committee.
Report of the Audit Committee.
Resolution: Appointment of Assistant Treasurer.
Resolution: Amendment to Banking Resolutions.
Treasurer's Report.
Executive Director's Report.
Resolution: Allocation of Interest Earnings.
Presentation on HUD Evaluation of the Neighborhood Housing Services Model—Dr. Donna Shalala, Assistant Secretary, Policy Development and Research.
Progress Report on Impact Study—Dr. Phillip Clay, Manager, Program Evaluation.

No. 12, May 12, 1980.

Donnie L. Bryant,

Secretary.

[S–963–80 Filed 5–12–80; 3:56 pm]

federal register

Wednesday
May 14, 1980

Part II

Department of Health and Human Services

Office of Human Development Services

Youth Research and Development Grants Program; Availability of Funds

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13.640–801]

Youth Research and Development Grants Program

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Funds for Youth Demonstration Grants.

SUMMARY: The Administration for Children, Youth and Families (ACYF), Youth Development Bureau (YDB), announces the availability of Fiscal Year 1980 funds for Youth Demonstration grants as authorized under Section 426 of the Social Security Act, as amended. Applicant eligibility is limited to projects funded under the Runaway Youth Act (Title III of the Juvenile Justice Amendments of 1977) during FY 1979.

DATE: The closing date for receipt of application is June 30, 1980.

Scope of this Announcement

This Program Announcement covers the Youth Demonstration grants to be funded during the third quarter of Fiscal Year 1980 through the second quarter of Fiscal Year 1982. Competition for grant awards in other ACYF Special emphasis areas will be announced separately in the **Federal Register.**

Program Purpose

The purpose of the Youth Research and Development program is to support special projects for the demonstration of new methods which show promise of substantial contribution to the advancement of child welfare. The purpose of the Youth Demonstration grants is to enable agencies funded under the Runaway Youth Act to expand the range of services provided and the types of clients served and, thereby, to more comprehensively address, the needs of youth and families experiencing crisis associated with *either* adolescent abuse and neglect *or* crisis due to the separation, divorce or reconstitution of the nuclear family. The projects funded under this demonstration grants program will permit the testing and assessment of innovative approaches for the provision of social and supportive services to these target groups. An additional purpose of this demonstration grants program is to determine the impact of expanding the range of services provided/types of clients served on the runaway youth projects as well as the effect of local factors (geographic location/size of community, relationships established with other service providers) on the ability of the project to deliver new or expanded services to the specific client population addressed by the project. For the purpose of these demonstration grants, youth are defined as persons between the ages of 10 and 18.

Program Goal and Objectives

The goal of the Youth Demonstration grants program is to develop and test new approaches for addressing critical social service needs of vulnerable subpopulations of youth and their families which are not being met by existing community-based agencies and organizations. Specifically, YDB is interested in the development, implementation and testing and/or adaptation of specific model intervention strategies and treatment approaches for two sub-populations of youth and families which were identified through research initiatives previously supported by YDB. Separate Youth Demonstration grants will be awarded in each of the following problem areas:

- abused and neglected youth (#YDG–A/N)
- youth in separated, divorced, or recombined families (#YDG–S/D/R). A complete description of the intervention strategies for these two critical youth and family problem areas is provided in the respective application kits for each of these demonstration models.

Applications for projects should indicate that the proposed project will achieve or is capable of achieving the following objectives:

(1) To demonstrate innovative and effective service approaches to address youth and family needs specific to one [only] of the two critical problem areas to be addressed by this Youth Demonstration grants program. The specific youth/family problem area to be addressed through these demonstrations is to be determined and justified by the applicant based upon the documented service needs of youth and their families within the community in which the Youth Demonstration project would be located and which are not being adequately addressed by the applicant agency itself or by other service providers. The specific services to be provided (preventive, developmental, and/or therapeutic) are to be provided directly by the applicant agency itself, through linkages established with other relevant public and private service providers in the community, and/or through coordinated advocacy, planning, and service delivery efforts undertaken in cooperation with other agencies and organizations.

(2) To test the relative effectiveness of the various service methodologies employed by the Youth Demonstration grantee in providing services to youth and families in crisis and in addressing the specific needs of the clients being served.

(3) To determine the impact on the grantee organization of developing and/or expanding the range of services provided or the types of clients served (e.g., staffing changes or the development of linkages with other service providers). Funds provided under this demonstration program may not be used to merely maintain or expand a pre-existing program or service. Additional information is provided in the Program Guidance which accompanies the necessary application forms.

All applicants must indicate the specific demonstration model (the adolescent abuse and neglect services model *or* the separated/divorced/recombined family services model) which their proposal intends to address. An agency may submit a proposal for the funding of only one of these two models.

Eligible Applicants

Applicants for these grants are limited to those runaway youth projects which received funding from the Youth Development Bureau under the Runaway Youth Act during fiscal year 1979, and which provide direct services to runaway or otherwise homeless youth. Umbrella agencies or service components within umbrella agencies which do not provide direct services to youth are not eligible for funding.

Available Funds

Of the total appropriation of $14.7 million available in FY 1980 for Child Welfare and Demonstration Grants, ACYF expects to award $500,000 for new Youth Demonstration Grants. It is anticipated that a maximum of three grants will be awarded under this program announcement for the development of services to abused and neglected youth for a project period of two years, with the average grant award expected to be approximately $100,000. Additionally, it is anticipated that a maximum of three grants will be awarded for the development of services to separated, divorced, or recombined families for a project period of two years, with the average grant award expected to be approximately $66,600. The specific level of funding to be

awarded to each project will be dependent upon the number of youth and families to be served by the proposed project, the availability of existing services to address the needs of the youth and families targeted by this initiative, and the range and types of services to be provided under the proposed project. A new grant is the initial grant made in support of this program announcement. This grant will sustain the first year of the project. Continuation funding will be dependent upon satisfactory performance during the first year of funding and upon the availability of funds. All grants will be awarded on a competitive basis.

Grantee Share of the Project

No cost-sharing or matching funds are required for applicant agencies under this program announcement.

The Application Process

Availability of Application Forms

An application for a grant under the Youth Demonstration Grants program must be submitted on standard forms provided for this purpose. Application kits, containing these forms and the Program Guidance, may be obtained by telephoning (202) 245–2840 or writing to:

Youth Development Bureau, Administration for Children, Youth and Families, 400 6th Street, S.W., Washington, D.C. 20201, Attention: YDG 13640.801.

All requests *must* specifically indicate which application kit is being requested (abuse and neglect demonstration model—#YDG–A/N; or, separated, divorced, or recombined families model—#YDG–S/D/R).

Application Submission

In order to be considered for a Youth Demonstration grant, an application must be submitted on the forms and in the manner required by ACYF. The application must be submitted by an individual authorized to act for the applicant agency and to assume for the agency responsibility for the obligations imposed by the terms and conditions of the grant award.

One signed original and two copies of the grant application, including all attachments, are required. Applicants are encouraged, however, to submit four copies of the grant application. Completed applications, including all copies, must be sent to:

Office of Administration and Management, Grants Office, 200 Independence Avenue, S.W., Room 345 F, Washington, D.C. 20201, Attention: Ms. Mary White.

A–95 Notification Process

Under this program announcement, A–95 notification is not required.

Application Consideration

The Commissioner, Administration for Children, Youth and Families will determine the final action to be taken with respect to each grant application. All applications which are complete and conform to the requirements of this program announcement will be subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families. The results of this review will assist the Commissioner in considering competing applications. The consideration of applications by the competitive review panel may also take into account the comments of the ACYF Regional headquarters program offices as well as those of appropriate specialists and consultants inside and outside the Federal Government.

After a decision has been reached either to disapprove or not to fund a competing grant application, unsuccessful applicants will be notified in writing of that decision. Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Condition of Funding

Applicants which are seeking funding for adolescent abuse and neglect services under this program announcement *must* provide formal letters of agreement with the legally mandated child protection agency in their community and, if appropriate, the law enforcement agency, indicating that these agencies will refer cases of adolescent maltreatment to the applicant agency for services. Applications received for YDG–A/N which do not have this required formal letter of agreement will be considered non-responsive and will be returned to the applicant agency without further consideration. Additional information relative to the establishment of cooperative linkages with child protective agencies is provided in the Program Guidance.

Criteria for Review and Evaluation of Grant Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) The extent of the youth and family need(s) or problem(s) in the community which would be addressed by the proposed demonstration project, the ability of the project to achieve the objectives of this grant program, and the availability of other services to adequately address the identified and documented youth and family need(s) or problem(s); (20 Points);

(2) The reliability and soundness of the proposed project design and methods to achieve the anticipated results; (20 Points);

(3) The potential replicability of the project in terms of its suitability for use as a model for other communities with similar needs and goals for youth and families in crisis; (20 Points);

(4) The capability and qualifications of the proposed staff and the adequacy of the applcant organization's facilities and resources; (20 Points);

(5) A reasonable proposed budget and a justification of project costs, and the ability of the applicant to complete the project within the proposed timeframes; (10 Points);

(6) The provision of letters of intent, or formal agreement, as required, to cooperate with other community agencies in the provision of services and assurances to participate in activities supported by the Youth Development Bureau related to assessment of the Youth Demonstration grants program.

Closing Date for Receipt of Applications

The closing date for the receipt of applications under this program announcement is June 30, 1980. Applications received after the closing date, at 5:30 p.m., will be considered ineligible and will not be reviewed and evaluated. The competitive review process is scheduled to be completed and grant awards made in August 1980.

An application will be considered to be received on time by ACYF if:

(a) the application was sent by first class mail not later than the closing date as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service unless the application arrives too late to be considered by the independent review panel; or

(b) the application is received on or before the closing date by 5:30 p.m. in the OHDS Grants Office in Washington, D.C.

An application delivered by hand must be taken to:

OHDS Grants Office, 200 Independence Avenue, S.W., Room 345 F, Washington, D.C. 20201, Attention: Ms. Mary White.

(Catalog of Federal Domestic Assistance Program Number: 13.640, Youth Research and Development)

Dated: April 24, 1980.

John A. Calhoun,

Commissioner, Administration for Children, Youth and Families.

Approved: May 7, 1980.

Manuel Carballo,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-14724 Filed 5-13-80; 8:45 am]

BILLING CODE 4110-92-M

federal register

Wednesday
May 14, 1980

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

Fair Housing Assistance Program; Eligibility Criteria and Funding Standards

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 111

[Docket No. R-80-796]

The Fair Housing Assistance Program; Eligibility Criteria and Funding Standards

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

ACTION: Interim rule.

SUMMARY: This interim rule sets forth the eligibility criteria for participants in the Fair Housing Assistance Program (FHAP) and the minimum standards which specific project proposals must meet in order to qualify for consideration under the various components of the program. Additional competitive factors for the award of FHAP funds will be announced periodically through "Notices of Availability of Fair Housing Assistance Program Funds" in the **Federal Register**. The purpose of this document is (1) to make effective the interim regulations which will govern the FHAP until the regulations are finalized, and (2) to solicit advice and comments from interested persons on the interim regulations prior to the issuance of final rules.

DATES: Effective June 7, 1980.

Comments due date: Comments received by July 28, 1980 will be considered prior to the publication of final regulations.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address, refer to the document by the docket number indicated by the heading, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address above. The interim regulation may be changed in the light of comments received.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State, and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Room 5208, Washington, D.C. 20410, (202) 426-3500.

SUPPLEMENTARY INFORMATION: The Fair Housing Assistance Program (FHAP) was authorized by Congress for fiscal year 1980 in order to provide resources to the Department, thereby enabling it to effectively enhance the fair housing enforcement capabilities of State and local civil rights agencies. The Department is mandated to work with these agencies by Title VIII of the Civil Rights Act of 1968. The effective implementation of the Fair Housing Assistance Program in fiscal year 1980 is dependent on the Department's ability to provide expeditiously program funds to eligible agencies. Many of the eligible agencies are operating under restrictive budgets, and their ability to cooperatively work with the Department in enforcing fair housing laws hinges on the early receipt of additional financial support.

Prior to the publication of this interim rule, the Department made available to the public, including all potential participant agencies, a draft of these criteria and standards. This interim rule is based on that draft. Moreover, the potential universe of eligible agencies is small, based as it is on an agency's prior recognition by the Department as substantially equivalent. Fewer than 40 agencies are expected to be eligible in fiscal year 1980.

For the foregoing reasons, the Secretary has determind that it is in the best interest of the public, the Department, and the potential recipient agencies to make the benefits of the Fair Housing Assistance Program available as soon as possible. Therefore, the Secretary finds it impracticable and unnecessary to provide for notice and comment on this rule in advance of the effective date because there is an urgent need for the funds to be made available immediately.

Accordingly, these regulations are published as interim regulations because of the importance of immediate implementation and will become effective on the date set forth above. However, the Secretary recognizes the need for public comment, and a 75-day public comment period is being provided. Final regulations reflecting consideration of the comments received will be adopted after the comment period closes.

The background for the Fair Housing Assistance Program and a brief description of the principal program components follow. Title VIII of the Civil Rights Act of 1968, as amended ("Federal Fair Housing Law") makes clear the Congressional intent that HUD work closely and cooperatively with State and local fair housing agencies. Section 808(e)(3) of the law states that the Secretary shall cooperate with and render technical assistance to, among others, State and local public agencies carrying on programs to prevent or eliminate discriminatory housing practices. Section 810(c) of the law directs that where a State or local law provides rights and remedies substantially equivalent to those provided under Title VIII, the Secretary must, upon receipt of a complaint, notify the appropriate State or local agency, and provide that agency with the first opportunity to process the complaint. The Secretary is to take no further action if the State or local agency acts in a timely fashion. Section 815 of the law expressly upholds the concurrent validity of State and local laws which are similar to Title VIII. Finally, Section 816 of the law provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, may utilize their services and their employees and may reimburse such agencies for services rendered to assist in carrying out Title VIII.

Notwithstanding this clear mandate, the history of HUD's relationship with State and local agencies has fallen short of satisfying the intent of the law. In 1972, in order to establish clear guidelines upon which the Department might rely in determining which State and local laws and agencies were in fact providing rights and remedies substantially equivalent to Title VIII, HUD published a regulation containing the standards upon which departmental judgments as to equivalency would be based (the current version of this regulation appears at 24 CFR Part 115). By early 1975 the Department had granted interim recognition to 27 States and 16 localities. These recognitions were interim in nature because they were based primarily upon HUD determinations as to the equivalency of the laws and ordinances in those jurisdictions, since evidence as to actual agency capabilities was limited. The overall record of performance through 1975, however, was a disappointing one. In 1975 alone, of the complaints which the Department referred to State and local agencies for initial processing, more than half ultimately had to be recalled for processing by HUD.

Based upon this experience, HUD determined to carefully re-evaluate and strengthen its procedures for granting substantial equivalency recognition. A

special task force was created in 1975 to examine closely both the laws and the operational capabilities of State and local agencies. All interim recognitions were withdrawn and a moratorium was placed on all complaint referrals. By 1977, HUD had completed its evaluation. At that time, the Department amended the substantial equivalency regulation to indicate that 22 States and one locality were in fact recognized as substantially equivalent. Complaint referral to these agencies, however, was conditioned on their willingness to enter into written memoranda of understanding with HUD defining the complaint processing relationship between the two agencies to assure that processing would conform to Federal standards. However, given the lack of Federal financial assistance to support the agencies in processing additional housing discrimination complaints, there was little positive response by the agencies to HUD's request for formalized complaint processing agreements.

It was clear to the Department that an effective relationship with State and local fair housing agencies depended, in large measure, on the ability of HUD to provide support to these agencies. Where financial resources were available, it was apparent that the State and local agencies could increase enforcement activity. The experience of the Equal Employment Opportunity Commission in funding State and local agencies over a period of ten years attested to this. The Department's own limited funding experience demonstrated that where HUD could provide funds, State and local agencies had the creativity and experience to develop new systemic fair housing enforcement initiatives. A brief HUD demonstration project utilizing research funds with nine State agencies produced a series of administrative strategies for combatting systemic discrimination.

Supported by these facts, the Department requested of the Congress an appropriation to support State and local agencies. The full $3.7 million request was approved by Congress for fiscal year 1980.

The Fair Housing Assistance Program is comprised of four components.

These components are:

(1) Contributions,

(2) Training and Technical Assistance,

(3) Data and Information Systems, and

(4) Innovative Projects.

An eligible agency may apply for and be funded under one or more of these components. The standards for the distribution of program funds among these components and the criteria which agencies must meet to participate in the program are detailed in this regulation. Highlighted here are the essential features of each.

(1) *Contributions*—It is the Department's intent, following the first two years of program operation within an agency, to provide contributions to State and local agencies on the basis of the number of housing discrimination complaints processed by the agency and considered by HUD to have been processed adequately. In the first two years, however, it will be necessary to provide a contribution of sufficient size to allow the development or enhancement of the resources and program necessary to put in place an effective approach to the elimination of discriminatory housing practices. Therefore, the Department will, in the first 2 years of participation, provide an agency sufficient support to enable the development of initial capacity and, in later years, will provide a contribution commensurate with and geared toward the maintenance of capacity to resolve existing housing discrimination complaints in the agency's jurisdiction.

(2) *Training and Technical Assistance*—Training of personnel is an essential element in administering an effective State and local fair housing program. In order to assure consistency in administration of and approaches to fair housing enforcement, part of the training component of the Fair Housing Assistance Program will be used to cover the expenses associated with providing training for State and local agency personnel. This training will be administered by FHEO. The Department will develop training modules, including texts, visual aids, and case and exercise notebooks, as part of this responsibility. Individualized training support may also be provided. The other part of this component will be made available to agencies based upon acceptable proposals for technical assistance projects.

(3) *Data Systems*—This program component involves support for the development of various kinds of data and management systems necessary for effective program management and information utilization. Support will be provided for those States and local agencies which do not already have such systems to develop complaint monitoring management and information systems which will enable them to determine the status of all housing discrimination complaints in their inventory. Also, it will provide support to develop systems to compile and assess other indicators of the nature and extent of housing discrimination.

(4) *Innovative Projects*—A portion of this component would be used to fund systemic enforcement projects by State and Local agencies which could be replicated, if successful, by other agencies. This program component would also fund projects designed to improve administrative processes to strengthen an agency's overall enforcement capacity.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the Finding of Inapplicability is available for public inspection in the Office of the Rules Docket Clerk at the above address.

This rule is not listed on the Department's semi-annual agenda for significant rules, pursuant to Executive Order 12044. Accordingly, new Part 111 is added as follows:

PART 111—FAIR HOUSING ASSISTANCE PROGRAM

Sec.

Authority: Section 7(d), Department of HUD Act (42 U.S.C. 3535(d)); Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601).

§ 111.101 Purpose.

The purpose of the Fair Housing Assistance Program is to provide assistance to State and local agencies charged with the administration of fair housing laws which have been adjudged by the Department to be substantially equivalent to Title VIII of the Civil Rights Act of 1968. This assistance is designed to encompass capacity building for complaint processing, training and technical assistance, data and information systems support, and innovative projects. The intent of the program is to build a coordinated intergovernmental enforcement effort to further fair housing and to provide incentives for States and localities to assume a greater share of the responsibility for administering fair housing laws.

§ 111.102 Funding standards for contributions.

Program Total: $1,750,000

Agency Maximum: $200,000

Contributions will be based upon the projected number of complaints expected to be referred to each State and local agency in FY–80.[1]

The following table presents the maximum amount of contributions to be provided.

Number of complaints:	Payment
10 or less	$20,000
11 to 20	30,000
21 to 35	40,000
36 to 55	50,000
56 to 75	60,000
76 to 95	70,000
96 to 115	*80,000
116 to 150	90,000
For each additional 50 or portion thereof*	25,000

*Not to exceed $200,000.

§ 111.103 Funding standards for training and technical assistance.

(a) Program Total: $700,000

Contributions will be provided to agencies to pay for expenses associated with mandatory and individualized training programs and to fund specific proposals for technical assistance projects. A limited portion of these funds will be used by the Department for expenses associated with providing the mandatory training. There will be three categories of funding: mandatory training, individualized training support, and technical assistance.

(b) Category 1. Mandatory Training

Program Total: $400,000

Agency maximum: $15,000 or 20% of contributions funding level, whichever is less.[2]

Agencies will be expected to participate in mandatory training programs, sponsored by HUD's Office of Fair Housing and Equal Opportunity, providing skills and technical knowledge to assure consistency in administration and approaches to fair housing. Sessions will be designed to present both basic and advanced training. The basic training will include components presenting techniques of investigation and conciliation, development and implementation of fair housing programs, and recent developments in fair housing law. Advanced training will focus on processing complex cases, including mortgage financing and property insurance redlining, and on specialized approaches to fair housing enforcement, such as rapid response complaint processing, methods of systemic investigation, and techniques for maximizing intergovernmental enforcement efforts.

(c) Category 2. Individualized Training Support

Program Total: $100,000

Agency Maximum: $5,000 or 10% [3]

This category is designed to provide agencies with resources to select or develop training in addition to the mandatory training in Category 1. It may include development, expansion or improvement of agency internal training; other HUD sponsored training; outside training provided by private groups; other government training programs; training provided by educational institutions, and legal training organizations. All training must be relevant to the agency's overall fair housing objectives.

(d) Category 3. Technical Assistance

Program Total: $200,000

Agency Maximum: $20,000

Two types of technical assistance are contemplated.

(1) This money will fund projects designed to enable the agency to provide technical assistance to the larger community, such as private fair housing groups, boards of realtors and realtists, citizens groups, other governmental entities, landlords, developers, and similar constituents. Such projects must enhance the agency's capacity to carry out its full range of fair housing responsibilities.

(2) The money will also fund projects designed to secure technical assistance for the agency, such as the costs of securing caseload management analysis and recommendations for improvements.

§ 111.104 Funding standards for data and information systems.

(a) Program Total: $700,000.

Agency Maximum (Three categories): $70,000.

Support will be provided to fund specific proposals developed by State and local agencies. There will be three funding categories.

(b) Category 1. Agency Information/Data Systems.

Program Total: $100,000.

Agency Maximum: $10,000.

This category will fund projects designed to create, modify or improve an agency's complaint information and monitoring capacity, to result in a system compatible with that of HUD, for internal monitoring of fair housing complaint activity.

(c) Category 2. Multi-source Data Gathering and Information Sharing Systems.

Program Total: $350,000.

Agency Maximum: $35,000.

This category will fund projects designed to create, modify or improve local or regional data/information gathering and sharing systems. This may include agency interaction with other government entities, private fair housing organizations and educational institutions. Such proposals should result in an expanded knowledge and understanding regarding the nature and extent of housing discrimination in an agency's jurisdiction.

(d) Category 3. Comprehensive Data/Information Projects.

Program Total: $250,000.

Agency Maximum: $50,000.

This category will fund projects designed to develop or improve systems which are usable/transferrable to the total fair housing universe. The thrust of such proposals would be to create systems that could be used to collect all information about a factor or subject affecting fair housing and to provide guidance on how to program the information to allow access by all fair housing enforcement agencies in a fashion that would permit comparisons, correlations, determinations of relevant information and other products usable as analytical or enforcement aids. Such systems should be designed to have utility for future development of a comprehensive national fair housing data collection system, as well as to be currently usable by individual jurisdictions. The final product of such projects could include (but are not limited to) data program systems, reporting services, and central information banks.

(e) No agency will be funded for a category 2 or category 3 data/information project unless the agency either currently has an internal complaint information system compatible with the Department's, or has submitted a proposal for a category 1 project which, in the judgment of the Department, can be implemented simultaneous with the category 2 and/or category 3 proposal.

[1] This distribution formula is based only on the number of complaints which HUD received, by State, in FY–1979. The Department recognizes that in some instances the number of complaints received by HUD does not represent an entirely accurate portrayal of fair housing complaint activity within the State. These figures do, however, represent an approximate level by which HUD referrals would be expected to increase a substantially equivalent agency's caseload. It is, therefore, viewed as a reasonable first year guideline for determining the degree to which HUD should contribute to the expansion of an agency's capacity. Appropriate modifications in the formula for the second year of capacity building will be made based on actual total complaint resolution activity by agencies in the first year of the program.

[2] Agencies not receiving contributions funding but otherwise eligible for FHAP support may apply for up to $1,000 in mandatory training funding.

[3] Agency maximum is $5,000 or 10% of an agency's contribution funding level, whichever is less.

§ 111.105 Funding standards for innovative projects.

(a) Program Total: $550,000.

Agency Maximum: $75,000.

Support will be provided to fund specific proposals developed by State and local agencies. There will be two categories for fundable projects.

(b) Category 1. Innovative Projects with Multi-Agency Utility.

Program Total: $350,000.

Agency Maximum: $50,000.

(1) Projects funded under this category will have both on-going viability and a high degree of replicability nationwide.

(2) The focus will be primarily on institutional and systemic fair housing problems, but could involve non-systemic proposals affecting large numbers of people.

(3) Innovative proposals could involve systemic proposals utilizing complaints filed by individuals and systemic proposals involving agency initiated complaints. Proposals could center on specific portions of systemic complaint processing, multiple agency enforcement efforts, identification of systemic discrimination and methods of attacking it, development of programs for surveying discrimination in financing, property insurance and other discriminatory practices related to housing discrimination. Proposals could involve streamlining of case processing, determination of cases suitable for early litigation and specialized work-sharing agreements with other levels of government having concurrent jurisdiction, including sharing of work based on the specific authorities and powers available to each entity. [These examples are presented as non-inclusive and are not intended to limit agencies in their proposals under this category.]

(c) Category 2. Innovative Projects Designed to Improve an Agency's Fair Housing Enforcement Capabilities.

Program Total: $200,000.

Agency Maximum: $25,000.

This category will fund proposals designed to improve an agency's capability to ensure fair housing through new and innovative approaches to fair housing enforcement. This category is designed for projects whose primary focus would be utility to the specific agency. It includes, but is not limited to, projects designed to strengthen the agency's legal remedies, enhance its administrative hearing process, develop more effective monitoring programs and strengthen or improve its regulations and procedures. While projects in this category may also be replicable by other agencies, utility to the agency rather than replicability is the primary factor to be considered.

§ 111.106 Threshold agency eligibility criteria.

(a) In order to be eligible to participate in funded programs under any of the categories described above, an agency must first meet the following criteria:

(1) It must be certified as a substantially equivalent agency pursuant to the standards enunciated at 24 CFR Part 115; and

(2) It must have executed a written Memorandum of Understanding with the Department. At a minimum, such a memorandum must describe the working relationship to be in force between the agency and the appropriate HUD Regional Office of Fair Housing.

(b) Notwithstanding the provisions of paragraph (a) of this section, in the event that an agency has, in fact, applied to the Department for recognition as a substantially equivalent entity, and has tentatively been found by the Department to have both statutory authority equivalent to Title VIII and an equivalent operational capability to that of the Department, the fact that the agency has not yet been listed in the **Federal Register** as a certified agency shall not serve to prevent said agency from submitting funding proposals pursuant to the Fair Housing Assistance Program. In such circumstances, the agency may enter into negotiations with the Regional Office of Fair Housing in order to develop a Memorandum of Understanding and may, at the same time, submit funding proposals. However, no funds will be obligated to any agency which has not been recognized as substantially equivalent.

(c) All proposals under all categories must address or have ultimate relevance to matters affecting fair housing which are cognizable under Title VIII.

§ 111.107 Criteria for contributions proposals.

As detailed in § 111.102 of this section the level of funds to be set aside for each agency under this category will be based upon the projected number of complaints expected to be referred to each State and local agency in FY–80. In order to be eligible to apply for and receive these funds, however, an agency must demonstrate in its proposal that it meets or will meet all of the following criteria:

(a) That there is, within the geographic jurisdiction of the agency, a sufficient volume of current or potential complaint activity to justify the allocation of the specified level of funds. In demonstrating this need, the agency may address the entire fair housing complaint workload extant in the jurisdiction and cognizable under Title VIII notwithstanding the limited base upon which the Department's FY–80 formula is founded.

Provided further that all agencies must submit, along with their proposals, a detailed narrative describing why and how the allocation of the specified level of contributions from the Department will result in a complaint processing capability within two years sufficient to enable the agency to process those complaints arising in the jurisdiction in future years with a level of HUD support based on direct reimbursement (HUD projects that this will initially be at a rate of $350 per complaint).

(b) That the agency has entered or is prepared to enter into a formal written agreement with the Department, negotiated with the appropriate Regional Office of Fair Housing, which provides for the dual filing of all complaints of housing discrimination cognizable under both Title VIII and State or local law.

(c) That the agency will establish a means of selectively waiving its exclusive processing authority over those complaints of discrimination with respect to which the Department has identified an interest or concern based on Department initiated systemic enforcement activity. In such cases, the agency and the Department will have concurrent processing authority. [This criterion does not contemplate any waiver of jurisdiction by a State or local agency].

(d) That the agency is prepared to develop procedures acceptable to HUD for cooperating with other substantially equivalent agencies having concurrent jurisdiction in some or all of its housing discrimination complaints and establishing a mutually acceptable allocation of the complaint processing workload.

(e) That, within the limits of State or local law, the agency will cooperate with the Department by sharing information and data relevant to Department investigations and studies, and will cooperate with and otherwise assist Department investigators in the carrying out of their responsibilities.

(f) That the agency will not unilaterally reduce the level of financial resources currently committed to fair housing complaint processing. Budget and staff reductions occasioned by legislative action outside the control of the agency will not result in a per se determination of ineligibility. HUD will, however, take such actions into consideration in assessing the ongoing viability of an agency's fair housing program.

§ 111.108 Criteria for training and technical assistance proposals.

(a) *Training:* All funded agencies will be required to participate in mandatory training sponsored by the Department. Mandatory training will be administered from the Office of FH&EO. In addition to this training, however, the Department has set aside an individualized training fund.

Subject to the maximum per agency limits set for this fund in Section 103, funded agencies will, upon request, automatically receive support within this category. However, actual use of these funds will be subject to one or more of the following criteria, as applicable:

(1) Training may not duplicate training received under the Department's mandatory training plan. [This criterion is not, however, intended to prohibit an agency from using these training resources to extend mandatory training content and knowledge to staff not able to attend such Department sponsored training.]

(2) Training must be relevant to, and assist in, the accomplishment of the agency's overall fair housing program. Agencies are encouraged to utilize such training in order to create or improve upon existing internal fair housing training.

(3) Training may be directed at specific elements of an agency's needs as they relate to carrying out programmatic elements of Fair Housing Assistance Program projects proposed by the agency. Where training resources are to be used for this purpose the agency must identify in its proposal the time element which such training will represent as a part of the overall project and the extent to which knowledge gained from such training may be expected to become a permanent part of the agency's expertise.

(4) Training may be directed at developing or improving an agency's capacity to supervise, manage, and administer a fair housing program. Where training funds are proposed for this purpose the agency must demonstrate that the training will result in a long-term improvement in the agency's capacity to manage a fair housing program.

Agencies will be required to submit a report on expenditures for individualized training support at the end of the funding year. The report must establish agency compliance with these criteria.

(b) *Technical Assistance:* Agencies may include in their proposals a component for funds for technical assistance. Such funds may be used to assist agencies both in obtaining technical assistance from the outside (other than from the Department), and to support the agency's efforts to render such assistance to the community which the agency serves. Examples of the former would include expenditures for consultants to conduct management surveys and recommendations for improvement, complaint processing analysis or other studies and evaluations necessary to enhance an agency's enforcement mission, and the cost of securing analysis of specific data relevant to ongoing agency enforcement activity.

Examples of the latter would include expenditures of funds associated with agency activity in interacting with organizations and advocacy groups working for fair housing, with educational institutions and with the various components of the housing industry, to promote equal housing opportunity. Proposals submitted for funds in this category must meet the following criteria:

(1) The technical assistance obtained for or provided by the agency should enhance the overall fair housing law enforcement goals of the agency.

(2) The technical assistance proposal should:

(i) indicate the manner in which the technical assistance integrates with other aspects of the agency's ongoing fair housing program, or

(ii) indicate how the technical assistance constitutes an independent project. If this is the case, the proposal must state the expected benefits of the project and how those benefits are to be measured.

(3) Where the technical assistance proposed is to be provided by the agency to one or more outside entities affecting equal housing opportunity, the proposal should demonstrate that the assistance will result in the establishment or improvement of the agency's ongoing relationship with such recipients.

(4) The technical assistance obtained for or provided by the agency cannot duplicate assistance already in place.

§ 111.109 Criteria for data and information systems proposals.

(a) Category 1: Agency Information/Data Systems:

(1) Where no compatible complaint management system currently exists, the proposal must result in a system which is compatible with the Department's own complaint management system. This means that, at a minimum, the internal complaint information system of the agency must produce the same essential kinds of data regarding fair housing complaints used by the Department in monitoring its own complaint activity and, further, that such information must be readily translatable into the Department's ADP terminology.

(2) The system proposed must reflect the level of need within the agency, and be cost effective in relation to that need. (Thus, for example, it would be unlikely that the Department would favorably consider a proposal to develop a computer program for monitoring complaint activity in an agency with an extremely small volume of complaints.)

(3) The system, once developed, must be manageable by the agency. The proposal must demonstrate that the information system and any software associated with it is accompanied by an understanding within the agency of how to use and maintain it. Where outside contractors are used to develop such systems, the proposal must include a specific component for training agency staff in its application.

(b) Category 2: Multi-source Data Gathering and Information Sharing Systems:

(1) The proposal must document the need for an expanded data base with respect to a particular fair housing problem or issue, or set of problems or issues.

(2) The proposal must demonstrate that the system for the exchange of information between the agency and other agencies and/or organizations will in fact increase the agency's body of knowledge and information in such a manner as to lead to an improved enforcement capacity within the funded agency.

(3) The proposal must indicate that the establishment of such a multi-source data gathering/information sharing capability will have long-term viability. Specifically, that the other agencies and organizations which will participate are capable of ongoing participation once the program is developed, or that the availability of such data can reasonably be expected to be maintained through other sources.

(4) The system, once developed, must be manageable by the agency. The proposal must demonstrate that the information system and any software associated with it is accompanied by an understanding within the agency of how to use it. Where outside contractors are used to develop such systems, the proposal must include a specific component for training agency staff in its application.

(c) Category 3: Comprehensive Data/Information Projects:

(1) The proposal must identify and address information needs relative to a fair housing problem or issue of

relevance to the entire nation in addition to the locality or region.

(2) The proposal must indicate how the data and information gathered will improve the enforcement capabilities of Federal, State, and local fair housing agencies, either by increasing their access to evidence or by providing new or additional guidance to agencies in how to resolve various aspects of enforcement proceedings (i.e., investigations, conciliation agreements, administrative remedies).

(3) The proposal must identify the degree to which such data and information is currently available, if at all, and in what form. The proposal must not duplicate or produce in a different form data and information already in existence.

[Note.—Proposals *may* be submitted under this category which are designed in whole or in part for the purpose of improving access to already existing data and information by significantly consolidating and correlating such information so as to make it available to agencies in an expedient and useful manner otherwise unobtainable.]

(4) The proposal must specify the expected hardware technology which would ultimately be required in order to make the data/information system proposed available to enforcement agencies on a nationwide scale.

(5) The proposal must identify the extent to which the data/information system will add to, or improve the utility of, the already existing body of knowledge on fair housing.

§ 111.110 Criteria for Innovative Project proposals.

(a) All Innovative Project proposals must meet the following criteria:

(1) They must specify a fixed time period in which the project will be completed.

(2) They must, if expected to extend for more than one year, identify specific project phases which will be completed within each year and the measures applicable to assessing progress at those junctures. Specific project phases must result in products which will be of utility to the agency's fair housing enforcement effort in the event that future funding is not allocated for subsequent phases.

(3) They must detail the measurable outcomes of the project upon completion, and the indicators by which those outcomes can be evaluated.

(b) Category 1: Innovative Projects with Multi-Agency Utility:

(1) The proposal must indicate the degree to which the subject matter of the project is of importance to other agencies and jurisdictions.

(2) The proposal must demonstrate how the results of the project, with minimal modification, are transferable or adaptable by other agencies. In addition, the proposal must identify those aspects of the project which may need to be modified in order to be adapted elsewhere. The final results of the project should include a description of how such modifications can be accommodated.

(3) The proposal must indicate the expected long-term viability of the project results. Projects will be favorably considered which are not only replicable, but which have a high degree of recurring utility.

(4) The proposal must demonstrate that the implementation of the project will not impede or diminish the agency's ongoing complaint processing activity.

(5) Proposals designed to produce an end product with respect to which completely satisfactory results are dependent on either judicial or legislative action, must indicate the method by which such appropriate subsequent action should be sought and obtained.

(6) The proposal must indicate the extent to which the project results would add to already existing enforcement techniques available to fair housing agencies.

(c) Category 2: Innovative Projects Designed to Improve an Agency's Fair Housing Enforcement Capabilities:

(1) The proposal must identify the specific fair housing problem or agency administrative defect/shortcoming which the project will address, and the degree to which the project represents a new approach to that problem.

(2) The proposal must indicate how the results of the project can and will be integrated into the agency's overall fair housing enforcement program upon the completion of the project.

(3) The proposal must demonstrate that the expected results of the project will either:

(i) Significantly increase the quantity and/or quality of the agency's fair housing enforcement actions by improving the administrative enforcement mechanism(s) of the agency, or

(ii) Have a significant impact on the equal housing opportunities of one or more segments of the protected population by achieving a specific affirmative change in systemic or institutional housing practices within the jurisdiction.

(4) Proposals designed to produce an end product with respect to which completely satisfactory results are dependent on either judicial or legislative action, must indicate the method by which appropriate subsequent action should be sought and obtained.

§ 111.111 Application.

Complete information on all application requirements will be included in the periodic "Notices of Availability of Fair Housing Assistance Program Funds." Application kits will be available from the designated HUD Office upon request at the time of the notices.

§ 111.112 Program administration.

(a) The Fair Housing Assistance Program shall be administered by the Office of the Assistant Secretary for Fair Housing and Equal Opportunity.

(b) Cooperative Agreements and other forms of assistance under its program will be announced through "Notices of Availability of Funds" periodically published in the **Federal Register**. The factors for award which HUD will use in selecting projects will be a part of the program announcement.

(c) All agencies which receive support under this program must conform to reporting and record maintenance requirements determined appropriate by the administering office. Standards for monitoring Cooperative Agreements will be established by the Office of the Assistant Secretary for Fair Housing and Equal Opportunity. These standards will include terms by which HUD may recapture funds if the agencies receiving the Cooperative Agreements do not conform to these requirements.

Issued at Washington, D.C., April 17, 1980.

Weldon H. Latham,

General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.

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May 14, 1980

Part IV

Department of Justice

Law Enforcement Assistance Administration

Response to Public Comment and Issuance of LEAA Program Announcement, Delinquency Prevention Through Capacity Building

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Response to Public Comment and Notice of Issuance of LEAA Program Announcement Delinquency Prevention Through Capacity Building

AGENCY: Law Enforcement Assistance Administration (LEAA), Justice.

ACTION: Response to Public Comment and Notice of Issuance.

SUMMARY: This guideline is an addition to the National Priority Program and Discretionary Program Announcement, published in the **Federal Register** on February 15, 1980. It does not in any way impact upon the programs or regulations presently set out in that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), Law Enforcement Assistance Administration (LEAA), published in the **Federal Register** on March 21, 1980, a draft Program Announcement of competitive action grants for a Program to Prevent Juvenile Delinquency Through Capacity Building. This notice summarizes the public comments received pertaining to the draft announcement, responds to the issues raised, details the changes made and sets forth the final program guideline.

FOR FURTHER INFORMATION CONTACT: Ms. Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, LEAA, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (202) 724-7755.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Nature of Comments and LEAA's Response

The Office of Juvenile Justice and Delinquency Prevention received 39 separate letters in response to the Capacity Building Draft Guideline published in the March 21, 1980 **Federal Register.** An analysis of the comments indicates that most respondents were supportive of the Guideline. Responses were received from a wide variety of public and private youth-serving agencies and many useful suggestions and recommendations were made. The following summarizes the comments received and discusses OJJDP's response to the comments.

I. *Applicant Eligibility*

A. *Eligibility of Indian Tribal Governments*

Comment—The Guideline should state that Indian Tribal Governments are eligible applicants.

Response—OJJDP has accepted the recommendation that the Guideline narrative specify that Indian Tribal Governments are eligible applicants and the narrative has been revised.

B. *Eligibility of Multi-Site Applicants*

Comment—Several commentors requested OJJDP to revise the Guideline language to state more clearly that state, regional, and national organizations would be eligible to submit applications to implement projects in more than one location. Further, the commentors suggested that the multi-jurisdictional applicants should be eligible for grants up to $500,000.

Response—OJJDP has revised the Guideline narrative to clarify the eligibility criteria and has agreed to consider applications in an amount up to $500,000 for projects seeking to implement programs in multiple sites or jurisdictions. Projects of this type would be eligible to make application in Category I.

C. *Eligibility of Advocacy Programs*

Comment—Three commentors suggested that the narrative should state more clearly that legal advocacy groups are eligible applicants.

Response—While the Guideline does not focus on legal advocacy, advocacy projects are clearly eligible and would be considered responsive to the areas under "Innovative Techniques" in Category I of the Guideline.

Comment—One respondent objected to Federal support for youth advocacy activities.

Response—The intent of OJJDP is to carry out the mandate of the Congress in accordance with the provisions of the Juvenile Justice and Deliquency Prevention Act of 1974, as amended. Section 224(a)(7) states, "develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system."

D. *Eligibility of On-Going Projects*

Comment—Some commentors questioned the eligibility of currently funded on-going projects.

Response—On-going and previously funded projects are eligible to apply under this Guideline in either Category. They will be selected by the same criteria as new projects. In the final selection process, eligible continuation applicants will be assessed regarding the extent to which the project has met the goals and objectives outlined in their current grant and the extent to which they have complied with LEAA/OJJDP regulations and requirements.

E. *Eligibility of Schools*

Comment—One reply requested clarification regarding the eligibility of schools.

Response—OJJDP recognizes the important role of the school in the prevention of delinquency. Schools are eligible to apply under this Guideline. It is possible, however, that school projects may be more responsive to the selection criteria established for the Alternative Education Guideline and the Prevention R&D Guideline.

F. *Eligibility of Public Agencies in Category II*

Comment—One respondent suggested that public agencies having demonstrated a capability of working with indigenous community organizations and neighborhood groups should be eligible to apply in Category II.

Response—OJJDP has not accepted this suggestion. It is OJJDP's intent to make funds available directly to community and neighborhood groups and to test strategies which will place indigenous groups in a leadership role in addressing juvenile delinquency and youth problems at a neighborhood level.

II. *Criteria for Selection of Projects*

Comment—It was recommended that the selection criteria should be more explicit.

Response—OJJDP has rewritten the selection criteria to be more definitive and has assigned weights to the criteria.

Comment—Several commentors suggested that the management and planning capabilities of the applicant agencies should be factored in the selection considerations. They also suggested that OJJDP require applicants to develop formal working agreements, provide evidence of organizational skills, provide evidence of planning and coordination, and address plans for future funding.

Response—OJJDP has included instructions in the application narrative which require all applicants to address these issues. The selection criteria has been rewritten and Criteria 5 and 8 address overall management and administrative capability.

III. *Criminal Justice Council (CJC) Review and Coordination*

Comment—Several commentors expressed concern over the role of Criminal Justice Councils (CJCs) in the review and approval of applications.

Response—Applicants are required to furnish the Criminal Justice Council (CJC) with a copy of the proposal and OJJDP will review and consider all comments it receives. In addition, all

applicants are required to submit their applications to the appropriate A-95 Clearinghouse to obtain a State Application Identifier Number.

IV. *Definitions*

Comments—Several repondents suggested adding definitions to some terms used in the Guideline narrative.

Response—Definitions have been added which should help clarify the language used in the Guideline.

V. *Innovative Techniques—Component Description*

Comment—One respondent recommended expanding the description of Innovative Technique Number 9. Another suggested that a twelfth technique be added which would remedy the disproportionate impact of the juvenile justice system on young women and minorities. On the contrary, another respondent believed the innovative techniques to be too broad and suggested that the Guideline should be more narrowly focused.

Response—OJJDP's response to these suggestions is that the innovative techniques listed are those mandated by Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. It is the opinion of the Office that to reduce the number of techniques would be inappropriate and that the concerns expressed regarding disproportionate impact of the juvenile justice system on young women and minorities can be addressed by the implementation of innovative projects in response to the innovative techniques as stated.

VI. *Research*

Comment—One respondent recommended that the Guideline should be broadened to solicit research proposals specifically designed to investigate the issues and problems associated with the sentencing of young offenders to adult facilities.

Response—Research projects are funded under the programs of the National Institute of Juvenile Justice and Delinquency Prevention, whereas the projects to be funded under this Guideline are action projects supported by Special Emphasis funds. In addition, the issues related to the type of young offender who would likely be sentenced to an adult facility are addressed in another OJJDP Guideline entitled "The Violent Juvenile Offender Program."

VII. *Concept Papers and Applications*

Comment—Comments were received endorsing the procedure of requiring concept papers in lieu of full applications.

Response—While OJJDP concurs that this is a viable approach, time constraints preclude the solicitation of concept papers during this first cycle of Capacity Building awards. During this first cycle, OJJDP wishes to enable on-going projects to compete with new proposals. In order to avoid a lapse in project activities and services for those continuation projects which successfully compete under this Guideline, awards must be made on October 1, 1980. Application processing procedures and review and selection procedures require ninety days to complete. Thus, there is insufficient time to allow for both concept paper and full application review. OJJDP recognizes the time and effort involved in the preparation of full applications and hopes to be able to use the concept paper or pre-application method in future funding cycles.

VIII. *Technical Assistance*

Comment—One comment was received regarding the provision of technical assistance to selected grantees.

Response—OJJDP agrees that technical assistance is vital to new projects and that if provided early, technical assistance can facilitate a smooth start-up and avoid many management and implementation problems. OJJDP is planning to bring the selected grantees together for a technical assistance workshop within 30 days of grant award.

Comment—One respondent recommended that OJJDP provide technical assistance in application development and project planning to indigenous community organizations and neighborhood groups who have had limited experience in writing applications and undertaking program development activities.

Response—The time constraints associated with the first cycle of the Capacity Building Program preclude the provision of technical assistance during the application stage. OJJDP will, however, examine the need for this type of technical assistance and will investigate the possibility of providing such assistance in future funding cycles.

IX. *Thirty Day Period for Public Comment*

Comment—OJJDP received one comment objecting to the 30-day public comment period for the draft Guideline.

Response—The Acting Administrator of LEAA approved waiver of the normal 60-day public comment period to a shorter 30-day comment period because he determined it was in the best interest of the public to provide for award of the grants under this Program during the Fall of 1980. This determination and approval was made in conformity with Executive Order 12044. The 30-day comment period offers the public early and meaningful opportunity to participate in the development of the Guideline and does not create a delay in the award process.

X. *Funding Levels*

Comment—Some respondents suggested that funds should be allocated equally between Category I and Category II.

Response—Six (6) million dollars have been allocated to the Capacity Building Program. Most continuation grants that are eligible for competition under this Guideline will be competing under Category I. A review of the size of the current budgets of the eligible continuation applicants revealed that if several applicants successfully competed in Category I, funds would not be available for new projects. Therefore, the amount of funds allocated for Category I projects is higher in order to allow the funding of new projects. Since this Program is planned as a two-cycle effort, it is very possible that additional resources will be added to Category II in the future.

Comment—Some respondents suggested increasing the size of awards in Category II.

Response—By funding at lower levels, OJJDP will be able to fund a greater number of projects in this Category. LEAA experience under the Community Anti-Crime Program has shown that initial projects operated by community level programs have a greater chance of success if not overwhelmed by extremely large budgets in the start-up phase. It is planned that as indigenous neighborhood organizations and community groups refine their management capability, the size of grant awards may be increased accordingly, depending upon the availability of funds.

Office of Juvenile Justice and Delinquency Prevention Program Announcement Prevention of Juvenile Delinquency Through Capacity Building

A. Purpose

Pursuant to Section 224(a) of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a program designed to increase the capacity of state and local governments, public and private youth-serving agencies, and indigenous neighborhood organizations or community groups, to prevent delinquency, develop and utilize alternatives to the juvenile justice

system, and improve the administration of juvenile justice. This Program to Prevent Juvenile Delinquency Through Capacity Building consists of two separate and distinct components, each of which is described below. Each component is a separate and distinct application category.

B. Program Components

1. *Innovative Techniques—Category I*

a. *Component Description.* OJJDP is interested in receiving applications which propose to develop, maintain or expand the activities outlined in Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. These activities include:

(1) Develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) Develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) Develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) Improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

(5) Facilitate the adoption of the recommendations of the Advisory Committee and the Institute as set forth pursuant to Section 247;

(6) Develop and implement, in coordination with the Commissioner of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) Develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) Develop, implement, and support in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) Improve the juvenile justice system to conform to standards of due process;

(10) Develop and support programs designed to encourage and enable state legislatures to consider and further the purposes of this Act, both by amending state laws where necessary and devoting greater resources to those purposes; and

(11) Develop and implement programs relating to juvenile delinquency and learning disabilities.

b. Applications in Category I must propose strategies for employing one or more of the techniques contained in Paragraph (a).

c. Eligible applicants in Category I include national, state and local, public and private agencies, organizations and institutions and Indian Tribal Governments.

2. *Category II—Neighborhood or Community Projects*

a. *Component Description.* OJJDP is interested in receiving applications from indigenous neighborhood organizations and community groups which propose strategies for preventing and reducing delinquency and providing youth services in communities with high rates of youth unemployment, school dropout and juvenile delinquency. The purpose of this component is to identify and support promising program concepts whose primary target population is high risk and minority youth, and their families. Examples of programmatic concepts which OJJDP considers appropriate under this component include, but are not limited to, gang intervention, neighborhood youth activities which also involve the children's parents, block clubs which focus on the resolution of youth-related problems, and youth coalition and participation projects.

b. Applications in Category II must propose strategies for addressing juvenile delinquency within neighborboods and communities and be implemented by locally based organizations representative of neighborhood residents.

c. Eligible applicants include grass roots, indigenous neighborhood organizations and community groups and Indian Tribal governments representing the interests of disadvantaged youth and their families. All applicants in this Category should include a clear and concise description of the applicant organization and should describe the characteristics of the client population. Eligible applicants in Category II must be *incorporated non-profit organizations.* Small neighborhood organizations and community groups which intend to participate in a coalition model with an incorporated applicant, need not be incorporated themselves.

C. *Dollar Range and Duration of Grants*

1. Four (4) million dollars has been designated for awards in Category I. Grants will be awarded for a period of two years in an amount ranging from $100,000 to $300,000 per year. Multi-jurisdictional projects (see Definition Section—Paragraph H(14)) may apply for grants up to $500,000 per year.

2. Two (2) million dollars has been designated for awards in Category II. Grants will be awarded for a two year period and will range from $50,000 to $150,000 per year.

3. Matching funds are not required.

4. OJJDP makes no commitment to continuation funding of individual projects funded under this program beyond the two-year project period. Eligibility for continuation funding will be determined in accordance with criteria to be established by OJJDP.

D. *Submission Requirements*

1. *Procedures:* Applications must be submitted to the Office of Juvenile Justice and Delinquency Prevention in accordance with the following:

a. *Deadline for Submission of Applications.* One (1) original and two (2) copies of the application must be mailed or hand delivered to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW., Washington, D.C. 20531, by midnight June 30, 1980. Applications sent by mail will be considered on time if sent by registered or certified mail no later than June 30, 1980, as evidenced by the U.S. Postal Service postmark on the original receipt from the U.S. Postal Service.

b. One copy of the application must be sent to the appropriate A–95 Clearinghouse and State Criminal Justice Council.

c. The application must be submitted on Federal Form 424 and the form must be signed by the official of the applicant agency who has the authority to accept and administer grant funds.

d. The application must clearly indicate whether the application is being submitted under Category I or Category II as described in Paragraph B, Sections 1 and 2.

2. *Budget Requirements:*

a. *A two year budget must be submitted following the directions contained on "Federal Form 424."* The inclusion of a carefully itemized and detailed budget is mandatory and applicants must include a categorical line item budget and a corresponding narrative which justifies proposed expenditures.

b. Include in the budget funds to support travel for two (2) persons, to meet with the OJJDP Grant Monitor in Washington, D.C., and attend technical assistance and/or training meetings two (2) times during the project period.

Estimate costs based on airline flight costs to mid-western cities and figure per diem costs for three (3) days, for each person, for each trip. Projects utilizing youth as advisors, planners or implementors are encouraged to budget travel funds for a youth representative to attend LEAA/OJJDP sponsored technical assistance and training meetings.

c. After determining the total budget amount, add on 15% of the total project cost to be set aside for project level evaluation purposes.

3. *Application Narrative Requirements:*

The application narrative must follow the format and include all of the information listed below. Provide the follow information in the order listed, include a *Table of Contents,* and *number the pages* so that they correspond to the Table of Contents; this will facilitate the review and insure that the required information is not overlooked. Provide a program narrative not to exceed 30 pages excluding the Table of Contents and Appendices.

a. Clearly indicate on Form 424—block 7 (Standard Application Form) whether the application is submitted under Category I or Category II of Paragraph B.

b. Provide a brief description of the applicant agency, organization or group. Include the primary purpose, date of establishment, size of current operating budget, and a description of the financial record keeping practices used. Indicate whether the applicant is a public or private not-for-profit agency or a newly organized community group, and describe the number of staff employed and their qualifications.

c. Clearly describe the goals and objectives of the proposed program. State in specific terms how the project will impact juvenile delinquency. Include any available data which will clearly substantiate the need for the purposed services or activities. Comment on services available now, and certify that this project will not duplicate other projects or activities serving the same target population.

d. Describe the project methodology. That is, explain how the project will work! Describe the activities that will be undertaken during the grant period and *how* they will affect the problem to be addressed.

e. Describe any program components or activities you plan to implement that you believe to be innovative.

f. Clearly describe the target population including age, sex, racial/ethnic characteristics and economic level of youth participants. Indicate how many youths will be served over the two year project period.

g. Describe the management and staffing structure including qualifications, experience, and background of personnel that would be selected for the project.

h. Describe what type of program information will be systematically collected and will be used in order to track and report project achievements, numbers of clients served, services, and activities provided. The information system should be developed in connection with your plans for project level evaluation and LEAA reporting requirements. In that regard, also describe how you intend to evaluate your project. (i.e., will you subcontract for an evaluation or do you have in-house evaluation capability?)

i. Provide statistics for 1978 or 1979 which describe the rates of juvenile delinquency, school dropout and youth employment in the target neighborhood or community. Clearly identify the source of the statistics. To the extent possible, provide a comparison of the rates to the larger jurisdiction in which the target neighborhood(s) is located (i.e. city or county).

j. Submit a detailed workplan which outlines specific program objectives and indicate chronologically the key planned activities that take place in order to reach each objective. Relate the key planned activities to a time frame.

k. If the proposed project design involves participation by other agencies, include letters of agreement which describe *how* the other agency will participate in the project. These letters should not be merely letters of support, but should indicate a willingness to cooperate and should spell out the role that the agency or organization will play in meeting the goals and objectives of the project.

l. Clearly describe what project activities will be undertaken by project staff to develop future funding sources to sustain activities after federal funding has ceased.

4. *Civil Rights Compliance Requirements:*

a. All recipients of LEAA assistance must comply with:

(1) Section 815(c) of the Justice System Improvements Act (JSIA), and its implementing regulations, found in 28 CFR 42.201, *et seq.*

(2) Title VI of the Civil Rights Act of 1964, and its implementing regulation, found at 28 CFR 42.101, *et seq.*

(3) Section 405 of the Rehabilitation Act of 1973, as amended, and its implementing regulations.

(4) The Age Discrimination Act of 1975, as amended, and its implementing regulations.

(5) Executive Order 12138, 44 FR 29637 (May 22, 1979), requiring recipients of Federal financial assistance to take appropriate affirmative action in support of women's business enterprise.

b. Each recipient of LEAA assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants totaling $25,000 or more since the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of 3% or more is required to formulate, implement and maintain an Equal Employment Opportunity Program (EEOP). Where a recipient has 50 or more employees, and has received grants or subgrants of $25,000 or more, and has a service population with a minority representation of less than 3%, such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the award. An applicant for LEAA assistance for $500,000 or more must submit its EEOP with the application. The EEOP must *be approved by OJARS' Office of Civil Rights Compliance prior to award.* Failure to address this requirement will result in rejection of the proposal.

c. Applicants that do not meet any of the criteria in Paragraph 2, above, educational institutions and private not-for-profit organizations shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person of persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any grant award.

E. Selection Procedures

1. Applications will be competitively reviewed by OJJDP staff with the assistance of a panel of experts

knowledgeable in the broad area of youth services, juvenile justice, and indigenous neighborhood programs.

2. Applications will be reviewed and rated utilizing the selection criteria listed in Section F. Each project will be examined for compliance with the submission requirements outlined in Section D. Applications failing any one of the submission requirements will be rejected. The mandatory requirements which if not met will result in rejection at the point of inifal screening are:

(a) Timely submission as described in Paragraph D(1a).

(b) Submission of a signed original and 2 copies of the application utilizing the required Federal Form 424.

(c) Proof that the applicant is a public or private not-for-profit organization.

(d) Two year budget and budget narrative which shows two year totals and breaks out the budget for each year separately.

(e) The application must not exceed the amounts designated for the Category in which application is being made. The application face sheet must clearly indicate whether the applicant is competing in Category I or Category II as described in Paragraph B, Sections 1 and 2.

(f) The applicant has provided evidence of submission of the application to the A–95 Clearinghouse and the State Criminal Justice Council.

(g) The application includes a table of contents, numbered pages and a workplan with milestones and timetables.

(h) Applicants passing the initial compliance review will be substantively reviewed and numerically rated and ranked. Only those applicants meeting the selection criteria at the highest levels will be recommended for award. Awards will be made during the fall of 1980.

F. Selection Criteria

Applications will be rated and selected using the following criteria. In selecting applications for funding from those determined acceptable, geographic distribution will be considered. Not more than two projects will be funded in any single state in each Category and not more than one project from each Category will be funded to operate in the same or overlapping target areas. In addition to being rated on criteria 1–10, eligible continuation applicants will, in the final selection process, be assessed regarding the extent to which the project has met the goals and objectives outlined in the current grant and the extent to which the applicant (grantee) has complied with LEAA/OJJDP regulations and requirements.

1. For applicants in Category I: The extent to which the project proposes innovative program approaches, techniques and activities. The application must clearly identify the techniques and activities believed to be innovative. (20 points)

2. For applicants in Category II: The extent to which the application focuses on primary community or family groups, and the extent to which the project will increase the capacity of indigenous neighborhood organizations and community groups to serve delinquent youth or youth residing in neighborhoods characterized by high rates of unemployment, school dropout and delinquency. (20 points)

For All Applicants the Following Criteria Will Apply:

3. The extent to which the application documents the need for the specific services or activities proposed and provides evidence that the proposed activities will not duplicate existing services and activities in the target area. (10 points)

4. The extent to which the application contains clearly stated goals and objectives. (15 points)

5. The extent to which the application contains a workplan and implementation schedule which relates project goals to the accomplishment of significant key planned activities within a specified time frame. (15 points)

6. The extent to which the applicant group or agency represents the direct interests of youth and families in the target area through participation as advisors, planners and implementors or through service on policy boards, task forces, youth councils, or as project staff. (10 points)

7. The extent to which the targeted areas within a state, community or neighborhood evidence a significant juvenile problem as documented by high delinquency, school dropout and youth unemployment rates. (10 points)

8. The extent to which the application indicates the applicant's administrative, fiscal and programmatic capacity (e.g. skills, prior experience, or access to management expertise) to conduct the project. (5 points)

9. The extent to which the proposed project indicates cost effectiveness in relationship to the amount and types of programmatic activities proposed. (10 points)

10. The extent to which the application describes an evaluation and/or reporting procedure for providing timely and consistent information on the numbers of participants, source of referrals, activities undertaken, services provided, and the impact of the project on the participants and community. (5 points)

G. Technical Assistance

It is anticipated that technical assistance, will be made available by OJJDP to applicants selected for funding under the Capacity Building Initiative.

H. Definitions

1. *Innovation:* A new overall program approach, specific program strategies, or particular program element(s) which are described and supported in the proposal narrative as significant project components expected to produce effective outcomes. To the extent applicants may propose substantially new program formats, "innovative" may refer to the entire program design. Establish programs will be considered innovative if they include refinements or new components which are expected to improve outcomes; or have demonstrated proven effectiveness in ameliorating specific problems or conditions.

2. *Delinquency:* The behavior of a juvenile, in violation of a statute or ordinance in a jurisdiction, which would constitute a crime if committed by an adult.

3. *Youth:* Youth are defined by each jurisdiction's definition as contained in the relevant welfare and juvenile codes.

4. *Primary Groups: Indigenous community groups impacting the growth and development of youth which are characterized by closeness, informality, frequency of contact, family relationships, and moral or legal responsibility for the welfare of youth. Examples of primary groups would include the nuclear family, the extended family, close neighbors, and peer groups.*

5. *Private Not-for-Profit Youth Serving Agency:* Any agency, organization, or institution with experience in serving youth, designated tax exempt by the Internal Revenue Service under Section 501(c)(3) of the IRS Code.

6. *Public Youth Serving Agency:* Any agency, organization, or institution which functions as a part of a unit of government and is supported by public revenue, for the purpose of providing services to youth.

7. *Equal Employment Opportunity Program:* A written Equal Employment Opportunity Program meeting the requirements as set forth in the LEAA EEOP Guidelines, Subpart E, 28 CFR 42.301 as amended.

8. *Indigenous:* For purposes of this Guideline, "indigenous" refers to groups, and resources located in the community or neighborhood which draw upon residents of that neighborhood for

delivery of services as distinguished from resources, expertise, or activities provided predominantly by groups or agencies located outside the boundaries of the community or neighborhood.

9. *Youth Participation:* "Involving youth in responsible, challenging action, that meets genuine needs, with opportunity for planning and/or decision making affecting others, in an activity whose impact or consequences extend to others—i.e., outside or beyond the youth participants themselves." (Judge Mary Conway Kohler)

10. *Capacity Building:* A systematic approach which maximizes the ability of a group, agency, or organization to provide youth services relevant to the needs of youth and the degree to which the activities and services can be expanded and sustained.

11. *Juvenile Justice System:* Official structures, agencies and institutions with which juveniles may become involved as the result of allegations of delinquency, abuse, neglect, mental illness, drug addiction, non-delinquent misbehavior, or other legal grounds. These systems include, but are not limited to juvenile or family courts, administrative hearing boards, law enforcement agencies, correctional agencies, etc.

12. *Eligible Continuation Applicants:* Applicants that are applying for funds to continue a project currently supported by OJJDP funds.

13. *Community and Neighborhood:* Are used interchangeably for the purchase of this Guideline and refer to an area which has a specific set of socio-economic and demographic characteristics, and where youth and families interact and goods and services are delivered.

14. *Multi-jurisdictional:* Projects which implement components in more than one jurisdiction (city, county or state).

I. Agencies and organizations wishing to make applications under this Guideline may telephone or write to the Office of Juvenile Justice and Delinquency Prevention to obtain application forms and additional information. Due to the time constraints involved, interested persons are encouraged to call 202–724–7755 or 202–724–7760 to request application materials. For further information or clarification regarding this announcement, contact Roberta Dorn, Juvenile Justice Specialist at 202–724–7755.

J. OJJDP anticipates that a second Capacity Building funding cycle will occur in FY 81. The amount of funds that will be available and the application or concept papers submission procedures will be announced at a later date.

[FR Doc. 80–14750 Filed 5–13–80; 8:45 am]

BILLING CODE 4410–18–M

federal register

Wednesday
May 14, 1980

Part V

Department of Housing and Urban Development

Office of Assistant Secretary For Housing—Federal Housing Commissioner and Office of Assistant Secretary for Policy Development and Research

Existing Multifamily Housing, Demonstration; Interim Rule on Low Cost and Moderate Income Mortgage Insurance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Office of Assistant Secretary for Policy Development and Research

24 CFR Part 221

[Docket No. R-80-803]

Low Cost and Moderate Income Mortgage Insurance; Existing Multifamily Housing Demonstration

AGENCY: U.S. Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development, under its Title V research authorities (12 U.S.C. 1701z–1), is conducting a Demonstration to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects. This regulation is in support of that Demonstration. It implements the policy and authority of Section 223(f) of the National Housing Act of 1934, as amended, pursuant to Section 221(d)(3) to permit cooperative conversions of existing multifamily projects as a part of the Demonstration. It will permit the insurance of mortgage loans made in connection with the purchase and refinancing of existing, conventionally-financed, multifamily, rental projects, for the purpose of converting them to management-type projects.

The Demonstration is limited to a total of not more than thirty (30) projects located in not more than six (6) metropolitan areas of the country. Projects will be selected from applications which meet the purposes of the Demonstration to test a range of alternate financing mechanisms, under varying project and tenant circumstances, and from different locales, and which also meet requirements for project quality, underwriting soundness, and fairness of conversion price. This rule is only one alternative of the Demonstration. Alternatives involving amendments to other Parts of the Regulations will be published separately. Administration procedures for the Demonstration, and invitations to submit applications to it, will appear as Notices in subsequent issues of the **Federal Register.**

DATES: Effective: June 13, 1980. Comments due: July 14, 1980.

FOR FURTHER INFORMATION CONTACT: Michael A. Stegman, Deputy Assistant Secretary for Research, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755–5561, or Alexander J. Pires, Deputy Assistant Secretary for Multifamily Housing, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755–6495. The telephone numbers are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Demonstration will test a number of alternative purchase and/or refinancing mechanisms for existing multifamily housing. Among them is the implementation of the authority of Section 223(f) to expand cooperative ownership opportunities for those with moderate incomes. The availability of cooperative mortgage insurance will offer tenants who could not otherwise afford the purchase of a share in a cooperative the advantages of long term financing and feasible down payment requirements. Under existing regulations, the opportunities for cooperative ownership have only been available with new construction and substantial rehabilitation. By this Interim Rule, the Department will test the usefulness of extending cooperative homeownership opportunities to the thousands of multifamily dwelling units whose owners are interested in conversion but have lacked the means by which they could make their satisfactorily maintained structures available for purchase by tenants of moderate means. Such conversions are also seen as a possible additional tool to permit tenants in residence to remain in neighborhoods experiencing upgrading and displacement.

The Secretary has determined that prior notice and public procedure are not necessary, are contrary to the public interest, and good cause exists for making this regulation effective as soon as possible because: (1) HUD standards for moderate income cooperative ownership are well established, and those standards will be applied in this Demonstration; (2) the use of Section 223(f) has been effectively demonstrated with a related multifamily program; (3) the legislative direction, as in House Report 96–658, clearly encourages this Demonstration; and (4) the application of this rule will only be for a limited number of demonstration projects. The Department has determined that an Environmental Impact Statement is not required with respect to this Interim Rule. A copy of the Environmental Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451, 7th Street, SW., Washington, D.C. 20410.

This rule was listed as item number S–5–79 on the Department's semi-annual agenda of significant rules, pursuant to Executive Order 12044.

The effective date shall be June 13, 1980.

Accordingly, Part 221 is amended as shown below.

PART 221—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

1. The Table of Contents is amended to include a new section numbered § 221.560b, and named "Eligibility of Cooperative Mortgages for Existing Multifamily Housing Demonstration"

2. The following new section is added and designated as § 221.560b:

§ 221.560b Eligibility of cooperative mortgages for existing multifamily housing demonstration.

(a) *Eligibility.* Notwithstanding the generally applicable requirement that mortgages insured under this part be limited to projects to be constructed or substantially rehabilitated after commitment for mortgage insurance, a mortgage executed in connection with the purchase or refinancing for cooperative ownership of an existing multifamily housing project that has been designated to be part of the Existing Multifamily Housing Demonstration may be insured under this part pursuant to Section 223(f) of the Act. A Mortgage insured pursuant to this section shall meet all other requirements of cooperative ownership insured pursuant to Section 221(d)(3), except for such waivers or modifications as may be made to accommodate the purposes of the Demonstration under § 221.560b(f) below.

(b) *Limited Applicability.* The number of projects which may be insured under this or any other section, as part of the Demonstration, shall be limited to a total of not more than thirty (30) projects, located in not more than six (6) metropolitan areas of the country.

(c) *Joint Approval.* Mortgages insured under this section shall require the joint Central Office review and the written approval of both the Assistant Secretary for Policy Development and Research and the Assistant Secretary for Housing/Federal Housing Commissioner, or their Central Office delegates, prior to issuance of commitment for such mortgages by the Manager of HUD's local office.

(d) *Related Programs.* Projects eligible for insurance under this section may also be eligible for any other applicable program(s) of HUD.

(e) *Administrative Procedures for Demonstration.* Notice(s) will be published in the **Federal Register** concerning the administrative procedures for the Demonstration, including, but not limited to: Eligibility, invitation to submit applications, processing standards, underwriting criteria, and other requirements of the Demonstration.

(f) *Demonstration Waivers.* Non-statutory requirements for projects insured or otherwise assisted under this section may be waived, modified, or added to, upon a joint finding by the Assistant Secretary for Policy Development and Research and the Assistant Secretary for Housing/Federal Housing Commissioner that it is necessary or appropriate to do so, in order to serve the purposes of the Existing Multifamily Housing Demonstration. Notice of any such waivers, modifications, or additions shall be published in the **Federal Register.**

(g) *Sunset provision.* Authority to insure mortgages under this section shall expire on March 15, 1984, or upon endorsement of the thirtieth project in the Demonstration, for § 221.560b(b) above, whichever occurs sooner.

(Title V of Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1); sec. 223(f) of National Housing Act of 1934, (12 U.S.C. 1701); sec. 7(d) of Department of HUD Act of 1967, (42 U.S.C. 3535(d)))

Issued at Washington, D.C., April 17, 1980.

March 5, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing/Federal Housing Commissioner.

Michael A. Stegman,

Deputy Assistant Secretary for Research.

[FR Doc. 80–14828 Filed 5–13–80; 8:45 am]

BILLING CODE 4210–01–M

federal register

Wednesday
May 14, 1980

Part VI

Department of Agriculture

Federal Grain Inspection Service

Consolidation of Evansville (Indiana) and Henderson (Kentucky) Grain Inspections and Assignment of Geographic Area

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Geographic Area; Consolidation of Evansville Grain Inspection, Evansville, Ind., and Henderson Grain Inspection, Henderson, Ky., and Assignment of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the consolidation of Evansville Grain Inspection, Evansville, Indiana, and Henderson Grain Inspection, Henderson, Kentucky, both of which are owned and operated by James L. Goodge. The resultant consolidated agency will be known as Evansville Grain Inspection. This notice also announces the assignment of geographic area to the Evansville Grain Inspection.

EFFECTIVE DATE: June 13, 1980.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262. Actions of this kind were anticipated under the provisions of Section 7 of the U.S. Grain Standards Act, as amended (7 U.S.C. 79), and are specifically considered in the Final Impact Statement prepared for this action. Thus, the Final Impact Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from the Issuance and Coordination Staff, United States Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

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

Evansville Grain Inspection ("Evansville"), 1320 S. Grand Avenue, P.O. Box 2057, Station D, Evansville, Indiana 47714; and Henderson Grain Inspection ("Henderson"), West Jefferson Street, P.O. Box 622, Henderson, Kentucky 42420, were designated as official agencies under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), for the performance of official grain inspection functions on August 31, 1978. The designation also included assignments of geographic area, on an interim basis, within which these agencies would operate. Geographic areas are assigned to each official agency pursuant to Section 7(f)(2) of the Act. The Act provides that no more than one official agency shall be operating at one time within an assigned geographic area.

On February 13, 1980, James L. Goodge, owner and operator of both Evansville and Henderson agencies, requested that the two agencies and their proposed areas be consolidated into one agency. Mr. Goodge cited economic and management advantages that would be realized by such a consolidation. He assured that a consolidation of agencies would benefit the applicants for service by centralizing records, equipment, and manpower, thereby making operation more efficient.

The Federal Grain Inspection Service has examined Mr. Goodge's request and in general finds his comments to be valid. A consolidation would, in effect, only constitute a name change because both agencies are owned and operated by the same individual and use the same equipment, facilities, and many of the same personnel. Also, the proposed consolidation will not involve a change of ownership or management. After review of all available information and the request of Mr. Goodge, it has been determined that a consolidation of the two agencies be approved. As of the effective date referenced above, the Evansville and Henderson agencies will be consolidated forming one agency to be known as Evansville Grain Inspection.

The consolidation of these agencies will also include a consolidation of their geographic areas. The geographic areas, assigned on an interim basis to each agency, were announced in the January 12, 1979, issue of the **Federal Register** (44 FR 2646). No comments regarding the assignments of geographic areas were received. In conjunction with the consolidation of the agency, the geographic areas assigned on an interim basis to the Evansville and Henderson agencies are assigned to Evansville Grain Inspection. The resulting area forms a contiguous area in which Evansville Grain Inspection is responsible to provide service.

The geographic area assigned to Evansville Grain Inspection is:

In Indiana, the counties of Daviess, Dubois, Gibson, Knox, except the area west of U.S. Route 41 (150) from Sullivan County south of U.S. Route 50, Pike, Posey, Vanderburg, and Warrick. In Kentucky, the counties of Caldwell, Christian, Crittenden, Henderson, Hopkins (west of State Route 109 and south of the Western Kentucky Parkway), Logan, Todd, Union, and Webster (west of Alternate U.S. Route 41 and State Route 814). In Tennessee, the counties of Cheatham, Davidson, and Robertson.

Exceptions to this geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Cairo Grain Inspection Agency: Hopkinsville Elevator Company, Inc., Hopkinsville, Kentucky; and the L&N Railroad siding 5 miles southeast of Hopkinsville on Alternate U.S. Route 41, in Christian County, Kentucky. These locations have been restated to more accurately describe the locations by listing the site serviced rather than by general reference to the city, town, or area in which situated.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspections and where the agency or one of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the Agency will provide official inspection services not requiring a licensed inspector to all other areas within its geographic area.

Effective June 13, 1980 requests for official services in the area described above should be directed to: Evansville Grain Inspection, 1320 S. Grand Avenue, P.O. Box 2057, Station D, Evansville, Indiana 47714.

Interested persons may obtain a map of the assigned geographic area and a list of specified service points by contacting Evansville Grain Inspection or the Delegation and Designation Branch, Compliance Divison, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8525.

(Secs. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79).)

Done in Washington, D.C. on: May 9, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–14833 Filed 5–13–80; 8:45 am]

BILLING CODE 3410–02–M

federal register

Wednesday
May 14, 1980

Part VII

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

May 1, 1980.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of May 1, 1980 of 57 rescission proposals and 68 deferrals contained in the first seven special messages of FY 1980. These messages were transmitted to the Congress on October 1, November 15, December 26, 1979, January 28, February 20, March 4, and April 16, 1980.

Rescissions (Table A and Attachment A)

Rescission proposals totalling $1,472.7 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of May 1, 1980, while Attachment A shows the history and status of each rescission proposed during FY 1980.

Deferrals (Table B and Attachment B)

As of May 1, 1980, $8,845.0 million in 1980 budget authority was being deferred from obligation and another $9.4 million in 1980 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President as of May 1, 1980, while Attachment B shows the history and status of each deferral reported during FY 1980.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Register** of:

Friday, October 5, 1979 (Vol. 44, No. 195, Part IX)

Tuesday, November 20, 1979 (Vol. 44, No. 225, Part III)

Monday, December 31, 1979 (Vol. 44, No. 251, Part VII)

Thursday, January 31, 1980 (Vol. 45, No. 22, Part X)

Tuesday, February 26, 1980 (Vol. 45, No. 39, Part V)

Monday, March 10, 1980 (Vol. 45, No. 48, Part VI)

Wednesday, April 23, 1980 (Vol. 45, No. 80, Part III)

James T. McIntyre, Jr.,
Director.

BILLING CODE 3110-01-M

Table A

STATUS OF 1980 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,605.6 a
Accepted by the Congress	-0-
Rejected by the Congress	-132.9
Pending before the Congress	1,472.7

* *

Table B

STATUS OF 1980 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$10,169.7
Routine Executive releases (-$927.2 million) and adjustments (-$388.1 million) through May 1, 1980	-1,315.3
Overturned by the Congress	-0-
Currently before the Congress	8,854.4 b

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a. This amount is net of a $6.4 million reduction proposed in a Department of Health, Education, and Welfare rescission (R80-2A).

b. This amount includes $9.4 million in outlays for a Department of the Treasury deferral (D80-23A).

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1980 AS OF 04/30/80 16:52

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF AGRICULTURE							
Science and Education Administration							
Cooperative research							
BA	R80- 5		2,500	4 16 80			
Extension activities							
BA	R80- 6		1,500	4 16 80			
Farmers Home Administration							
Rural water and waste disposal grants							
BA	R80- 7		75,000	4 16 80			
Rural development planning grants							
BA	R80- 8		2,000	4 16 80			
Soil Conservation Service							
Watershed and flood prevention operations							
BA	R80- 9		20,000	4 16 80			
Resource conservation and development							
BA	R80-10		4,000	4 16 80			
DEPARTMENT OF AGRICULTURE TOTAL BA			105,000				
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Coastal energy impact fund							
BA	R80-11		50,000	4 16 80			
DEPARTMENT OF ENERGY							

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Atomic Energy Defense Activities							
Operating expenses							
BA	R80-12		3,400	4 16 80			
Plant and capital equipment							
BA	R80- 4	17,000		3 4 80		17,000	4 30 80
Energy Programs							
Energy supply R&D- operating expenses							
BA	R80-13		5,350	4 16 80			
Energy supply R&D- plant and capital equip.							
BA	R80-14		6,150	4 16 80			
Uranium enrichment-operating expenses							
BA	R80-15		1,000	4 16 80			
Fossil energy research and development							
BA	R80-16		22,000	4 16 80			
Energy conservation							
BA	R80-17		4,000	4 16 80			
Economic regulation							
BA	R80-18		1,000	4 16 80			
Departmental Administration							
Departmental administration							
BA	R80-19		3,000	4 16 80			
DEPARTMENT OF ENERGY							
TOTAL BA		17,000	45,900			17,000	
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration							

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Health services							
BA	R80-20		34,900	4 16 80			
Indian health facilities							
BA	R80-21		18,000	4 16 80			
National Institutes of Health							
National Cancer Institute							
BA	R80-22		17,000	4 16 80			
National Heart, Lung, and Blood Institute							
BA	R80-23		7,000	4 16 80			
National Institute of Dental Research							
BA	R80-24		300	4 16 80			
Nat. Inst. of Arthr., Metabolism, & Diges. Disease							
BA	R80-25		2,500	4 16 80			
Nat. Inst. of Neurol. and Comm. Disord. and Stroke							
BA	R80-26		2,000	4 16 80			
Nat. Inst. of Allergy and Infectious Diseases							
BA	R80-27		1,500	4 16 80			
Nat. Inst. of General Medical Sciences							
BA	R80-28		500	4 16 80			
Nat. Inst. of Child Health and Human Develop.							
BA	R80-29		1,000	4 16 80			
National Eye Institute							
BA	R80-30		3,200	4 16 80			
Nat. Inst. of Environmental Health Sciences							
BA	R80-31		500	4 16 80			

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
National Institute of Aging							
BA	R80-32		500	4 16 80			
Research resources							
BA	R80-33		5,000	4 16 80			
National Library of Medicine							
BA	R80-34		500	4 16 80			
Alcohol, Drug Abuse, and Mental Health Administrat							
Alcohol, drug abuse, and mental health							
BA	R80-35		4,000	4 16 80			
Health Resources Administration							
Health resources							
BA	R80- 2	104,218		1 28 80			
BA	R80- 2A	-6,450		2 20 80		97,768	3 18 80
BA	R80-36		149,953a	4 16 80			
Office of Assistant Secretary for Health							
Salaries and expenses							
BA	R80-37		12,800	4 16 80			
Office of Education							
Elementary and secondary education							
BA	R80-38		135,750	4 16 80			
Emergency school aid							
BA	R80-39		25,123	4 16 80			
Occupational, vocational, and adult education							
BA	R80-40		87,500	4 16 80			
Student assistance							
BA							

AS OF MAY 1,1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R80-41		108,000	4 16 80			
Higher and continuing education BA	R80-42		44,275	4 16 80			
Library resources BA	R80-43		18,000	4 16 80			
Special projects and training BA	R80-44		11,000	4 16 80			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TOTAL BA		97,768	690,801			97,768	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Community Planning and Development							
Community development grants BA	R80-45		153,200	4 16 80			
Rehabilitation loan fund BA	R80-46		38,000	4 16 80			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			191,200				
DEPARTMENT OF THE INTERIOR							
Heritage Conservation and Recreation Service							
Urban park and recreation grants BA	R80-47		85,000	4 16 80			
Land and water conservation fund BA							

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1980

AS OF 04/30/80 16:52

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R80-48		251,000	4 16 80			
Historic preservation fund							
BA							
	R80-49		16,500	4 16 80			
Geological Survey							
Exploration of natl petroleum reserve-Alaska							
BA							
	R80- 3	18,000		1 28 80		18,000	3 18 80
DEPARTMENT OF THE INTERIOR							
TOTAL BA		18,000	352,500			18,000	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Salaries and expenses							
BA							
	R80-50		322	4 16 80			
OTHER INDEPENDENT AGENCIES							
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA							
	R80-51		720	4 16 80			
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA							
	R80-52		188	4 16 80			
International Communication Agency							
Special international exhibitions							
BA							
	R80- 1	114		10 1 79		114	11 15 79
Merit Systems Protection Board							
Office of the special counsel							
BA							

AS OF MAY 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R80-53		1,000	4 16 80			
National Science Foundation							
Science education activities							
BA	R80-54		5,000	4 16 80			
Occupational, Safety, and Health Review Comm.							
Salaries and expenses							
BA	R80-55		100	4 16 80			
Small Business Administration							
Business loan and investment fund							
BA	R80-56		19,000	4 16 80			
Water Resources Council							
Water resources planning							
BA	R80-57		11,000	4 16 80			
OTHER INDEPENDENT AGENCIES							
TOTAL BA		114	37,008			114	
TOTAL BA		132,882	1,472,731			132,882	

FOOTNOTES

a. These funds include $97,768,000 previously proposed for rescission in R80-2a.

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980

AS OF 05/01/80 17:33

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D80-48	14,300		4 16 80				14,300
International Security Assistance								
Economic support fund								
BA	D80- 1	100,000		10 1 79				100,000
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		114,300						114,300
DEPARTMENT OF AGRICULTURE								
Farmers Home Administration								
Mutual self-help housing								
BA	D80-46	15,000		2 20 80				15,000
Forest Service								
Timber salvage sales								
BA	D80- 2	9,298		10 1 79				9,298
Expenses, brush disposal								
BA	D80- 3	32,060		10 1 79				32,060
Restoration of forest lands								
BA	D80- 4	38		10 1 79	-4			34
DEPARTMENT OF AGRICULTURE TOTAL BA		56,396			-4			56,392
DEPARTMENT OF COMMERCE								
National Oceanic and Atmospheric Administration								
Construction								
BA	D80- 5	7,000		10 1 79				

AMOUNTS IN THOUSANDS OF DOLLARS / AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
	BA	D80- 5A		39,459		1 28 80				46,459
Coastal zone management										
	BA	D80- 6	20,000			10 1 79				
	BA	D80- 6A			a	11 15 79				20,000
Promote and develop fishery products and research										
	BA	D80- 7	2,400			10 1 79	-2,400			
Fisheries loan fund										
	BA	D80- 8	5,300			10 1 79				
	BA	D80- 8A			b	1 28 80	-93			5,207
Coastal energy impact fund										
	BA	D80-49	54,922c			4 16 80				54,922
DEPARTMENT OF COMMERCE										
TOTAL	BA		89,622	39,459			-2,493			126,588
DEPARTMENT OF DEFENSE-MILITARY										
Procurement										
Shipbuilding and conversion, Navy										
	BA	D80-41	997,500			1 28 80				997,500
Military Construction										
Military construction, all services										
	BA	D80- 9	31,386			10 1 79				
	BA	D80- 9A		355,780d		1 28 80	-336,820			50,346
Family Housing, Defense										
Family housing, Defense										
	BA	D80-42	18,651			1 28 80				18,651
Various Activities										
Various accounts										
	BA	D80-50	801,700e			4 16 80				801,700

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980

AS OF 05/01/80 17:33

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
DEPARTMENT OF DEFENSE-MILITARY								
TOTAL BA		1,849,237	355,780		-336,820			1,868,197
DEPARTMENT OF DEFENSE-CIVIL								
Wildlife Conservation, Military Reservations								
Wildlife conservation, all services								
BA	D80-10	595		10 1 79				
BA	D80-10A		114	12 26 79				709
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Operating expenses								
BA	D80-51	1,000		4 16 80				1,000
Energy Programs								
Energy supply R&D-operating expenses								
BA	D80-52	2,500		4 16 80				2,500
Fossil energy construction								
BA	D80-11	50,000		10 1 79	-50,000			
Departmental Administration								
Departmental administration								
BA	D80-53	1,000		4 16 80				1,000
DEPARTMENT OF ENERGY								
TOTAL BA		54,500			-50,000			4,500
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D80-12	23,314		10 1 79				23,314
Office of Assistant Secretary for Health								
Special foreign currency program								

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 05/01/80 17:33

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE		DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
	BA	D80-43	10,000			1 28 80				10,000
Office of Education										
Student assistance										
	BA	D80-54	140,000			4 16 80				140,000
Social Security Administration										
Limitation on administrative expenses										
	BA	D80-47	5,000			2 20 80				5,000
Human Development Services										
White House Conferences - Aging, Families, & Child										
	BA	D80-13	4,649			10 1 79				
	BA	D80-13A			f	2 20 80	-2,354		1,604	3,899
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TOTAL BA			182,963				-2,354		1,604	182,213
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT										
Housing Programs										
Troubled projects operating subsidy										
	BA	D80-55	10,000			4 16 80				10,000
DEPARTMENT OF THE INTERIOR										
Bureau of Land Management										
Oregon and California grant lands										
	BA	D80-44	1,134			1 28 80				1,134
Heritage Conservation and Recreation Service										
Land and water conservation fund										
	BA	D80-14	30,000			10 1 79				30,000
National Park Serivice										
Construction										
	BA	D80-56	15,500			4 16 80				15,500

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980

AS OF 05/01/80 17:33

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
Geological Survey								
Payments from proceeds, sale of water								
BA	D80-15	39		10 1 79				39
Bureau of Mines								
Drainage of anthracite mines								
BA	D80-16	1,137		10 1 79				
BA	D80-16A		328	1 28 80				1,465
DEPARTMENT OF THE INTERIOR TOTAL BA		47,810	328					48,138
DEPARTMENT OF JUSTICE								
Legal Activities								
Fees and expenses of witnesses								
BA	D80-45	1,181		1 28 80				1,181
Federal Prison System								
Buildings and facilities								
BA	D80-17	22,853		10 1 79				
BA	D80-17A		14,888	11 15 79				
BA	D80-17B		12,610	1 28 80				50,351
DEPARTMENT OF JUSTICE TOTAL BA		24,034	27,498					51,532
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D80-57	190,760		4 16 80				190,760
Temporary employment assistance								
BA	D80-58	203,000		4 16 80				203,000
DEPARTMENT OF STATE								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
International Organizations and Conferences									
Contributions to intl peacekeeping activities									
	BA	D80-32	10,000		11 15 79				
	BA	D80-32A		2,000	1 28 80				12,000
Other									
Emergency refugee and migration assistance fund									
	BA	D80-18	5,650		10 1 79				
	BA	D80-18A		19,350g	1 28 80	-9,550		1,194	16,644
DEPARTMENT OF STATE									
TOTAL	BA		15,650	21,350		-9,550		1,194	28,644
DEPARTMENT OF TRANSPORTATION									
Coast Guard									
Acquisition, construction, and improvements									
	BA	D80-59	33,800		4 16 80				33,800
Federal Aviation Administration									
Construction, Metropolitan Washington Airports									
	BA	D80-60	4,000		4 16 80				4,000
Civil supersonic aircraft development termination									
	BA	D80-19	5,004		10 1 79	-5,000			4
Facilities & equip. (Airport & airway trust fund)									
	BA	D80-20	138,211		10 1 79				
	BA	D80-20A		166,081	1 28 80				304,292
Federal Highway Administration									
Federal aid highways									
	BA	D80-33	495,789		11 15 79	-495,789			
	BA	D80-61	1,659,000		4 16 80				1,659,000
Federal Railroad Administration									
Railroad research and development									
	BA	D80-62	3,800		4 16 80				3,800
Northeast corridor improvement program									

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
	BA	D80-63	75,000		4 16 80				75,000
Urban Mass Transportation Administration									
Urban mass transportation fund									
	BA	D80-21	393,076		10 1 79			-393,076h	
	BA	D80-64	7,875		4 16 80				7,875
DEPARTMENT OF TRANSPORTATION TOTAL	BA		2,815,555	166,081		-500,789		-393,076	2,087,771
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
Investment in national consumer cooperative bank									
	BA	D80-38	12,550		12 26 79				12,550
Office of Revenue Sharing									
State and local government fiscal assistance fund									
	BA	D80-22	79,548		10 1 79				
	BA	D80-22A		34,245	12 26 79	-1,444			112,349
	O	D80-23	2,735		10 1 79				
	O	D80-23A		13,850i	2 20 80	-9,325		2,173	9,433
Bureau of the Mint									
Construction of mint facilities									
	BA	D80-24	3,230		10 1 79				
	BA	D80-24A		2,500	1 28 80				5,730
DEPARTMENT OF THE TREASURY TOTAL	BA		95,328	36,745		-1,444			130,629
TOTAL	O		2,735	13,850		-9,325		2,173	9,433
ENVIRONMENTAL PROTECTION AGENCY									
Construction grants									
	BA	D80-65	3,636,2·4		4 16 80	-12,456			3,623,798

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans for capital outlay								
BA	D80-39	8,130		12 26 79				8,130
Federal Emergency Management Agency								
Emergency planning, preparedness, and mobilization								
BA	D80-25	80		10 1 79				80
Foreign Claims Settlement Commission								
Payment of Vietnam prisoner of war claims								
BA	D80-26	1,800		10 1 79	-940			860
General Services Administration								
Federal Buildings Fund								
BA	D80-66	25,000		4 16 80				25,000
International Communication Agency								
Salaries & expenses								
BA	D80-34	2,000		11 15 79				2,000
Special foreign currency program								
BA	D80-35	1,600		11 15 79				1,600
Acquisition & construction of radio facilities								
BA	D80-27	10,973		10 1 79				10,973
National Consumer Cooperative Bank								
Self-help development fund								
BA	D80-40	8,000		12 26 79				8,000
National Science Foundation								
Research and related activities								
BA	D80-67	18,000		4 16 80				18,000
National Commission on Social Security								
Salaries and expenses								

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980

AS OF 05/01/80 17:33

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 05-01-80
	BA	D80-29	250		10 1 79				
	BA	D80-29A		145	12 26 79				395
Navajo & Hopi Indian Relocation Commission									
Salaries and expenses									
	BA	D80-30	5,300		10 1 79				5,300
Railroad Retirement Board									
Regional rail transportation protective account									
	BA	D80-36	1,000		11 15 79	-1,000			
Smithsonian Institution									
Construction									
	BA	D80-68	19,000		4 16 80				19,000
National Alcohol Fuels Commission									
Salaries and expenses									
	BA	D80-28	250		10 1 79				
	BA	D80-28A		500	1 28 80	-9			741
President s Commission on Pension Policy									
Salaries and expenses									
	BA	D80-37	700		11 15 79				700
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D80-31	17,000		10 1 79				17,000
OTHER INDEPENDENT AGENCIES									
TOTAL	BA		119,083	645		-1,949			117,779
TOTAL	BA		9,505,087	648,000		-917,859		-390,278	8,844,950
TOTAL	O		2,735	13,850		-9,325		2,173	9,433

FOOTNOTES

a. This supplementary report was transmitted solely to expand the application of this deferral to include funds appropriated in FY 1980 as well as balances carried forward from previous years.

b. This supplementary report was transmitted solely to change the justification for deferring the funds.

c. This deferral action was taken in conjunction with a rescission proposal (R80-11).

d. This amount includes the effect of releases totalling $18,270 thousand made prior to the transmittal of the supplementary report.

e. These deferral items were transmitted to the Congress in a consolidated deferral report which listed the individual items as D80-50.1 through 50.34.

f. This supplementary report was transmitted to expand the application of this deferral.

g. The supplementary report includes the effect of releases totalling $8,000 thousand and adjustments of $5,582 thousand made prior to the transmittal of the report.

h. Congressional action on the 1980 Transportation and Related Agencies Appropriation Bill (P.L.96-131) rescinded these funds.

i. This amount includes the effect of releases totalling $2,691 thousand made prior to the transmittal of the supplementary report.

END OF REPORT

[FR Doc. 80-14991 Filed 5-13-80; 8:45 am]

BILLING CODE 3110-01-C

federal register

Wednesday
May 14, 1980

Part VIII

Department of Health and Human Services

Social Security Administration
Office of Child Support Enforcement

Income Maintenance Research and Demonstration Grants; Availability of Grants

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Office of Child Support Enforcement

Income Maintenance Research and Demonstration Grants; Availability of Grants

The Commissioner of Social Security and the Director of the Office of Child Support Enforcement give notice of the availability of fiscal year 1980 funds for income maintenance and child support enforcement research and demonstration (R&D) grants. The grants are authorized under sections 1115(a) and 1110 of the Social Security Act. Applications must be received by June 13, 1980.

Program Purpose

The R&D activities are intended to resolve major Department of Health, Human Services (HHS) policy and program issues, and to assist States in developing new methods for improving the effectiveness of public assistance programs.

Program Goals

In general, the Social Security Adminstration (SSA) and the Office of Child Support Enforcement (OCSE) are interested in the following types of projects:

(1) Those which develop and demonstrate new financing mechanisms, administrative procedures, and technological innovations for improving the effectiveness and efficiency of public assistance programs at the State and local levels.

(2) Those which develop more knowledge on the characteristics and financial needs of a target group.

(3) Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out the income maintenance and child support enforcement programs.

Program Priorities for Research and Demonstration Funding

Research and demonstration projects will be directed toward priorities and strategies derived from major policy and program issues.

SSA and OCSE have identified certain specific priority projects which reflect these policy and program issues, and which are described in more detail in the Application Kit.

Applicants may also submit a proposal for a project not identified in this program announcement but which is relevant to the SSA and OCSE goals. These applications will be designated as nonpriority but will also be subject to the panel review process. A limited number of projects may be approved pending available funds and they will compete with other nonpriority projects.

Priority Projects

Demonstration of Electronic Fund Transfer of AFDC Benefit Checks—SSA–80–1

Each year significant sums are lost to the AFDC budget for replacement of lost or stolen checks. This occurs either because the recipients mislay issued checks or because checks are stolen out of the mail. One method to prevent the loss or disappearance of welfare checks is to replace the current method of issuing welfare checks at the welfare office with direct deposit of welfare funds in bank accounts via electronic fund transfer. Under this system the welfare departments would deposit via electronic fund transfer the monthly welfare payment to a family in a bank account for this family in a private bank. The recipient would then draw on his/her account as funds became needed.

The purpose of this project would be to test the administrative feasibility, cost-benefit, and program savings which are expected due to a lower level of lost and stolen checks and resulting issuance of duplicate checks.

The Social Security Administration anticipates a 2-year funding support for this priority under Section 1115(a). The successful grantee must submit a continuation application for second year approval and funding. Applicants must select a site, preferably in an area where there is a high incidence of lost and stolen checks, and must obtain an agreement with a participating bank. An independent evaluation of the project results will be required.

A total of $200,000 in special Federal project funds per year will be available for this priority during the first year. These funds will be matched equally with regular Federal funds for a total of $400,000.

Study of Court Systems to Improve the Collection of Court-Ordered Support Payments—SSA–80–2

This project would study several State courts and their administrative branches to assess the impact of organizational arrangements and other administrative factors on the enforcement and collection of court-ordered child support payments. Among the factors to be reviewed in relation to enforcement and collection success are: staffing patterns and resource allocations, measures of workload per staff unit, the range of functions performed by individual staff members, functional priorities within the court system, and work-flow procedures within and between functional areas. The level of system success shall be dertermined by examining indicators of actual versus potential collections, and the extent of delinquent payments. The final product is expected to produce a description of an effective case management system operable in a court setting. A total of $100,000 will be available under Section 1110 for a single project.

Demonstration of AFCE—Food Stamp Program Consolidation—SSA–80–3

One of the aims of comprehensive welfare reform is to consolidate most of the different current welfare programs into one unified system. While it is not possible at this time to realize this goal, it is desirable to streamline the administative process and to eliminate as much duplicate paperwork as possible. Accordingly, one first step is to begin the consolidation of the AFDC and Food Stamp programs since these involve joint administration in many areas and often serve the same populations. This demonstration would provide funds and required AFDC waivers to offer the opportunity to coordinate AFDC definitions of income and resources more in line with current Food Stamp definitions as found in House Bill 4904 (Welfare Reform). Also, this demonstration would allow States to consolidate and coordinate the validation procedures whereby agencies verify that recipients have accurately stated their income and resources. A total of $300,000 in Section 1115(a) funds will be available for this demonstration; $150,000 in special Federal project funds and $150,000 in regular Federal matching funds.

State Demonstration Grants for Integrated Quality Control Systems—SSA–80–4

Currently there are three programs of quality control for AFDC, Medicaid, and Food Stamps respectively. Since persons on AFDC are usually eligible for Medicaid and Food Stamps, there is a large segment of people who receive all or more than one program benefit simultaneously. With the advent of all these programs, there have been severe constraints on State staffs to administer the three programs. Accordingly, with the encouragment of the three agencies, some States have merged the three quality control samples into one joint sample for families that jointly receive AFDC, Food Stamps, and Medicaid to save on staff time and travel expenses

without sacrifice of quality. It is now an urgent Administration priority and an announced Administration objective of the Paperwork Commission to stimulate more State systems to integrate quality control programs.

Section 1115(a) grants are available to States for development activities in their AFDC and Medicaid programs necessary to implement new systems to integrate quality efforts or to refine existing systems to implement new Federal forms or procedures. Although no funds may be used to operate Food Stamp quality control programs, such activites as sample design and implementation, training, systems design, related logistics, and other items are included within this grant announcement. Such systems should, of course, be in conformity with current Federal requirements. A total of $300,000 will be available for this priority under Section 115(a); $150,000 in special Federal project funds and $150,000 in regular Federal matching funds.

Synthesis and Transfer of Research and Development Research Findings—SSA–80–5

A grantee would review all R&D products and research findings from at least the past 5 years on the AFDC program and analyze the findings in relation to current AFDC program goals, objectives and initiatives. The final product would be a research synthesis for immediate use by State AFDC administrators and other interested parties. The grantee would also develop abstracts and conduct regional research utilization conferences. A total of $150,000 will be available under Section 1110 to address this priority in a single grant.

Eligible Applicants

Section 1110 Grants. Any State, public, or nonporfit organization or agency may apply for a Section 1110 grant under this announcement.

Section 1115(a) Grants. Only single State Title IV–A agencies may apply directly for grants under Section 1115(a) authority.

Availability of Funds

It is expected that approximately 10 new grant awards will be made pursuant to this announcement. Anticipated amounts are:

SSA–80–1 A total of $400,000 will be available under Section 1115(a); $200,000 of which is special Federal project funds and $200,000 in Federal matching funds. It is anticipated that either one large or two medium-sized projects will be funded depending on quality of response and magnitude of proposals.

SSA–80–2 A total of $100,000 will be available under Section 1110 for one project.

SSA–80–3 A total of $300,000 will be available under Section 1115(a); $150,000 of which are special Federal project funds and $150,000 in Federal matching funds are available for this priority. It is anticipated that this will be one project.

SSA–80–4 A total of $300,000 will be available under Section 1115(a); $150,000 of which are special Federal project funds and $150,000 in Federal matching funds are available for this priority. It is anticipated that five grants will be awarded.

SSA–80–5 A total of $150,000 will be available to one grantee under Section 1110.

Grantee Share of the Project Costs

Section 1110. Grantees receiving financial assistance to conduct projects should contribute at least 5 percent of the total project costs for each year for which funding is requested.

Section 1115(a). Special Federal project funds received under Section 1115(a) are available to be used as the single State agency matching funds to obtain regular Federal share funds. Grantees should contribute not less than 5 percent of total costs.

The Application Process

1. *Availability of application forms.* Application kits which contain the prescribed application forms and supplemental descriptive information on the priority projects are available from: Social Security Administration, Division of Contracts and Grants Management, Post Office Box 7696, Gwynn Oak Branch, Baltimore, Maryland 21207, Telephone: 301–594–0284, Grants Management Officer—Lawrence Pullen.

When requesting additional information, the applicant should specify the type of project intended to insure receipt of the proper application and guidelines.

2. *Application submission.* To be considered for a Section 1110 or Section 1115(a) grant, all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award. One signed application and two copies including all cover letters and attachments are required.

As part of the project title (application form 424–101, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement and must reference the unique project identifier (SSA–80–1, SSA–80–2, etc.) for which the application is to compete.

3. *Application consideration.* Applications are initially screened for relevance to the interests of SSA and OCSE. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and numerically rated by a review panel of not less than three experts. Written assessment of each application is made, followed by a ranking of the applications showing the suggested order for approval.

4. *Application approval.* Following approval, the Grants Management Officer makes financial assistance awards within limits of Federal funds available. The official award document is the Notice of Grant Award. It sets forth in writing to the grantee the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the effective date of the award, the budget period for which support is given, the total project period for which support is contemplated, and the total grantee participation, if any.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the following criteria. Applications must meet the minimum requirements:

1. That the estimated cost to the Government of the project is reasonable considering the anticipated results.

2. That (1) project personnel are well qualified and (2) the applicant organization has adequate facilities and resources.

3. That insofar as practicable, the proposed procedures, if well-executed, are capable of attaining project objectives.

4. That the project objectives are identical with or are capable of achieving the specific program objectives defined in the program announcement.

Additionally, applications should meet the following criteria:

1. The concept to be studied must be innovative and not duplicate other efforts.

2. The knowledge, methods or technology developed must be such that a positive impact can be made on a significant portion of the AFDC program and child support enforcement. They must be replicable in whole or in part and potentially applicable in areas other than the test sites.

3. The application must clearly state: measurable project goals and objectives, the project design, including the questions addressed, scientifically valid methods and data to be collected, and a work plan. The proposed project methodology must be rigorous and consistent with what is generally agreed to be the state-of-the-art. The knowledge, methods or technology developed must be such that an impact can be expected on welfare programs and target groups. Tasks and milestones should be clearly described and scheduled, and the role and assignment of tasks to specific project staff should be described in the work plan. Project outcomes should be described in relationship to tasks. The proposed time schedule should be reasonable considering the nature of the project.

4. Projects should have an evaluation component which describes the data collection and analysis procedures which will be used to assess quantitatively the degree to which the project's objectives are being achieved. This evaluation component must be clearly distinguished from activities designed primarily to give the project's staff feedback on their progress toward meeting the project's objectives. The evaluation plan will depend on the kind of research design. In some cases a third-party evaluation will be required, especially for the Section 115(a) projects.

5. Projects which require waivers must list the required waivers, discuss the implications of granting the waivers and state the effect on Federal, State and local laws as well as the effect (beneficial or adverse) on beneficiaries enrolled in the project.

6. Plans for utilization of the project's results should be discussed along with deliverable products and the points in the project schedule when these reports or products, or both, will be available.

7. The application must assure the applicant's willingness to comply with the human subject's regulations by inclusion of a completed form HEW–596 (Rev. 1975) "Protection of Human Subjects" (45 CFR Part 46).

Closing Date for the Receipt of Application

To be considered for a grant using fiscal year 1980 funds in the priority areas, an application must be received by the Division of Contracts and Grants Management [at the address shown above) no later than Friday, June 13, 1980.

An application will be considered to be received on time if:

1. the postmark shows that the application was sent by registered or certified mail no later than June 13, 1980, or

2. the application is received on or before the closing date by the Social Security Administration in Baltimore, Maryland. The date of receipt will be established by the time date stamp of the mailroom or other documentary evidence of receipt maintained by SSA.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: May 8, 1980.

William J. Driver,

Commissioner of Social Security and Director, Office of Child Support Enforcement.

[FR Doc. 80–Filed 5–13–80; 8:45 am]

BILLING CODE 4110–07–M

Reader Aids

Federal Register

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Wednesday, May 14, 1980

INFORMATION AND ASSISTANCE

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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
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

INTERIOR DEPARTMENT

Office of the Secretary—

24471 4–10–80 / Employees: Interest in lands and resources; exceptions; acquisition

Deadlines for Comments on Proposed Rules for the Week of May 18 through May 24, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30447 5–8–80 / Milk in Texas and certain other marketing areas; comments by 5–23–80

Rural Electrification Administration—

26340 4–18–80 / Proposed program to permit deferment of principal repayment to achieve conservation; comments by 5–19–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

26402 4–18–80 / Provision for intercouncil boundary between Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council; comment period extended to 5–20–80

[*See also* 45 FR 3618, 1–18–80]

COMMODITY FUTURES TRADING COMMISSION

18356 3–20–80 / Futures commission merchants, floor brokers, associated persons, commodity trading advisors, and commodity pool operators; registration regulations; comments by 5–20–80

CONSUMER PRODUCT SAFETY COMMISSION

17593 3–19–80 / Proposed exemption of sodium fluoride drug preparations, including liquid and tablet forms, and containing no more than 264 milligrams of sodium fluoride per package from child-protection packaging requirements; comments by 5–19–80

DEFENSE DEPARTMENT

Air Force Department—

18405 3–21–80 / Part-time career employment program provisions; comments by 5–20–80

ENERGY DEPARTMENT

Economic Regulatory Administration—

27767 4–24–80 / Mandatory petroleum price regulations; production incentives for marginal properties; comments by 5–19–80

Federal Energy Regulatory Commission—

25825 4–16–80 / Expanding the scope of agricultural uses of natural gas defined in the regulations on incremental pricing; comments by 5–23–80

ENVIRONMENTAL PROTECTION AGENCY

18035 3–20–80 / Air pollution; California State implementation plan; comments by 5–19–80

29597 5–5–80 / Bromoxynil; proposed tolerance on garlic; comments by 5–20–80

29312 5–2–80 / Consideration of sulfur dioxide emissions by Public Service Indiana Gallagher Station; comments period extended to 5–19–80

[*See also* 45 FR 17048, 3–17–80]

26368 4–18–80 / Maryland State implementation plan; clarification of status of urban hydrocarbon and volatile organic compound regulations; comments by 5–19–80

[Corrected at 45 FR 28380, 4–29–80]

26983 4–22–80 / Michigan; State and Federal administrative orders revising implementation plan; comments by 5–22–80

27788 4–24–80 / Motor vehicle pollution control; waiver of carbon monoxide and oxides of nitrogen emission standards; comments by 5–19–80

26101 4–17–80 / New York State implementation plan; proposed revision; reopening of comments period until 5–19–80

[Originally published at 45 FR 3331, 1–17–80]

Deadlines for Comments on Proposed Rules for the Week of May 25 through May 31, 1980

Next Weeks Meetings

VETERANS ADMINISTRATION

27870 4–24–80 / Station Committee on Educational Allowances, Hato Rey, Puerto Rico (open), 5–20–80

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ENVIRONMENTAL PROTECTION AGENCY

26660 4–18–80 / National emission standard for benzene from maleic anhydride plants, Alexandria, Va., 5–20–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

24919 4–11–80 / Subcommittee of the Pulmonary-Allegy Drugs Advisory Committee, Rockville, Md., 5–19 and 5–20–80

INTERIOR DEPARTMENT

Land Management Bureau—

24923 4–11–80 / Livestock Grazing Management, Environmental Impact Statement, Lake City, Colo., 5–20; Gunnison, Colo., 5–21; and Montrose, Colo., 5–22–80

TREASURY DEPARTMENT

Internal Revenue Service—

24200 4–9–80 / Proposed income tax regulations; treatment of organization and syndication fees, Washington, D.C., 5–21–80

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 May 8, 1980

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

29874 5–6–80 / Action—Guidelines for Mini-Grant Program, comments by 6–30–80

30320 5–7–80 / Commercial/EDA—Financial assistance programs regarding energy conservation, miscellaneous amendments; comments by 7–7–80

30398 5–7–80 / DOT/Sec'y—Energy conservation by recipients of Federal financial assistance; comments by 7–7–80

30386 5–7–80 / ED—Petroleum and natural gas conservation; Federal public facilities assistance programs; comments by 7–7–80

30374 5–7–80 / EPA—Petroleum and natural gas conservation; comments by 7–7–80

30408 5–7–80 / EPA—Urban Air Quality Planning Grant Program; Compliance with E.O. 12185; Petroleum and Natural Gas Conservation; comments by 7–7–80

29803 5–6–80 / HEW/PHS—Grants for Construction of Teaching Facilities, Educational Improvements, Scholarships and Student Loans; Grants for Nurse Practitioner Traineeship Programs; comments by 7–7–80

30388 5–7–80 / HHS—Building Energy Performance Standards for all applicable construction funded by programs administered by HHS; comments by 7–7–80

30328 5–7–80 / HUD/CPD—Community development block grants; energy conservation provisions; comments by 7–7–80

30328 5–7–80 / HUD/CPD—Communinity development block grants; energy conservation changes to urban development action grant rules; comments by 7–7–80

30455 5–8–80 / HUD/CPD—Community development block grants for Indian tribes and Alaska Natives; comments by 7–7–80

30329 5–7–80 / HUD/CPD—Community development block grants, small cities program, energy criteria; comments by 6–6–80

26980 4/22/80 / HUD/CPD—Comprehensive Planning and Assistance; Work-Study Program; rulemaking procedure; comments by 6–20–80

30382 5–7–80 / Interior/SMREO—Abandoned mine land reclamation program; comments by 6–6–80

30364 5–7–80 / USDA/FmHA—Conservation of petroleum and natural gas through proposed changes in USDA financial assistance programs; comments by 7–7–80

30392 5–7–80 / VA—Public facilities grants programs; comments by 7–7–80

APPLICATIONS DEADLINES

30102 5–7–80 / Commerce/MBDA—Financial Assistance Application Announcement; apply by 5–31–80

30101, 30102 5–7–80 / Commerce/MBDA—Financial Announcement; apply by 6–1–80 (5 documents)

30140 5–7–80 / HEW/CDC—Diabetes Control Programs, cooperative agreements for State-based programs, apply by 5–16–80

30694 5–9–80 / HEW/HDSO—Grants to support development of long term care gerontology centers; apply by 7–18–80

30540 5–8–80 / HEW/HDSO—Industry Program, apply by 7–18–80

29891 5–6–80 / HEW/OE—Community Service and Continuing Education—Special Projects, apply by 7–21–80

29890 5–6–80 / HEW/OE—Community Service and Continuing Education—Special Projects, apply by 6–23–80

30137 5–7–80 / HEW/OE—Educational Information Centers; awards for planning, establishing, and operating; apply by 7–1–80

29637 5–5–80 / HEW/OE—Emergency School Aid Act; Applications from territories for Other Special Projects Grants for FY 1980; applications by 7–3–80

30138 5–7–80 / HEW/OE—School Construction; Projects for fiscal year 1980; apply by 6–30–80

MEETINGS

30697 5–9–80 / HEW/NIH—Bladder and Prostatic Cancer Review Committee (Bladder Subcommittee), Pittsburgh, Pa. (partially open), 6–5 and 6–6–80

30697 5–9–80 / HEW/NIH—Bladder and Prostatic Cancer Review Committee (Prostatic Subcommittee), Buffalo, N.Y. (partially open), 6–2–80

30697 5–9–80 / HEW/NIH—Cancer Clinical Investigation Review Committee, Bethesda, Md., (partially open), 6–23 through 6–25–80

30697 5–9–80 / HEW/NIH—Cancer and Prevention Scientific Review Committee, Bethesda, Md. (partially open), 6–19 and 6–20–80

30697 5–9–80 / HEW/NIH—Clinical Trials Committee, Chevy Chase, Md. (partially open), 6–3 and 6–4–80

30697 5–9–80 / HEW/NIH—Large Bowel and Pancreatic Cancer Review Committee, Houston, Tex. (partially open), 6–5 and 6–6–80

30697 5–9–80 / HEW/NIH—Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Subcommittee), New Orleans, La. (partially open), 6–9 and 6–10–80

30572 5–8–80 / NFAH—Music Panel (Composers Section), Washington, D.C. (partially open), 5–27 through 5–30–80

OTHER ITEMS OF INTEREST

30341 5–7–80 / CSA—Energy Conservation on Federal Government Programs and Operations; directives for CSA grantees to reduce consumption

30444 5–8–80 / DOT/UMTA—Section 5—Formula Grant Urban Mass Transit Program; public hearing requirements; correction

[*See also* 45 FR 26298, 4–17–80]

29588 5–5–80 HEW / OE—Community Education Program; final regulations, correction

30360 5–7–80 / HUD/FHC—Housing programs; Implementation of EO 12185; Energy Conservation

30360 5–7–80 / HUD/FHC Modernization Program—PHA-Owned Projects; announcement of proposal to set aside fiscal year 1980 moderization funds for testing energy conservation

30379 5–7–80 / Interior/HCRS—Land and Water Conservation Fund Grants-In-Aid Manual; proposed amendments; comments by 6–7–80

30194 5–7–80 / Justice/NIJ—Criminal Justice Evaluation Activities; funding for evaluation proposals

30195 5–7–80 / NFAH—Artistically and culturally significant projects and activities; reconsideration of applications for financial assistance declined by NPAH

30336 5–7–80 / USDA/FmHA—Conservation of petroleum and natural gas through proposed changes in USDA financial assistance programs; EO 12185; and community and economic development

30367 5–7–80 / USDA/FmHA—Conservation of Petroleum and Natural Gas through proposed changes in USDA financial assistance programs; EO 12185, Housing

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WASHINGTON, D.C.

WHEN: June 13 and 27; July 11 and 25; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)

WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.

RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801–524–5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.

WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.

RESERVATIONS: Call the Seattle Federal Information Center, 206–442–0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)

WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.

RESERVATIONS: Call Ardean Merrifield, 312–353–0339.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)

WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.

RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314–425–4106.

PITTSBURGH, PA.

WHEN: June 4 at 1:30 p.m. and June 5 at 9 a.m. (identical sessions.)

WHERE: Rooms 2212 and 2214 (both days), Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa.

RESERVATIONS: Call Mary Silipo, Pittsburgh Federal Information Center, 412–644–3456.

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