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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.

32588 **School Aid**—ED issues rules governing awards under Emergency School Aid Act (Part X of this issue)

32360 **Grant Programs—Business** Commerce/MBDA announces acceptance of applications for projects in Gary, Ind. and Honolulu, Hawaii; apply by 9–1–80 and 6–17–80 (2 documents)

32502 **National School Lunch Program** USDA/FNS amends nutritional requirements; effective 7–1–80 (Part II of this issue)

32550 **Prescription Drugs** HHS/FDA clarifies effective date of rules designating required format for labeling; effective 5–16–80 (Part IV of this issue)

32560 **Waste Treatment and Disposal** DOE/SOLAR proposes guidelines for recordkeeping and reporting requirements; comments by 7–15–80, hearing 7–1–80, requests to speak by 6–19–80 (Part VI of this issue)

32557 **Mines** Labor/MSHA proposes rules governing approval of electric cap lamps used in underground mines; comments by 7–15–80 (Part V 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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32328 **Surface Mining** Interior/SMO issues intent to develop Federal programs for coal mining; comments by 6-16-80

32364 **Gasoline** DOE makes available second edition of 1980 Gas Mileage Guide

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32290-32292 **Credit Unions** NCUA issues interpretation of policy concerning remote service units, and correspondent credit unioning programs; effective 5-16-80 (2 documents)

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32572 **Wheat** USDA/AMS provides for establishment of wheat and wheat foods research and nutrition education program; effective 5-16-80 (Part VIII of this issue)

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 50

Animals Destroyed Because of Tuberculosis

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations relating to the payment of indemnity for animals destroyed because of tuberculosis. More equitable compensation to owners of such cattle and payment of indemnity for swine destroyed because of exposure to tuberculosis is needed. The effect is to safeguard the public from tuberculosis by providing an effective tuberculosis eradication program.

EFFECTIVE DATE: May 9, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. R. W. Bennett, USDA, APHIS, VS, Federal Building, Room 802, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8715.

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 Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8695.

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 "significant".

On Tuesday, January 8, 1980, there was published in the **Federal Register** (45 FR 1622–1625) a proposed rulemaking that would amend the regulations relating to the payment of indemnity for animals destroyed because of tuberculosis.

A 60-day comment period was provided for receipt of comments which expired March 10, 1980. A total of twenty-two comments (10 from individuals, 7 from State officials, and 5 from industry groups) were received, all in support of the proposal. After due consideration of these comments, this final rule is published as proposed with only minor editorial changes.

Accordingly, Part 50, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 50.1 a new paragraph (q) is added to read:

§ 50.1 Definitions.

* * * * *

(q) "Tuberculosis:" The contagious, infectious, and communicable disease of cattle caused by *Mycobacterium bovis.*

2. The heading and text of § 50.3 is amended to read:

§ 50.3 Payment to owners for animals destroyed.

(a) *Affected cattle.* The Department may pay owners an indemnity for cattle affected with tuberculosis not to exceed $750 for each animal, but any joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis, not to exceed $450 for any animal which is a part of a known affected herd, when it has been determined by the Deputy Administrator that the destruction of all the exposed cattle in the herd will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(c) *Exposed cattle.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of cattle destroyed because of tuberculosis not to exceed $450 for any animal which has been found by Veterinary Services to have been exposed by reason of association with tuberculous cattle, when it has been determined by the Deputy Administrator that the destruction of the exposed cattle will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(d) *Exposed swine.* The Deputy Administrator may authorize the payment of Federal indemnity to owners of swine destroyed because of tuberculosis not to exceed $200 for any animal, when such animals are found by Veterinary Services to be exposed to tuberculosis by reason of association with a herd of cattle destroyed under § 50.3(b); but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

3. The heading and introductory paragraph of § 50.6 is amended and a new paragraph (c) is added to § 50.6 to read:

§ 50.6 Identification of animals to be destroyed because of tuberculosis.

Animals to be destroyed because of tuberculosis must be identified within 15 days after being classified as reactors or otherwise condemned because of tuberculosis, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for identification to 30 days when a request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

* * * * *

(c) *Exposed swine.* Swine destroyed under the provisions of § 50.3(d) shall be identified by tagging with a serially numbered metal eartag attached to either ear. All such animals to be destroyed shall be transported to the place of destruction in vehicles closed with seals provided by Veterinary Services or shall be accompanied to the place of destruction by a Veterinary Services or State representative. *Provided, however,* That animals destroyed and disposed of under the direct supervision of a Veterinary Services or State representative on the premises where they were exposed do not require individual identification.

4. The heading of § 50.7 is amended by deleting the word "cattle" and adding the word "animals."

§ 50.7 Destruction of animals.

* * * * *

5. Section 50.7(a) is amended by adding immediately after the (a) and before the first sentence therein the phrase *"Slaughter or disposal."*

6. The first word of the first sentences of paragraphs (a) and (b) of § 50.7 are amended by deleting the word "Cattle" and adding the word "Animals" in lieu thereof.

7. The heading and text of § 50.8 is amended to read:

§ 50.8 Payment of expenses for transportation and disposal of carcasses of affected animals.

The Department may pay, when approved in advance in writing by the Veterinarian in Charge, one-half the expenses for destruction, burial, incineration, rendering, or otherwise disposing of affected cattle and one-half the expenses of transportation of affected cattle to the point where disposal shall take place. Claims for such payment shall be made on forms furnished by Veterinary Services and shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. No portion of expenses of disposal or transportation provided by the owner of affected animals shall be paid by the Department.

8. The text of § 50.9 is amended to read:

§ 50.9 Appraisals.

Animals to be destroyed because of tuberculosis under § 50.3 shall be appraised within 15 days after being classified as affected, or otherwise condemned because of tuberculosis, by an independent professional appraiser at Veterinary Services expense, except that the Veterinarian in Charge may waive the requirement for an independent professional appraiser for reasons satisfactory to him. When animals are thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Animals presented for payment as registered shall be accompanied by their registration papers. If the registration papers are temporarily not available, or if the cattle are less than 3 years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers. Veterinary Services may decline to accept any appraisal that appears to be unreasonable or out of proportion to the value of animals of like quality.

9. Paragraph (b) of § 50.14 is amended to read:

§ 50.14 Claims not allowed.

* * * * *

(b) If all cattle 2 years of age or over in the claimants herd have not been tested for tuberculosis under Veterinary Services or State supervision: *Provided, however,* That cattle destroyed because of tuberculosis under § 50.3(b) and § 50.3(c) are exempt from this requirement, if the cattle are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian.

(Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b); 37 FR 28464, 28477; 38 FR 19141)

This amendment provides a more equitable compensation to owners of cattle and payment of indemnity for swine destroyed because of exposure to tuberculosis. The effect is to safeguard the public from tuberculosis by providing an effective tuberculosis eradication program.

Since publication of the proposal January 8, 1980, program activities have come to a virtual standstill. Owners of herds exposed to tuberculosis are refusing to permit testing and owners of affected herds are refusing to depopulate pending the increase in Federal indemnity rates, provided by this document.

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

This final rule is the result of the scheduled review of 9 CFR Part 50. To meet the requirements of Executive Order 12044, "Improving Government Regulations," and Secretary's Memorandum 1955, "Improving USDA Decisions and Regulations," 9 CFR Part 50 was scheduled for review in the **Federal Register** (43 FR 50992) on November 1, 1978. The review is now complete. Title 9, CFR Part 50, will next be proposed for review in 1985 unless regulatory objectives or public interest warrant an earlier review.

Done at Washington, D.C., this 9th day of May 1980.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-15105 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 80-285]

Branching of Federal Associations

Correction

In FR Doc. 80-14580, appearing on page 31046, in the issue of Monday, May 12, 1980, the "**EFFECTIVE DATE**" should have read: "January 1, 1981."

BILLING CODE 1505-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1202

[Docket No. D-0002]

Rules Regarding Availability of Information

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

ACTION: Final rule with request for comments.

SUMMARY: In accordance with the Freedom of Information Act (the "Act"), 5 U.S.C. 552, the Committee has adopted regulations setting forth the basic policies of the Committee regarding information it maintains and the procedures for obtaining access to such information.

DATES: May 6, 1980. Although the Committee has adopted the regulations as final, public comment is requested on or before June 16, 1980, on the schedule of fees for services performed in response to requests for records under the Act provided in section 1202.3(f).

ADDRESS: 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-0002.

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 System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: 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. 552, the Committee, effective May 6, 1980, adopts this Part (12 CFR Part 1202) as follows:

PART 1202—RULES REGARDING AVAILABILITY OF INFORMATION

Sec.
1202.1 Basis and scope.
1202.2 Definitions.
1202.3 Published information.
1202.4 Records available to the public upon request.
1202.5 Exemptions.

Authority: 5 U.S.C. 552.

§ 1202.1 Basis and Scope.

This Part is issued by the Depository Institutions Deregulation Committee ("Committee") pursuant to the requirement of section 552 of Title 5 of the United States Code and sets forth the basic policies of the Committee regarding information it maintains and the procedures for obtaining access to such information.

§ 1202.2 Definitions.

For the purposes of this Part, the term "records of the Committee" means rules, statements, orders, memoranda, letters, reports, accounts, information obtainable only by processing through a computer or other information systems program, and other papers containing information of the Committee that constitute part of the Committee's official files.

§ 1202.3 Published information.

Pursuant to sections 552 and 553 of Title 5 of the United States Code, the Committee publishes and following information in the **Federal Register** for the guidance of the public: (1) Descriptions of its central organization and the established place at which, the officers from whom, and the methods whereby, the public may secure information, make submittals or requests, or obtain decisions; (2) Rules of organization and procedure; (3) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Committee; (4) Every amendment, revision or repeal of the foregoing; and (5) Notices of proposed rulemaking.

§ 1202.4 Records available to the public upon request.

(a) General Rule—Subject to the limitations of § 1202.5(a) of this Part, all records of the Committee, whether or not published under § 1202.3, are made available to any person, upon request, for inspection and copying in accordance with the provisions of section 552 of Title 5 of the United States Code and this Part.

(b) Obtaining Access to Records—Records of the Committee subject to this section are available for public inspection or copying during regular business hours on regular business days at the office of the Executive Secretary of the Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Every request for access to such records 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. Such request shall state the name and address of the person requesting such access, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit identification without difficulty.

(c) Actions on Requests—The Executive Secretary of the Committee shall, within 10 working days after receipt of a request for records, either comply with or deny such request unless such time period is extended pursuant to paragraph (e) of this section, in which event the Executive Secretary shall acknowledge receipt of the request within the 10-day period and indicate the reason for such delay and the date on which it is expected that a determination as to disclosure will be dispatched. A response denying a request for a record shall be in writing signed by the Executive Secretary and shall specify the reason for such denial and include a statement informing the requester that the denial may be appealed as provided in paragraph (d) of this section.

(d) Appeal of Denial of Access to Records—Any person denied access to records of the Committee, properly requested in accordance with paragraph (b) of this section, may within 20 days after notification of such denial file a written request with the Executive Secretary of the Committee for review of such denial. The Committee shall make a determination with respect to any such appeal within 20 working days of its receipt. The Executive Secretary of the Committee shall immediately notify the appealing party of the Committee's decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Executive Secretary of the Committee to make available the requested records. The granting or denial of a request upon appeal shall constitute final agency action.

(e) Extension of Time to Act Upon Requests—In unusual circumstances as provided in 5 U.S.C. 552(a)(6)(B), the time limitations imposed upon the Executive Secretary of the Committee or the Committee in paragraphs (c) and (d) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(f) Fee Schedule—A person requesting access to or copies of particular records shall pay the costs of searching for and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to records obtainable only by processing through a computer or other information systems program, a person requesting such records shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the records requested. Detailed schedules of such charges are available upon request from the Executive Secretary of the Committee. Documents may be furnished without charge or at a reduced charge where the Executive Secretary of the Committee determines the waiver or reduction of the fee is in the public interest because furnishing the records can be considered as primarily benefitting the general public or where total charges are less than $2.

§ 1202.5 Exemptions from disclosure.

(a) General Rule—Except where the public interest indicates otherwise, information in the records of the Committee that is not available to the public through other sources and is exempted from required disclosure by the provisions of section 552(b) of Title 5 of the United States Code is not available for inspection and copying. Information exempted from required disclosure includes information:

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

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than section 552b 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) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other

than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes (but only to the extent provided in the Freedom of Information Act (5 U.S.C. 552(b)(7)); or

(8) 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.

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-15027 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Shared and Proprietary Remote Service Units; Statement of Interpretation and Policy

AGENCY: National Credit Union Administration.

ACTION: Statement of interpretation and policy.

SUMMARY: The purpose of this Statement is to set forth the Administration's policy concerning remote service units, to provide guidance and to set forth safe and sound practices and procedures for use in implementing and operating remote service units.

EFFECTIVE DATE: May 16, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Chief, Credit Union Operations Section, Office of Examination and Insurance, at the above address. Telephone (202) 357-1065.

SUPPLEMENTARY INFORMATION: Section 721.3 of the National Credit Union Administration Rules and Regulations was implemented on August 21, 1974 and provides that credit unions, associations of credit unions and other parties interested in credit union programs may submit pilot programs (relating to electronic funds transfer through remote service units, loan programs and other operational systems) to the Administration for evaluation and review. (Such pilot programs require Administration approval and carry a termination date.) The intent of the regulation is to permit experimentation with new programs in order to provide an experience base on which the Administration may evaluate whether the activity should be made permanent because of its benefit to the credit unions and parties served.

Under the regulation, the Administration approved a variety of experimental programs including share drafts, correspondent credit unioning, proprietary (exclusive use by the credit union's own members) and shared automated teller machines (ATMs), customer bank communication terminals (CBCTs), point of sale (POS) terminals and others. Share drafts now operate under § 701.34 of the National Credit Union Administration Rules and Regulations. Previously, the use of proprietary ATMs had been determined not to be experimental and did not require Administration approval for implementation. Up to this time shared ATMs, CBCTs, and POS programs continued to operate under § 721.3 of the National Credit Union Administration Rules and Regulations as experimental pilot programs.

Experience

The first shared ATM program was approved on June 13, 1975. As of December 31, 1979, there were 20 shared ATM and POS programs approved. Of this total 12 programs were in operation involving 28 Federal credit unions and 89,621 cardholders. During the quarter ended December 31, 1979, 135,790 transactions were placed through the equipment amounting to $11,579,871. The experience of credit unions participating in these programs has been favorable with only minimal operational difficulties encountered. The Administration concludes it has obtained a sufficient experience base on which to reach a decision as to whether or not the programs should be made permanent in accordance with § 721.3(d) of the National Credit Union Administration Rules and Regulations.

IRPS: 80-5

Definitions

a. Automated Teller Machine (ATM)—Automated teller equipment (also referred to by the terms cash dispenser, robot banking, total teller, unmanned tellers, vestibule banking and customer bank communication terminals (CBCT's)) consists of unmanned equipment activated by a customer of a financial institution to obtain services. These services include dispensing of cash, accepting deposits, and transferring funds between a customer's various accounts. The equipment is generally activated by a plastic card which has a magnetic stripe that can be read by the terminal and pushbuttons which are used to key in a personal identification number (PIN) and the transaction information. The equipment may be located on the premises of the financial institution or at a separate location.

b. Point-of-Sale (POS) Terminals—POS terminals/systems accomplish EFT functions for retail establishments. The POS system enables the merchant to do any or all of the following functions through the terminals in a place of business: (1) Credit authorization; (2) Check or draft authorization; (3) Electronic debiting of a customer's credit account and crediting the merchant's deposit account; and, (4) Electronic transfer of funds from the customer's deposit account to the merchant's deposit account.

Check or draft authorization is generally accomplished by manual inputs on terminals by either the customer or the merchant's employee. The other functions are generally accomplished by inserting plastic cards (debit, credit or dual purpose) into terminals and by the merchant's employee keying in the transaction. Plastic cards used in POS terminals also include a magnetic stripe and the customer also identifies him/herself with a unique personal identification number.

c. Remote Service Unit (RSU) as used in this Policy Statement is defined as unmanned electronic equipment that may be operated by either an individual (self-activated) or a merchant (merchant-activated) to initiate a funds transfer from a member's share and/or loan account in the credit union. The term includes, but is not limited to, point-of-sale terminals, automated teller machines, cash dispensing machines, and Customer Bank Communication Terminals.

Determination

The National Credit Union Administration Board (NCUA Board) has determined that remote service units do provide an effective benefit to credit unions and their members, that Federal credit unions have demonstrated a capability to carry out such activity, and that the use of this type of equipment, whether in a proprietary or shared arrangement, does fall within the permissible powers of Federal credit unions. The NCUA Board also has determined that members or customers of another financial institution involved in a shared remote service unit

arrangement may use remote service units owned or operated by the participating Federal credit union. Therefore, Federal credit unions are permitted to engage in these activities without obtaining approval of the NCUA Board. All previously approved remote service unit pilot programs may be continued without further approval or action by the NCUA Board.

The authority for Federal credit unions to establish and or participate in shared or proprietary remote service unit programs is based upon Section 107(15) of the Federal Credit Union Act (12 U.S.C. 1757(15)). This section provides Federal credit unions with authority to exercise such incidental powers as shall be necessary or requisite to enable them to carry out effectively the business for which they are incorporated.

Federal credit unions should note that the discussion in this statement does not impose mandatory requirements. Failure to operate within these guidelines will not constitute a violation of a rule or law, except where specifically noted. However, the failure of a board of directors to properly operate a remote service unit program or the failure to consider the procedures and controls envisioned in these guidelines could result in a finding that certain actions constitute "unsafe and unsound practices" for which administrative action under Section 206 of the Federal Credit Union Act may be taken if such practice threatens or endangers the financial stability of the Federal credit union.

Guidelines

a. Board Decision

The board of directors should determine if terminal access to member accounts will be in the best interests of its own credit union and will provide a service to its members. In reaching its decision, which should be documented in the minutes, the board should consider, among other things, the attendant costs and risks to operate the program in relation to the Federal credit union's resources, expected number of members to benefit from the service, whether to purchase or lease the equipment for its sole use or to operate in a shared environment, the experience and stability of the servicing financial institution, if applicable, and overall internal control procedures available to protect the interests of the members and integrity of the system. The Administration recommends that the board review its decision on at least an annual basis to determine if the activity should be continued.

b. Program Specifications and Agreement

The Administration recommends that an Operations Manual and/or other type of Statement of Operating Specifications be maintained in the credit union's files describing the specific services and transactions covered under the program and such other information as is necessary to provide management and operating staff with an overview of the scope of the activity as well as the day-to-day operational details. The Operations Manual/Statement of Operating Specifications may be incorporated as part of an agreement between the credit union and other parties in a shared environment or between the credit union and the seller/lessor in a proprietary arrangement. The Administration believes that an unsafe or unsound practice may exist if a Federal credit union enters into a remote service unit sharing arrangement without a written agreement (or operating specifications if incorporated as a part of the agreement) being established which addresses the following:

1. Maintaining the individual identity of the credit union and the confidentiality of the members in all transactions.
2. The types of business to be transacted and limitations.
3. Method and frequency of settlement.
4. Communication methods between the parties for transactions, error resolution, etc.
5. A schedule of any charges to be assessed to the participating credit union including a statement that joint or shared costs will be equitably charged in proportion to each participant's use.
6. The procedure for arbitrating disputes and for terminating the contract.

c. Surety

Each Federal credit union entering into a remote service unit arrangement should obtain written assurance from surety that coverage extends to the use of terminal(s) and plastic access cards issued to members. This assurance is necessary to comply with Section 701.20(f) of the NCUA Rules and Regulations which requires the board of directors to obtain adequate bond coverage to meet new or changed circumstances pertaining to the credit union's operation.

d. Legal Opinions and Regulatory Requirements

It is the responsibility of the board of directors of each Federal credit union planning to share remote service units with another financial institution to assure that the arrangement and any related contracts and agreements are in compliance with applicable Federal and/or State law. In this regard, the officials may deem it advisable to consult with an attorney to assure that agreements between the parties operating the system and between the member and the Federal credit union, whether in a proprietary or shared environment, are in compliance with applicable Federal and/or State law.

If loan disbursements are a part of the service provided, the requirements of Regulation Z, Section 701.21–3 of the National Credit Union Administration Rules and Regulations and other applicable regulations regarding the use of credit cards must be met. Additionally, the activity involved in the disbursement of loans from remote service units should be consistent with the current loan policy and limitations of the respective participating credit union.

In all instances where Federal credit unions provide their members with services through remote service units the provisions of Federal Reserve Regulation E should be reviewed and must be complied with where applicable.

e. Member Agreement

To assure proper understanding, the Administration recommends that each Federal credit union establishing shared or proprietary remote service units execute an agreement with each member utilizing the service which outlines the specific duties and responsibilities of both the credit union and the member. As in the case of the agreement between the servicer and the credit union, the Administration believes an unsafe or unsound practice may exist if a Federal credit union does not execute such an agreement with its member.

f. Security

The servicing financial institution will generally be required to comply with the security regulations of the agency under which it is supervised. Federal credit unions participating in programs with financial institutions falling under the jurisdiction of the Federal Deposit Insurance Corporation or the Federal Home Loan Bank Board should determine that at least minimum security requirements promulgated by those supervising agencies are met. In arrangements involving servicing financial institutions which do not operate under specific security regulations pertaining to remote service units the minimum security

requirements set forth by Federal Deposit Insurance Corporation (12 CFR 326 Appendix A) or Federal Home Loan Bank Board (12 CFR 563a Appendix A) may be followed as appropriate guidelines.

Credit Union Service Corporations

Federal credit unions intending to conduct shared remote service unit activity through the use of a credit union service corporation are required to follow the provisions of § 701.27–2 of the National Credit Union Administration Rules and Regulations.

Rosemary Brady,

Secretary of the Board.

May 13, 1980.

[FR Doc. 80–15193 Filed 5–15–80; 8:45 am]

BILLING CODE 7535–01–M

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12 CFR Ch. VII

Correspondent Credit Unioning Programs; Statement of Interpretation and Policy

AGENCY: National Credit Union Administration.

ACTION: Statement of interpretation and policy.

SUMMARY: The purpose of this Policy Statement is to set forth the Administration's position concerning correspondent credit unioning programs and to provide guidance to Federal credit unions to follow in operating correspondent programs within the requirements of applicable laws, regulations and safe and sound practices.

EFFECTIVE DATE: May 16, 1980.

ADDRESSES: National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Chief, Credit Union Operations, Office of Examination and Insurance at the above address. Telephone: (202) 357—1065.

SUPPLEMENTARY INFORMATION: Section 721.3 of The National Credit Union Administration Rules and Regulations was implemented on August 21, 1974, and provides that credit unions, associations of credit unions and other parties interested in credit union programs may submit pilot programs (relating to electronic funds transfer through remote service units, loan programs and other operational systems) to the Administration for evaluation and review. Such pilot programs require Administration approval and carry a termination date. The intent of the regulation is to permit experimentation with new programs in order to provide an experience base on which the Administration may evaluate whether the activity should be made permanent because of its benefit to the credit unions and parties served. Correspondent credit unioning programs were tested under this part of the regulation.

Experience

The first correspondent credit unioning program was approved on May 7, 1975. As of December 31, 1979, there were 7 programs in operation involving 192 participating credit unions.

For the quarter ended December 31, 1979, these credit unions handled 6,492 transactions amounting to $5,000,559. While the number of participants and volume of business transacted is not extensive, the credit unions involved have displayed a capability of conducting the activity with minimal difficulty and have provided a sufficient experience base for evaluation in accordance with § 721.3(d) of the National Credit Union Administration Rules and Regulations.

IRPS: 80–6

Correspondent credit unioning programs are cooperative arrangements between two or more credit unions whereby each agrees to service the members of the other when distance prevents members' ready access to their own credit union's place of business.

Determination

The National Credit Union Administration Board (NCUA Board) has determined that correspondent credit unioning programs do provide an effective benefit to credit unions and other parties served, that Federal credit unions have demonstrated a capability to carry on such activity, and that the programs do fall within the permissible powers of Federal credit unions. Therefore, Federal credit unions are permitted to engage in this activity under the guidelines established herein without obtaining further approval of the NCUA Board.

The authority for Federal credit unions to establish and or participate in correspondent credit unioning programs is based upon Section 107(15) of the Federal Credit Union Act (12 U.S.C. 1757(15)). This section provides Federal credit unions with the authority to exercise such incidental powers as shall be necessary or requisite to enable them to carry out effectively the business for which they are incorporated.

Federal credit unions should note that the discussion in this statement does not impose mandatory requirements. Failure to operate within these guidelines will not constitute a violation of a rule or law, except where specifically noted. However, the failure of a board of directors to properly operate a correspondent credit unioning program or to consider the procedures and controls envisioned in these guidelines could result in a finding that certain actions constitute "unsafe or unsound practices" for which administrative action under Section 206 of the Federal Credit Union Act may be taken.

Guidelines

a. Board Decision

The board of directors should determine if correspondent credit unioning activity will be in the best interests of its own credit union and provide a service to its members. In reaching the decision, which should be documented in the minutes, the board should consider, among other things, the transient nature of persons in the field of membership, the likely degree of participation by members, and the capability of credit union personnel to handle the additional activity. A cohesive field of membership, wherein members are only infrequently away from the geographic area of the credit union's main or branch offices, is not normally conducive to a successful program.

b. Participating Credit Unions

Federal credit unions may participate with one or more other Federal or State chartered credit unions in a correspondent credit unioning program. The arrangements may be bilateral or can be unilateral; i.e., a credit union may agree to service the members of another credit union without reciprocation from the serviced credit union. Differences in size, location and types of membership need not render the credit unions incompatible for participation. However, experience gained under the pilot program shows that correspondent arrangements involving credit unions located within close proximity of each other have generally not been successful nor has the service been extensively used by the members.

c. Services

The type of services provided should be determined by written agreement and should fall within the policies and limitations established by the board of directors of each participating credit union. Services provided may include, but not necessarily be limited to, receiving share and loan payments, disbursing share withdrawals and loan proceeds, cashing share drafts, and

cashing and selling checks and money orders. Each credit union is responsible and accountable to its own individual members regarding correspondent transactions reflected in their accounts. The responsibilities of the board of directors and credit committee must not be delegated to or assumed by the correspondent credit union(s). The provisions of Sections 113 and 114 of the Federal Credit Union Act limit the delegations which the board and credit committee may make. Furthermore, all share disbursements and loan advances between a member and a correspondent credit union should be authorized by the proper authority in the member's own credit union. The NCUA Board considers failure to provide such authorization to be an unsafe and unsound practice.

d. Settlement Accounts

The method of settlement between correspondent credit unions will be determined by agreement of the parties involved. Settlement can be made through a variety of methods including the establishment of permissible share accounts in each other, use of a draft instrument drawn on the other credit union or on a designated clearing credit union, direct payment by check and/or draft between correspondents for transacted activity or by use of Due to/Due from clearing accounts. Any settlement account should be cleared at least monthly and be supported by a detailed listing of the transactions occurring during the period on behalf of the correspondent. Arrangements should be made between the correspondents for the timely communication of daily transactions in order that the members' subsidiary ledgers can be maintained currently and so that members' statements will properly reflect all correspondent transactions.

e. Fees

Correspondent credit unions may arrange for payment of fees to each other to cover services provided. These fees may where permitted by regulation, be passed on to the members using the correspondent facilities provided such fees do not exceed the actual costs incurred in providing this service to the members. Examples of services where reimbursement fees (member may reimburse the FCU for its cost) are authorized include cashing checks and selling money orders, and share draft services. Refer to §§ 701.22, 701.23 and 701.34 of the NCUA Rules and Regulations.

f. Surety

Each credit union should obtain written assurances from surety that coverage extends to the correspondent activity. These assurances are necessary to comply with Section 701.20(f) of the NCUA Rules and Regulations which requires the board of directors to obtain adequate bond coverage to meet new or changed circumstances, pertaining to the credit union's operation.

g. Program Specifications/Agreement

NCUA recommends that an Operations Manual and/or other type of Statement of Operating Specifications be maintained in the credit union's files describing the specific services and transactions covered under the program and such other information as is necessary to provide management and operating staff with an overview of the scope of the activity as well as the day to day operational details. The Operations Manual/Statement of Operating Specification may be incorporated as part of the agreement between the parties involved in the program. NCUA believes that an unsafe or unsound practice may exist if a Federal credit union enters into a correspondent credit unioning program without a written agreement being established which addresses the following:

(1) The type(s) of business to be transacted and limitations.

(2) Method and frequency of settlement.

(3) Method of communication between correspondents concerning individual transactions.

(4) Service fees, if applicable.

(5) Naming of a clearing credit union (if settlement is to be handled in this fashion).

(6) Provisions for notifying credit unions of the addition or removal of participants.

(7) Procedures for arbitrating disputes and terminating the contract.

Rosemary Brady,

Secretary to the Board, National Credit Union Administration.

May 13, 1980.

[FR Doc. 80-15194 Filed 5-15-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 207

[Docket No. 78N-0320]

Requirements for Designating Manufacturer's Name on a Drug Product's Label; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 80-11061 appearing at page 25760 in the **Federal Register** of April 15, 1980, the phrase "nor is drug listing required for establishments engaged in drug product salvaging" was inadvertently dropped from the regulation on who must register and submit a drug list. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: Section 207.20(a), appearing at page 25776, as corrected reads as follows:

§ 207.20 Who must register and submit a drug list.

(a) Owners or operators of all drug establishments, not exempt under section 510(g) of the act or Subpart D of this Part 207, that engage in the manufacture, preparation, propagation, compounding, or processing of a drug or drugs are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments). Such owners or operators are required to register and to submit a list of every drug in commercial distribution (except that listing information may be submitted by the parent, subsidiary, and/or affiliate company for all establishments when operations are conducted at more than one establishment and there exists joint ownership and control among all the establishments), whether or not the output of such establishment or any particular drug so listed enters interstate commerce, except that drug listing is not required at this time for the manufacturing, preparation, propagation, compounding, or processing of an animal feed (including a feed concentrate, a feed supplement, and a complete animal feed) bearing or containing an animal drug, nor is drug listing required for establishments engaged in drug product salvaging. No owner or operator may register an establishment, if any part of the establishment is registered by any other owner or operator.

Dated: May 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-14805 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

[Docket No. 79N-0180]

Uredofos Tablets; Revocation of Regulation

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking the regulation which approves and identifies the conditions of use of Uredofos (Sansalid) Tablets. This revocation is made because experience shows that the drug is unsafe for the uses provided for in the regulation and because the drug has not been shown to be safe under these or any other conditions of use.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 17, 1979 (44 FR 41727), the Director, Bureau of Veterinary Medicine, issued a notice of opportunity for hearing to withdraw approval of NADA 100-745V, Sansalid (Uredofos) Tablets. In the same issue of the **Federal Register** (44 FR 41726), the Director of the Bureau of Veterinary Medicine proposed to revoke § 520.2645 (21 CFR 520.2645), which provides for use of the drug, because new information showed that the drug was unsafe and because the drug had not been shown to be safe for its labeled uses.

Elsewhere in this issue of the **Federal Register** is a notice withdrawing approval of NADA 100-745V for Sansalid (Uredofos) Tablets, because the sponsor failed to raise a substantial issue of fact which required a hearing regarding either of the grounds for withdrawal. In fact, the conclusion that the product was unsafe was not challenged at all.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by revoking § 520.2645 *Uredofos tablets.*

EFFECTIVE DATE: This regulation is effective May 27, 1980.

Dated May 6, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-15104 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Procaine Penicillin G

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulation for procaine penicillin G aqueous suspension to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data. These conditions of use were classified as effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain effectiveness data, approval may require submission of bioequivalency or similar data. An earlier **Federal Register** publication has reflected this product's compliance with conclusions of the review.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 25, 1970 (35 FR 13544). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was probably effective for treating infections in animals caused by pathogens sensitive to penicillin.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Elanco Products Co., a division of Eli Lilly & Co., 740 S. Alabama St., Indianapolis, IN 46206, responded to the notice by submitting a supplemental NADA (65-284V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the treatment of certain infections caused by penicillin-susceptible organisms in dogs and horses. The supplemental application was approved by a regulation published in the **Federal Register** of December 2, 1972 (37 FR 25708). The regulation reflecting this approval amended the regulations by adding a new § 135b.49 (21 CFR 135b.49), recodified at 21 CFR 540.274b. The section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required for approval by § 514.111(a)(5)(vi) of the new animal drug regulations. In lieu of those data, approval of applications for such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83(a)), Part 540 is amended in § 540.274b by adding after paragraph (c)(1)(iii)(*a*), (*b*) and (*c*) the footnote reference "1" to read as follows:

§ 540.274b Procaine penicillin G aqueous suspension.

* * * * *

(c) * * *

(1) * * *

(iii) * * * (*a*) * * * [1]

(*b*) * * * [1]

(*c*) * * * [1]

* * * * *

Effective date. This regulation shall be effective May 16, 1980.

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

Dated: May 8, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-14806 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5198/T56; FRL 1491-8]

Tolerances for the Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Thidiazuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation related to the experimental use of the defoliant thidiazuron on cotton. The regulation was requested by Nor-Am Agricultural Products, Inc. This rule will permit the marketing of cottonseed hulls while further data are collected on thidiazuron.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: James Stone, Acting Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202-755-1397).

SUPPLEMENTARY INFORMATION: On November 2, 1978, the EPA announced (43 FR 51131) that Nor-Am Agricultural Products, Inc., 1275 Lake Avenue, Woodstock, IL 60098, had filed a feed additive petition that proposed 21 CFR 561 be amended by the establishment of a regulation permitting residues of the herbicide thidiazuron (*N*-phenyl-*N*-1,2,3-thiadizol-5-ylurea) and its aniline-containing metabolites in or on cottonseed hulls resulting from application of the defoliant to cotton for defoliation of cotton leaves prior to harvest in a proposed experimental program with a tolerance limitation of 0.4 part per million (ppm) in accordance with an experimental use permit (2139-EUP-23) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136). No comments were received by the Agency in response to this notice of filing.

For purposes of clarification, the Agency has determined that the regulation should specify that the residues in or on cottonseed hulls result from defoliant use of thidiazuron rather than herbicide use.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the defoliant may be safely used in accordance with the provisions of the experimental use permit which has been issued under FIFRA. It has further been determined that since residues of the pesticide may result in or on cottonseed hulls from the agricultural uses provided for in the experimental use permit, the feed additive regulation should be established and should include a tolerance limitation.

The data submitted in this petition and other relevant material have been evaluated. The data considered in support of the proposed tolerance included radiotracer metabolism studies in cotton plants, rats, lactating goats, and laying hens; rat and mouse acute oral toxicity studies with a median lethal dose (LD_{50}) of grams (g)/kilogram (kg) body weight (bw) and 5 kg/g bw respectively; a 90-day dog feeding study with a no-observed-effect-level (NOEL) of 200 ppm and a 90-day dog feeding study with an NOEL of 300 ppm. The acceptable daily intake (ADI) for humans is 0.0038 mg/kg bw/day based on a 300 ppm NOEL determined in the 90-day dog feeding study and a 2,000-fold safety factor. The requested feed additive tolerance of 0.4 ppm in or on cottonseed hulls will not affect the theoretical maximum residue contribution (TMRC). Proposed temporary tolerances of 0.2 ppm in or cottonseed, 0.05 in milk poultry, yield a TMRC of 0.0676 mg/day/1.5/kg of diet for a 60-kg human, which is equivalent to 30.05% of the ADI.

A regulatory action was pending against thidiazuron based upon Industrial Bio-Test Laboratories (IBT) data of the two 90-day subacute and acute studies, but this was resolved after these data were validated.

The metabolism of thidiazuron is adequately understood, and an adequate analytical method (gas-liquid chromatography using electron capture detection is available for enforcement purposes.

No permanent tolerances have previously been established for residues of thidiazuron, and no desirable data are lacking from the petition, nor are any other considerations involved in establishing the proposed tolerance (A related document establishing temporary tolerance for residues of thidiazuron in or on cottonseed at 0.2 ppm; milk at 0.05 ppm; eggs at 0.1 ppm; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm appears elsewhere in today's **Federal Register**. The tolerances in eggs; milk; and the meat, fat, and meat byproducts of cattle, etc. are adequate to cover residues in these tissues resulting from the proposed feed additive use.)

The pesticide is considered useful for the purpose for which a tolerance is sought. Therefore the regulation establishing a tolerance of 0.4 ppm in or on cottonseed hulls by amending 21 CFR 561 is being promulgated as proposed. Accordingly, a feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before June 16, 1980, file written objections with the Hearing Clerk, EPA Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

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

Effective on May 16, 1980, 21 CFR 561 is amended as set forth below.

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

Dated: May 7, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Statutory Authority: Section 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c) (1)).

Section 561.55 is amended as follows:

§ 561.385 Thidiazuron.

(a) A tolerance of 0.4 part per million is established for combined residues of thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazol-5-ylurea) and its aniline containing metabolites in or on cottonseed hulls resulting from the preharvest application of the defoliant thidiazuron to cotton in accordance with an experimental use permit that expires July 1, 1981.

(b) Residues in cottonseed hulls not in excess of 0.4 part per million resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental program will not be considered to be actionable if the defoliant is legally applied during the term of and in accordance with

provisions of the experimental use permit and feed additive tolerance.

(c) Nor-Am Agricultural Products, Inc. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm also will keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 80-15114 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 610 and 660

[Docket No. 78N-0171]

Additional Standards for Limulus Amebocyte Lysate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to provide additional standards governing the manufacture of Limulus Amebocyte Lysate (LAL). LAL is prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyphemus*). It is a licensed biological product used as a reagent for in vitro testing to detect bacterial endotoxins (pyrogens) in certain biological products and medical devices.

DATES: Effective June 16, 1980, except labeling requirements, which become effective September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, Department of health and Human Services, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA first proposed additional standards for LAL in the **Federal Register** on September 18, 1973 (38 FR 26130). In response to comments on the proposal, substantial revisions were made, and the proposed regulations were republished in the **Federal Register** on August 11, 1978 (43 FR 35731). Five letters, each containing a number of comments, were received in response to the republication. The comments and FDA's response follow:

1. One comment on the proposed § 660.101 (a) and (b) suggested that the text be amended to designate that the U.S. Reference Endotoxin is used for determining the "sensitivity" of LAL (rather than the "potency" of LAL as proposed) and that the U.S. Reference LAL is used for establishing the "potency" of LAL (rather than the "validity of the potency test" as proposed).

FDA agrees that the suggested changes more precisely define the functions of these standard preparations, and § 660.101 (a) and (b) has been amended in the final rule.

The primary endotoxin standard, lot EC-2, has been defined as 5 units per nanogram. Because it is measured in units, this material has been identified as a U.S. "Standard" preparation rather than a U.S. "Reference" preparation in the final rule.

2. One comment on the proposed § 660.102 suggested that an equal number of vials of the U.S. Reference Lysate and the test lysate be compared in testing for potency. The comment also suggested that a minimum number of 4 vials of lysate be tested instead of the proposed minimum of 20 vials.

FDA Disagrees with this comment. The potency test was designed to include a means for estimating the degree of vial-to-vial variability of the test lysate. The best estimate is obtained by using reference lysate from a single vial or from a pooling of the contents of more than one vial. Therefore, there is no need to require that an equal number of vials of the reference lysate and the test lysate be compared in testing for potency. A minimum sample size of 20 vials of test lysate is the current requirement for licensure of LAL. FDA concludes that this amount is necessary to ensure that the procedure is statistically valid for estimating vial-to-vial variability. Accordingly, the comment is rejected.

3. One comment expressed concern that the proposed § 660.102(a) could be interpreted to limit the potency test to the use of two-fold dilutions only.

Section 660.102(a) is intended to require a two-fold dilution series for the dilutions expected to bracket the endpoint. A larger dilution increment may be used for higher concentrations. For clarification, § 660.102(a) is amended in the final rule to specify that a single series of consecutive two-fold dilutions shall begin with a concentration of the U.S. Standard endotoxin at least four-fold above the endpoint.

4. The proposed § 660.102(b)(1) required that the tubes used for the potency test have an inside diameter not greater than 10 millimeters. This limit was intended to aid the manufacturer in determining gelation reactions for the small volumes of materials used in the test. However, experience in testing has demonstrated that a gelation reaction can be determined in tubes with an inside diameter greater than 10 millimeters. Accordingly, § 660.102(b)(1) is amended in the final rule by adding the phrase "unless the use of another size test tube has been approved by the Director, Bureau of Biologics."

5. Two comments on the proposed § 660.102(b)(2) suggested that the reference lysate be added to one set of tubes followed by addition of the test lysate to the other set of tubes. One of the comments noted that the suggestion would save time and the use of unnecessary glassware.

FDA recognizes that the suggested change would save time and glassware. However, it would not provide appropriate data for statistical evaluation. To ensure statistical validity, one tube of reference lysate and one tube of test lysate must be paired for each replication of each standard endotoxin concentration. Accordingly, the comments are rejected.

6. One comment on the proposed § 660.102(b)(2) recommended that the LAL be added to tubes starting with the lowest concentration of endotoxin rather than the highest.

FDA agrees that the suggested change is an accepted procedure frequently used when additional reagents are added to graded concentrations of other reagents. This procedure is less likely to transfer endotoxin contamination from one tube to the next. Accordingly, the comment is accepted and § 660.102(b)(2) is amended in the final rule by changing the phrase "the highest concentration" to "the lowest concentration" in the two places the phrase appears. For clarification, § 660.102(b)(3) is amended in the final rule by adding the phrase "progressing from the lowest endotoxin concentration to the highest" to the end of that paragraph.

7. One comment on proposed § 660.102(c) suggested that the final rule be drafted to account for unexpected (false negative or false positive) results that may be attributed to the U.S. Standard/Reference preparations.

FDA disagrees. If such results occur, the test would be invalid because the endpoints could not be calculated, and high standard deviations would be obtained. Accordingly the comment is rejected.

8. One comment on the proposed § 660.102(c)(1) requested that a sentence be added relating to reactions not read as gelation. Another comment requested that FDA amend the final rule wherever necessary to provide for a turbidimetric form of LAL.

Two manufacturers are currently licensed for LAL for which gelation is not used as an indicator of a positive reaction. To account for these products, § 660.102(c)(1) is amended in the final rule by adding a statement to specify

that for licensed LAL that does not require gelation as an indicator of reactions, the endpoint shall be determined by the method specified in the labeling for the product. For the turbidimetric form of LAL, no reference LAL has been established. For this reason, the suggestion that the codified regulations provide for this type of lysate is rejected. When a turbidimetric-type reference lysate has been established, the additional standards will be amended as appropriate. Until such time, licensed manufacturers are required to comply with the potency test as approved in each manufacturer's license application.

9. One comment on proposed § 660.102(c)(4) asked that the one paragraph be clarified to apply to multiple, as well as single, test lysate containers.

FDA advises that § 660.102(c)(4) applies to both multiple and single test lysate containers. Accordingly, FDA believes that no clarifying language is necessary.

10. As the result of published data, which have been placed on file with the FDA Hearing Clerk, and experience gained in the use of the U.S. Reference LAL, FDA is amending § 660.102 from paragraph (c)(2) to the end of the paragraph and paragraph (d). This amendment will provide for a more efficient statistical process to establish whether the potency test is valid or if the test is invalid because of excessive vial-to-vial variability. The revised procedure codifies the current requirements for product release applied to licensed manufacturers.

11. One comment on the proposed § 660.103(a) requested a restriction be imposed on the collection and bleeding of the crabs during their spawning seasons.

Proposed § 660.103(a) requires careful handling of the crabs and that crabs be returned alive to their natural environment after a single collection of their blood. Experience with crabs maintained in captivity demonstrates that they will survive and regenerate lost amebocytes following bleeding. Although at present little is known about the effects of bleeding on crabs returned to the wild, FDA will continue to review available data relating to this issue. If the data demonstrate that the current requirements of § 660.103(a) adversely affect the population of crabs, the regulations will be amended as appropriate. Accordingly, the comment is rejected at this time.

12. One comment on proposed § 660.103(b) suggested that it be revised to require that the processing methods yield a product meeting the additional standards for LAL.

FDA does not agree. The specific purpose of § 660.103(b) is to ensure that the processing methods used by manufacturers yield a final product that is accurately labeled for potency and is detection-specific when used for testing certain types of samples as recommended in the package insert. The requirement is intended to preclude use of a product that meets the other additional standards for LAL but lacks adequate potency and specificity. Accordingly, the comment is rejected.

13. One comment on proposed § 660.103(c) requested that FDA limit the requirement for colorless final containers to those for gel products.

FDA believes that the user of the product should be able to see whether there has been a change in its color, which may demonstrate that the potency of the LAL has been affected adversely, regardless of the type of LAL product in the final container. Accordingly, the comment is rejected.

14. One comment on the proposed § 660.103(c) requested that the requirements for final containers be preceded by the word "initially." The comment also suggested that final containers be required to be nonpyrogenic.

FDA believes that the word "initially" may create confusion about the requirements for container suitability. The proposal was intended to assure that the final containers are sterile at the time they are filled with lysate. Accordingly, FDA is clarifying § 660.103(c) in the final rule to specify that the requirements for final containers apply at the time of filling. FDA agrees that final containers should be nonpyrogenic because the presence of pyrogens would alter the quality of the final product. Accordingly, § 660.103(c) is amended in the final rule to read "Final containers at the time of filling shall be sterile, nonpyrogenic, colorless, and transparent."

15. Two comments on proposed § 660.103(d) suggested that the date of manufacture should be the date that freeze-drying is completed. According to the comments, this would ensure product stability for the maximum period of time that the product is in final containers. One of the comments also suggested that the date of manufacture for a liquid product be the date of final container filling.

Section 610.50 (21 CFR 610.50) of the biologics regulations specifies that for all products that are subject to official potency tests the date of manufacture is the date of initiation by the manufacturer of the last valid potency test. Section 660.103(d) is consistent with this general requirement. Since manufacturers are responsible for conducting stability studies on final container products to ensure that the product is stable throughout the dating period, FDA believes that § 660.103(d) should not be changed. Accordingly, the comments are rejected.

16. One comment on proposed § 660.103(e) requested that the sterility test be deleted because it is to costly and because proper controls by the user of LAL during pyrogen testing would detect the presence of contaminants that would alter the LAL reaction. Another comment recommended that a sterility test should not be required for bulk material but that final container sterility should be required without exception to assure the user of LAL that the product is of the highest possible quality.

It is incumbent on the manufacturer of LAL, rather than the user, to ensure the marketing of a satisfactory product. FDA believes that the cost involved in testing to ensure sterility of LAL is justified. Sterility testing of bulk lots consistent with the general biological products regulations, § 610.12(g)(8) (21 CFR 610.12(g)(8)), is currently required for licensure of LAL. FDA believes that the sterility test must continue as a requirement for the bulk lot as well as final containers of each filling of the lot to ensure a final product that will perform reliably for its intended use. FDA agrees with the comment that no exceptions should be made to the requirement for sterility testing, and no manufacturer has submitted data that would support requesting such an exception. Accordingly, § 660.103(e) is amended in the final rule to specify bulk lot and final filling sterility testing and to delete the condition that would have permitted an exception from sterility testing.

17. Two comments on proposed § 660.103(f) recommended that the test be deleted because sterility testing is required under § 660.103(e) and because results of the test for quality are unreliable since they may be dependent on factors other than the quality of the lysate. Another comment suggested limiting the test to gel-type products.

The required test for quality has been followed satisfactorily by all licensed manufacturers of LAL. FDA believes that the test for quality is more sensitive than the sterility test for detecting the presence of low levels of contamination, such as viable microorganisms or very low levels of endotoxins, that may alter the LAL reactions. Because all types of LAL are subject to the same types of possible contamination, a separate rule

for gel-type products is unjustified. Accordingly, the comments are rejected.

18. One comment on proposed § 660.103(f) suggested a modification of the procedure that would reduce the risk of contamination associated with transfer of lysate. The modification would require the addition of an equal volume of distilled water to each final container of reconstituted LAL, and incubation in the final container. Thereafter, less rigorous requirements would be necessary to ensure quality.

FDA believes that good laboratory practice will ensure that the risk of contamination is not a significant factor in using test tubes for the procedure. In addition, proper interpretation of a positive gel test is only possible in standard test tubes, such as those required for the potency test under § 660.102(b)(1). Accordingly, the comment is rejected.

19. One comment on proposed § 660.103(f) suggested that a smaller sample size be permitted for the test.

FDA is requiring that the sample size for the test for quality be the same as the minimum sample size for the potency test because both tests are also intended to estimate and thereby control vial-to-vial variability. Accordingly, the comment is rejected.

20. Two comments on the proposed § 660.103(g) suggested that an equivalent method be permitted for determining residual moisture. One of the comments also recommended an upper limit for moisture content.

The use of an alternate method for residual moisture is permitted under § 610.13(c) (21 CFR 610.13(c)) of the biologics regulations following approval of a license amendment by the Director, Bureau of Biologics. The recommendation to require an upper limit for moisture content is not practical because different manufacturing procedures are approved for each form of LAL. These different procedures result in products having different, but acceptable, levels of residual moisture. The level of residual moisture is specified in each manufacturer's license application for LAL and is evaluated by the Director, Bureau of Biologics. Accordingly, the comments are rejected.

21. One comment on proposed § 660.104(a)(2) suggested that the requirement that the period for reconstitution be stated is unnecessary because it is the same as the expiration date, which must also appear on the label.

FDA agrees that the proposed text of § 660.104(a)(2) could be interpreted as being identical to the requirement under § 610.60(a)(4) (21 CFR 610.60(a)(4)) that the label include the expiration date. The intent of § 660.104(a)(2) was to provide the user of the product with an area on the label identifying the time (including the date) when the user reconstitutes a container of product intended for multiple tests. Accordingly, § 660.104(a)(2) is amended for clarity in the final rule to read "For final containers intended for multiple tests, a designated area adequate for the user to identify the time that the product is reconstituted."

FDA advises that the information required under § 660.104(a) (2), (3), and (4) of the final rule is intended to aid the user in distinguishing between single test containers and multiple test containers. All manufacturers shall identify final containers with information adequate for this purpose. With this information on the label, the user of both forms of the product can identify containers from different lots labeled with different sensitivities that may become mixed during use.

22. One comment recommended that proposed § 660.104 (b) and (c) be made applicable to single test containers as well as multiple test containers.

Section 660.104 (b)(2) and (c)(3), which requires a statement on the label that the product shall not be reconstituted until immediately before use, does not distinguish between single containers and multiple test containers and is, therefore, applicable to both. However, because the product must be used immediately after rehydration, there is no need to require storage conditions for single test containers. The required statement specifying storage conditions after reconstitution, as prescribed in § 660.104 (a)(4), (b)(4), and (c)(5), applies to multiple test containers. Accordingly, the comment is rejected.

23. One comment on the proposed § 660.104(c)(1) suggested that a statement in the package insert concerning testing of a diluent is an unnecessary requirement for the user of the product.

FDA agrees that it is not necessary for the user to test diluent in a container that has not been entered previously, and is supplied with the LAL, because such diluent has already been tested by the manufacturer of the product. If the container of diluent has been entered or is not supplied by the manufacturer of the LAL, it must be tested in parallel with the test material. If several test materials are tested at the same time and the same lot of diluent is used, the diluent needs only to be tested once in parallel with all of the test materials in that test. Accordingly, § 660.104(c)(1) is amended in the final rule to read "A statement that if the container of diluent has been entered previously or was not supplied by the manufacturer of the lysate, the diluent used to rehydrate the lysate must be tested, without addition of test material."

24. One comment on proposed § 660.105 recommended a reduction in the number of lots required to be submitted following release of the first three successive lots.

FDA believes that because the LAL test has not yet received universal acceptance and modifications are still being made to improve the manufacture of the lysate, it is still necessary to require manufacturers to submit each filling of each lot of LAL to FDA for official release to ensure that the product performs reliably for its intended use. If continued experience and knowledge from use of LAL justifies a reduction in the number of lots that must be submitted for official release, § 660.105 will be amended as appropriate. Accordingly, the comment is rejected.

25. One comment on proposed § 660.105(a) recommended a reduction of from three to two in the number of complete market packages of LAL that must be submitted.

FDA agrees that submission of two complete market packages will provide the agency with sufficient material for testing and labeling review. Section 660.105(a), redesignated as § 660.105(a)(1) in the final rule, is amended accordingly.

26. One comment recommended that the requirement for the submission of protocols to FDA in the proposed § 660.105(b) be redrafted but did not recommend adding any substantive change.

FDA believes that no change in the text of § 660.105(b), redesignated as § 660.105(a)(2) in the final rule, is necessary. The proposed text is clear in its intent and is consistent with the language used for the requirement of protocol submission for other biological products. However, § 660.105 is amended in the final rule by codifying the rules governing samples and protocols and official release in separate paragraphs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, and 701, 52 Stat. 1041–1042 as amended, 1052, 1055–1056 as amended (21 U.S.C. 321, 352, and 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs is amending Subchapter F in Chapter I of Title 21 of the Code of Federal Regulations as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

1. In Part 610 by alphabetically adding to § 610.53(a) a new item and dating period in the list of product types, to read as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Limulus Amebocyte Lysate	Eighteen months. Section 610.51 does not apply

* * * * *

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

2. In Part 660 by adding new Subpart K consisting of six new sections, as follows:

Subpart K—Limulus Amebocyte Lysate

Sec.
660.100 Limulus amebocyte lysate
660.101 U.S. standard/reference preparations.
660.102 Potency test.
660.103 General requirements.
660.104 Labeling.
660.105 Samples and protocols: official release.

Subpart K—Limulus Amebocyte Lysate

§ 660.100 Limulus amebocyte lysate.

The proper name of this product shall be Limulus Amebocyte Lysate. The product is defined as an extract that is dervied from the blood of *Limulus polyphemus* and is capable of detecting bacterial endotoxins.

§ 660.101 U.S. standard/reference preparations.

The following U.S. Standard/Reference preparations shall be obtained from the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, for use as prescribed in this subpart:

(a) A U.S. Standard Endotoxin for determining the sensitivity of Limulus Amebocyte Lysate.

(b) A U.S. Reference Limulus Amebocyte Lysate for establishing the potency of Limulus Amebocyte Lysate.

§ 660.102 Potency test.

A sample of each final filling of each lot of Limulus Amebocyte Lysate and the U.S. Reference Lysate shall be tested in parallel with the U.S. Standard Endotoxin. If the product is freeze-dried after filling, the test shall be conducted on samples from each filling in each drying chamber run. The procedure for rehydrating and mixing the lysate for the potency test shall be that specified in the manufacturer's package insert. A minimum of 20 vials and a maximum of 28 vials from each filling or, if freeze-dried, from each drying chamber run representing all parts of the chamber load, shall be tested in parallel with an equal number of tests from one or more vials of the U.S Reference Lysate. The test shall be performed as follows:

(a) *Dilution of U.S. Standard Endotoxin.* A single series of consecutive two-fold dilutions, beginning with a concentration of the U.S. Standard Endotoxin at least four-fold above the endpoint, shall be prepared with a range selected to bracket the endpoint for both the U.S. Reference Lysate and test lysate filling in each test performed.

(b) *Test procedure.* (1) Transfer 0.1 milliliter of each concentration of U.S. Standard Endotoxin, as prepared in paragraph (a) of this section, into each of two test tubes having an inside diameter not greater than 10 millimeters, unless the use of another size test tube has been approved by the Director, Bureau of Biologics.

(2) Add 0.1 milliliter of the U.S. Reference Lysate to one of the tubes containing the lowest concentration of U.S. Standard Endotoxin. Add 0.1 milliliter of test lysate to the second tube containing the lowest concentration of U.S. Standard Endotoxin.

(3) Repeat the procedure in paragraph (b)(1) and (2) of this section for each dilution of the U.S. Standard Endotoxin and for each vial of lysate to be tested from each filling of the test lot, progressing from the lowest endotoxin concentration to the highest.

(4) Immediately following addition of the lysate to each tube, mix the contents gently and place in a 37° C water bath for 1 hour.

(c) *Validity of the test.* (1) Record the reaction in each tube as either positive or negative. A positive reaction is demonstrated by a firm gel that remains intact, at least momentarily, when the tube is inverted 180 degrees. For Limulus Amebocyte Lysate that does not require gelation as an indicator of reactions, the endpoint shall be determined by the method specified in the labeling for the product.

(2) For each parallel test obtain the ratio of endpoints of reference and test lysates. Calculate the standard deviations (S.D.) of log ratios.

(3) The test is valid if the S.D. is less than or equal to the value for the 99 percent fiducial upper limit of the S.D. of the sample size tested. The S.D. table is shown in paragraph (d) of this section.

(4) If the S.D. is greater than the tabulated value, the test may be expanded up to the maximum of 28 parallel tests and a new S.D. for log ratios may be calculated.

(5) The tests are invalid due to excessive variability if the S.D. is greater than the value in the S.D. table corresponding to the sample size tested.

(6) If the S.D. is within the limits, the geometric mean (G.M.) of the ratios shall be calculated.

(7) The endpoints of U.S. Reference and test lysates, ratios of endpoints, S.D. of log ratios, and G.M. of ratios shall be calculated, and reported on the protocol submitted to the Director, Bureau of Biologics.

(d) *S.D. table.* Ninety-nine percent fiducial upper limit on S.D. of $\log_2$ (ratio):

Sample size	Upper limit
4	*1.02
8	0.86
12	0.79
16	0.75
20	0.73
24	0.71
28	0.69

*Limits can be converted to $\log_{10}$ by multiplying each value by 0.3

§ 660.103 General requirements.

(a) *Handling the horseshoe crabs.* The horseshoe crabs (*Limulus polyphemus*), from which blood is collected for production of the lysate, shall be handled in a manner so as to minimize injury to each crab. The horseshoe crabs shall be returned alive to their natural environment after a single collection of their blood.

(b) *Processing.* The processing methods shall be those which have been shown to yield consistently a potent and detection-specific final product free of properties that would adversely affect the accuracy of the test results when the Limulus Amebocyte Lysate is used by the methods recommended by the manufacturer in the package insert.

(c) *Final containers.* Final containers at the time of filling shall be sterile, nonpyrogenic, colorless, and transparent.

(d) *Date of manufacture.* The date of manufacture of each filling of each lot shall be the date the manufacturer initiated the last valid potency test for such filling. The results from this test shall be reported on the protocol submitted to the Director, Bureau of Biologics.

(e) *Sterility test.* A sterility test shall be performed on the bulk lot and on each filling as prescribed in § 610.12 of this chapter.

(f) *Test for quality.* A test for lysate quality shall be performed as follows:

(1) Samples from each of 20 final containers from each filling or, if freeze-dried, from each filling in each drying chamber run representing all parts of the chamber load, shall be used.

(2) The volume of lysate required for a single test from each of the final containers and a volume of distilled water equal to the volume of sample used for a single test are combined into each of an appropriate number of test tube and incubated for 24 hours in a 37° C water bath.

(3) The test passes if none of the samples yield a positive test.

(g) *Test for residual moisture.* (1) If the weight of the contents of each final container is 3 milligrams or more, the test for residual moisture shall be

performed as prescribed in § 610.13(a) of this chapter.

(2)(i) If the weight of the contents of each final container is less than 3 milligrams, the product is exempt from the test for residual moisture. However, the manufacturer of such exempt product shall perform the potency test described in § 660.102 on at least 4 vials at 4-month intervals on representative samples from each filling throughout the dating period.

(ii) Upon the completion of each potency test, the results of all tests performed shall be submitted to the Director, Bureau of Biologics.

(h) *Ancillary reagents and materials.* All ancillary reagents and materials accompanying the product that are used in the performance of a test, as described by the manufacturer's recommended test procedures, shall not affect adversely the performance of the Limulus Amebocyte Lysate within the prescribed dating period.

§ 660.104 Labeling.

In addition to the applicable labeling provisions of this chapter, the following information is required:

(a) *Final container labels.* The final container label shall include the following additional information:

(1) The sensitivity (geometric mean of the end points of the lot) expressed as units/milliliter or nanograms/milliliter of the U.S. Standard Endotoxin, determined by the potency test procedure in § 660.102.

(2) For final containers intended for multiple tests, a designated area adequate for the user to identify the time that the product is reconstituted.

(3) For final containers intended for multiple tests, a statement identifying the period within which the product may be used after reconstitution.

(4) For final containers intended for multiple tests, a statement specifying storage conditions after reconstitution.

(b) *Package label.* The package label shall include the following additional information:

(1) A reference to the package insert for the test method(s) to be employed when using Limulus Amebocyte Lysate.

(2) A statement that the product shall not be rehydrated until immediately prior to use.

(3) For products in final containers intended for multiple tests, a statement identifying the period within which the product may be used after reconstitution.

(4) For products in final containers intended for multiple tests, a statement specifying storage conditions after reconstitution.

(c) *Package insert.* The package insert shall include the following additional information:

(1) A statement that if the container of diluent used to rehydrate the lysate has been entered previously or was not supplied by the manufacturer of the lysate, the diluent must be tested, without addition of test material.

(2) A warning statement that the tubes of material on test should not be removed from incubation or disturbed prior to the time specified for reading the test.

(3) A statement that the product shall not be rehydrated until immediately prior to use.

(4) For products in final containers intended for multiple tests, a statement identifying the period within which the product may be used after reconstitution.

(5) For products in final containers intended for multiple tests, a statement specifying storage conditions after reconstitution.

§ 660.105 Samples and protocols; official release.

(a) For each final filling of each lot of Limulus Amebocyte Lysate, or if freeze dried, from each drying chamber run representing all parts of the chamber load, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205:

(1) *Samples.* Not fewer than 28 vials of lysate, two of which shall be complete market packages, packaged for distribution and including all ancillary reagents and materials.

(2) *Protocols.* A protocol consisting of a complete summary of the history of manufacture of each filling, the dates of testing, and the results of all required tests.

(b) *Official release.* Limulus Amebocyte Lysate shall not be distributed by the manufacturer until written notification of official release of each filling is received from the Director, Bureau of Biologics.

Effective dates. This regulation becomes effective on June 16, 1980;, labeling requirements shall become effective September 12, 1980. On or after September 12, 1980 no person may initially introduce or initially deliver for introduction into interstate commerce any licensed biologic product to which the regulations apply, unless the product's labeling complies with the requirements set forth in the regulations.

(Secs. 201, 502, and 701, 52 Stat. 1041–1042 as amended, 1052, 1055–1056 as amended (21 U.S.C. 321, 352, and 371); (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: May 7, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-14803 Filed 5-15-80 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 57

Metal and Nonmetal Mine Safety and Health Standards for Air Quality, Ventilation, Radiation and Physical Agents; Editorial Correction

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Editorial correction.

SUMMARY: This action by the Mine Safety and Health Administration is an editorial correction to its safety and health standards in 30 CFR 57.5 (Air quality, ventilation, radiation, and physical agents).

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Frank A. White, Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1910.

SUPPLEMENTARY INFORMATION: To correct a printing error in 30 CFR (as revised July 1, 1979), the Mine Safety and Health Administration has made an editorial change to 30 CFR 57.5 (Air quality, ventilation, radiation and physical agents). Specifically, the center heading "Radiation, Underground Only"is being moved to its appropriate place within Section 57.5 of 30 CFR. This action conforms to the original publication of § 57.5 in the Federal Register (34 FR 12517, July 31, 1969) and its subsequent amendments. No substantive provision of any MSHA safety or health standard is affected by this action.

Part 57 [Amended]

Part 57, Chapter I, Subchapter N, Title 30, Code of Federal Regulations is amended as follows:

Delete the center heading "Radiation Underground Only" following mandatory standard 57.5–32 and add the center heading "Radiation Underground Only" following the entry 57.5–36 [Reserved]. As corrected the center heading reads as follows:

* * * * *

57.5–36 [Reserved]

RADIATION
UNDERGROUND ONLY

57.5–37 *Mandatory . . .*

Dated: May 7, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15074 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 342

Offering of U.S. Savings Notes; Correction

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule relating to the offering of United States Savings Notes published at 45 FR 21988, April 2, 1980.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-10070 appearing at page 21988 in the issue for Wednesday, April 2, 1980, the reference to § 342.9 in the third column regarding the redesignation of footnote 4 as footnote 6 is incorrect. The reference should be to § 342.7.

Dated: May 12, 1980.

H. J. Hintgen,

Commissioner of the Public Debt.

[FR Doc. 80-15201 Filed 5-15-80; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 811a

Sales and Services; Audiovisual Documentation Program

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising Part 811a of Chapter VII, Title 32, of the Code of Federal Regulations. The revision tells the purpose of the audiovisual documentation program, the primary source of material for the program, and the policy regarding personal use of official audiovisual material. Functional address symbols and definitions of terms are also updated.

EFFECTIVE DATE: April 14, 1980.

FOR FURTHER INFORMATION CONTACT: Major D. C. Anderson, telephone (202) 695-9610.

Accordingly, Title 32 of the Code of Federal Regulations is amended by revising Part 811a to read as follows:

PART 811a—AUDIOVISUAL DOCUMENTATION PROGRAM

Sec.

811a.1 Purpose.
811a.2 General provisions.
811a.3 Source of material for the program.
811a.4 Personal use of official audiovisual material.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 95-3, April 14, 1980.

Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 811a.1 Purpose.

This part explains audiovisual documentation and the scope and purpose of the audiovisual documentation program. It tells who is responsible and how the program is accomplished. This part applies to all members of the Department of the Air Force.

§ 811a.2 General provisions.

Purpose of the program. The Audiovisual Documentation Program is established to:

(a) Record, through audiovisual means (still photos, motion pictures, video, and audio tape), the growth, progress, implementation, and exercise of Air Force resources in peacetime and combat.

(b) Collect and preserve audiovisual imagery of significant Air Force events having known or potential historical or archival value.

(c) Ensure that audiovisual imagery is available, to depict the prime mission, support activities, and significant functions of all United States Air Force (USAF), major commands (MAJCOMs), and separate operating agencies (SOAs). In this regard, audiovisual documentation is used for many purposes, at all levels in the Air Force. For this part, the purposes are divided into the following categories of use:

(1) *Immediate use.* Audiovisual documentation is used to help analyze and evaluate concepts and results of deployments, tests, and exercises, during peacetime and in combat operations. It is used to build visual presentations and augment motion picture film and television productions that support Air Force objectives. Audiovisual documentation provides source material for slides, silent and sound-on-film motion picture clips, video tapes, and multimedia products, used for training, management, informational, and briefing purposes.

(2) *Future use.* The audiovisual materials selected from the Air Force documentation effort that have long-term or permanent value are retained in the Department of Defense (DOD) central depositories and the National Archives. These make up the pictorial records of the development, growth, and progress of aerospace power, and provide a resource for future motion picture and television productions and other media.

§ 811a.3 Source of material for the program.

(a) The primary sources of material for this program are:

(1) AAVS documentation crews, both ground and aerial qualified, whose primary mission is to acquire audiovisual documentation imagery in peacetime and combat.

(2) Base audiovisual service centers.

(3) Optical instrumentation and engineering imagery of Air Force research, development, test, and evaluation projects.

(4) Armament recording imagery.

(b) Although the imagery recorded by these systems may not originate from a documentation requirement, when properly processed, indexed, and stored, it serves as a valuable source of audiovisual documentation.

§ 811a.4 Personal use of official audiovisual material.

All audiovisual materials generated or acquired by Air Force members, employees, or contractors in their official duties are the property of the U.S. Air Force. Personal use of such audiovisual material for sale or any other reason not directly related to an official Air Force activity is prohibited. Any deviation to this policy must be approved by HQ USAF/XOOTV.

(a) This policy also applies when Air Force members or employees, by choice or agreement, occasionally use personally owned equipment or supplies in their official duties.

(b) Photographs, motion picture films, transparencies, television tapes, audio recordings, and other audiovisual products are subject to safeguards and release requirements when released outside the Department of Defense. (Refer to Part 806, Air Force Regulations 95-4, Audiovisual Records Disposition Program; 190-12, Release of Unclassified Information to the Public; 190-22, Release of Unclassified Public Information to Foreign Nationals; and

Air Force Manual 190–9, Information Policies and Procedures.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–15043 Filed 5–15–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

32 CFR Part 555

33 CFR Ch. II

[ER 70–1–8]

Corps of Engineers, Research and Development Laboratory Research and Development and Tests, Work for Others

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

ACTION: Final rule.

SUMMARY: The Chief of Engineers is amending the rules in Title 32 Code of Federal Regulations to add a new Part 555 concerning procedures applicable to the performance of research and development and tests at Corps of Engineers laboratory installations. The policies and procedures covered in this regulation extend and supplement existing guidance for the performance of work for other Federal agencies, State and local governments, foreign governments, and private firms.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. James Choromokos, Jr., Chief, Research and Development Office, Office of the Chief of Engineers, Washington, DC 20314 (202–272–0254).

SUPPLEMENTARY INFORMATION: The rules specify agency procedures to be followed. Therefore, notice of proposed rulemaking and the procedures applicable thereto are not required.

Dated: April 30, 1980.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

32 CFR Part 555

Accordingly, 32 CFR is amended by adding a new Part 555 as follows:

PART 555—CORPS OF ENGINEERS, RESEARCH AND DEVELOPMENT, LABORATORY RESEARCH AND DEVELOPMENT AND TESTS, WORK FOR OTHERS

Sec.

555.1 Purpose.
555.2 Applicability.
555.3 References.
555.4 Policy.
555.5 Terms of providing reimbursement for work performed.
555.6 Authority.
555.7 Submission of technical proposals.
555.8 Program documentation.
555.9 Reporting requirements for work in support of DOE.
555.10 Coordination requirements.
Appendix A—Memorandum, subject: Non-Defense Work in DOD Laboratories and R&D Facilities.

Authority: 10 U.S.C. 3036; 22 U.S.C. 2357; 22 U.S.C. 2421; 31 U.S.C. 686; 42 U.S.C. 4221–4225.

§ 555.1 Purpose.

This regulation defines and establishes policies and procedures applicable to the performance of research and development and tests at Corps of Engineers laboratory installations for other governmental and private agencies and organizations.

§ 555.2 Applicability.

This regulation applies to the U.S. Army Engineer Waterways Experiment Station (WES), the U.S. Army Construction Engineering Research Laboratory (CERL), the U.S. Army Engineer Topographic Laboratories (ETL), the U.S. Army Coastal Engineering Research Center (CERC), the U.S. Army Cold Regions Research and Engineering Laboratory (CRREL), the U.S. Army Facilities Engineering Support Agency (FESA), the U.S. Army Corps of Engineers Water Resources Support Center (WRSC).

§ 555.3 References.

(a) AR 10–5.
(b) AR 37–27.
(c) AR 70–1.
(d) ER 1–1–6.
(e) ER 1–1–7.
(f) ER 70–1–5.
(g) ER 70–1–10.
(h) ER 1110–1–8100.
(i) ER 1110–2–8150.
(j) ER 1140–2–302.
(k) ER 1140–2–303.

§ 555.4 Policy.

(a) The policies and procedures covered herein extend and supplement the performance of work for other Federal Agencies authorized in ER 1140–2–302, and services for State and local governmental units authorized in ER 1140–2–303, and the policy set forth by the Secretary of Defense in Appendix A.

(b) Subject to the authority limitations contained in § 555.6 below, research and development and tests may be performed for other agencies of the Federal Government, State and local governments, foreign governments and private firms under the following conditions:

(1) The work is performed on a cost reimbursable basis; or on a cooperative basis with the Department of Energy (DOE), utilizing the resources of both DOE and the Corps; or as a part of direct funded programs for the Army Materiel Development and Readiness Command (DARCOM) or the Defense Mapping Agency (DMA), as provided for in § 555.6(a)(1), § 555.6(a)(2), § 555.7 and § 555.9 of this regulation.

(2) Performance of the work will not interfere with performance of services essential to the mission of the Corps.

(3) Performance of the work will not require an increase in the permanent staff of the facility.

(4) Performance of the work will not require expansion of normal facilities.

(5) The work is within the scope of authorized activities of the laboratory at which the work is to be performed.

(6) Performance of the work will not be adverse to the public interest.

(7) Work will not be performed for foreign government or private firms unless it is firmly established that other laboratory facilities capable of performing the services are not available, or because of location or for other reasons it is clearly impractical to utilize other laboratory services.

(8) Prior to performing any research and development or tests for private firms, CE laboratories will obtain a written certification from such firms stating that the results of the work to be performed will not be used in litigation or for promotional purposes.

§ 555.5 Terms of providing reimbursement for work performed.

(a) *Federal Agencies.* Reimbursement for work for the Department of Defense, the Department of the Army, and other Federal Agencies will be in accordance with the procedures prescribed in AR 37–27.

(b) *Private Firms and Foreign Governments.* Funds to cover the total estimated cost of the work or an initial increment of the estimated cost based on an approved schedule of payment will be deposited with the installation performing the work before any obligations or expenses in connection with the work are incurred; and when funds are being deposited on an approved schedule, no obligations or expenses will be incurred in connection with the work in excess of funds on deposit. Charges shall include a surcharge of 15% of all applicable costs, except under the following conditions:

(1) When the final product will directly contribute to planning, design, research, or construction activities in which Federal funds are involved by grant or otherwise.

(2) Where an exception is granted based on a direct benefit to the Government. Adequate justification, outlining the direct benefits which are expected to accrue to the Government, will be forwarded to HQDA (DAEN–RD) WASH DC 20314, for review and approval prior to deletion of the surcharge.

(c) *State and Local Governments.* Work for State and local governments will be performed only to the extent that cash has been received and deposited with the U.S. Treasury in advance of actual expenditures. When the work for State and local governments is to be performed as part of an authorized Civil Works Project, reimbursement may be made in annual installments during the period of performance in accordance with Section 40 of the Water Resources Development Act of 1974.

§ 555.6 Authority.

The following delegations of authority to perform research and development and tests apply.

(a) *Major Corps of Engineers Research and Development Laboratories.* The major Corps of Engineers research and development organizations are identified as WES, CERL, ETL, CERC, and CRREL. While not major CE R&D Laboratories, FESA, IWR, and HEC are responsible for performance of specific R&D functions.

(1) Subject to the provisions of § 555.8 of this regulation, the Commanders and Directors of WES, ETL and CRREL are authorized to perform direct funded work for DARCOM and DMA in accordance with the applicable memorandums of understanding.

(2) Subject to the provisions of § 555.7 and § 555.9, the Commanders and Directors of CERL, CRREL, WES and FESA, for specific research and development functions, are authorized to perform work for DOE in accordance with the applicable memorandum of understanding.

(3) Except as provided for in § 555.6(a)(5) and § 555.6(a)(6), the Commanders and Directors of WES, CERL, CERC, CRREL, ETL and FESA are authorized to perform reimbursable work without OCE prior approval for Army agencies, Federal, State and local governmental agencies where the total estimated cost of each request for research and development or test is $50,000 or less. The Research and Development Office will be advised of each request for research and development or test having an estimated cost exceeding $20,000 (excluding cement sampling and testing work covered in § 555.6(a)(5) herein). Reimbursable research and development and test work for which the cost is estimated to be in excess of $50,000 will not be initiated until authorization is received. Written requests for authorization to conduct work beyond the $50,000 limit and notification of all scheduled work costing between $20,000 and $50,000 shall be submitted to DAEN–RD. These requests should accompany the technical proposal copy required by § 555.7(a) herein. It should include an explanation of the proposed work including how the work complements or impacts on-going research.

(4) Except as provided for in § 555.6(a)(5), the Commanders and Directors of WES, CERL, CERC, CRREL, ETL and FESA are delegated authority to perform reimbursable research and development for U.S. private firms and foreign governments when the total estimated cost of each request for research and development or test is $20,000 or less. Approval is required when estimated costs exceed this authority. Written requests for approval shall be addressed to DAEN–RD.

(5) Corps R&D Laboratories are authorized to participate in the Department of Defense Technology Transfer Consortium. Participation in and effort undertaken to adapt existing technology or on-going research for transfer to the civil sector as a result of participation in this consortium shall be subject to the provisions of Appendix A.

(6) The Director of WES is authorized to perform sampling and testing of cement and pozzolan for Federal, State, and local governmental agencies without limitation on cost. Approval is required prior to performance of sampling and testing of cement and pozzolan for private firms and foreign governments when the total estimated cost of sampling and testing services exceeds $2,500. Requests for approval shall be addressed to DAEN–RD.

(7) The Director of CERL is authorized to perform compliance testing of paint for Federal, State and local governmental agencies without limitation on cost.

§ 555.7 Submission of technical proposals.

(a) Corps of Engineers research and development laboratories are authorized to submit technical proposals directly to other Federal agencies covering proposed work in their assigned fields except that proposals submitted to DMA must be submitted through DAEN–RD for approval. Proposals for cooperative effort projects under the DOD–DOE Memorandum of Understanding utilizing DOD and DOE resources, will be forwarded to DAEN–RD for securing prior approval from the DA and DOD Program Coordinators. Copies of proposals which exceed the delegation of authority contained in this ER will be submitted to the Chief of Engineers marked for the attention of DAEN–RD.

(b) The above authority for direct submission of technical proposals does not include authority to perform work when proposals are accepted if the estimated cost exceeds the limits stated before. Authority to proceed will be as outlined in § 555.6.

§ 555.8 Program documentation.

Program documentation will be submitted in accordance with instructions provided by the sponsoring agency with two copies to HODA (DAEN–RD) WASH DC 20314.

§ 555.9 Reporting requirements for work in support of DOE.

The following reports are to be submitted to HODA with a copy to Commander and Director, CERL. CERL has been assigned the responsibility of Principal Laboratory for Energy R&D.

(a) All executed agreements subordinate to the DOD–DOE Memorandum of Understanding will be reported to DAEN–RD for forwarding to DA and DOD Program Coordinators within 20 days of their consummation.

(b) Reports analyzing each agreement and the DOD–DOE Memorandum of Understanding will be prepared as a "Report on the Department of Defense—Department of Energy Interagency Agreement", Report Control Symbol DD–M(SA)1511 and forwarded to DAEN–RD within 20 days after the end of the second and fourth quarters each fiscal year. Reports are to be prepared in accordance with the procedures prescribed in DEPPM, No. 78–8. In addition, informal reporting of other cooperative work with DOE not falling under the MOU, will also be reported at those times.

(c) Notifications of non-compliance. DAEN–RD should be promptly notified if the Corps component or DOE fail to comply with the terms of the DOD–DOE Memorandum of Understanding or subordinate agreements. This notification shall include:

(1) A brief statement of the problem.

(2) Nature of corrective action proposed.

(3) Any recommended action for the DOD Program Coordinator.

§ 555.10 Coordination requirements.

All reimbursable work accepted by a laboratory which falls into a category for which a Principal Laboratory has been designated by DAEN–RD, will be reported to the designated POC in the

Principal Laboratory, with a copy of the notification to DAEN–RD.

Appendix A—Director of Defense Research and Engineering

June 14, 1974.

Memorandum for Assistant Secretaries of the Military Departments (R&D)

Subject: Non-Defense Work in DoD Labs and R & D Facilities.

The Deputy SECDEF, in his memorandum of 21 January 1972 to the Secretaries of the Military Departments, on the above subject, (enclosure 1), outlined broad policy considerations for the DoD Laboratory Consortium formed to coordinate non-defense work being performed by them for other government organizations. In order to establish more precise guidelines for the Consortium, an operating policy has been developed (enclosure 2) which establishes criteria for Consortium membership and the type of work that may be undertaken. Also, the following additional constraints are placed upon the operation of this Consortium;

- The expenditure of in-house effort in any one laboratory shall be limited to 3% of the professional man-years at that laboratory unless expressed approval of the parent Military Department is granted to exceed this limit.
- The DoD commitment to support the brokerage function at the National Science Foundation shall not exceed two man-years per year through FY 76, subject to the continued willingness of the Military Departments to absorb the costs.

Malcolm R. Currie.

January 21, 1972.

Memorandum for Secretaries of the Military Departments Director of Defense Research and Engineering Assistant Secretary of Defense (Comptroller).

Subject: Non-Defense Work in DOD Laboratories and R&D Facilities Civil government agencies are expressing an increased interest in the application of defense and aerospace technology to the solution of problems in the civil sector. Included in this interest is the desire to exploit the technological expertise which exists in our DOD laboratories for the solutions of domestic problems. Separate and distinct from work done for defense oriented agencies such as AEC and NASA, our DOD laboratories have, for may years, performed selected projects for other agencies upon request. Recently, fifteen of these laboratories have formed a consortium for the purpose of coordinating the non-defense work being performed by them for other government organizations. Although the level of effort is a very small percentage in these laboratories at the present time, the aggregate can have a substantial beneficial impact on domestic programs.

It is generally conceded that the most efficient transfer of technology occurs when the adaptation of a technology to a new purpose is carried out by the team which carried out the original development. Recognizing this, the *Federal Council on Science and Technology (FCST) has approved a "Policy for Expanded Interagency Cooperation in Use of Federal Laboratories"* (attached). I endorse the spirit and intent of this policy.

The Military Services are encouraged to participate in this endeavor consistent with mission and legislative constraints. The level of effort in any laboratory is the prerogative of the cognizant Military Department which may, in turn, issue more detailed policy guidance as appropriate. Any Military Department policy shall be subject to the following considerations:

(a) *The level of effort of the work undertaken shall be such that it does not impede the accomplishment of the missions of the Military Services and the defense laboratories.*

(b) The projects selected *for non-defense work shall be compatible with the technological capability of the laboratory performing the work.*

(c) Projects may be undertaken in support of federal, state and local government organizations. *Non-defense work will be performed for the private industrial sector only on an exception basis.*

(d) The full costs of projects undertaken *shall be supported by transfer of funds* through formal written agreements.

(e) *Jointly sponsored projects are permitted when there is also a direct application to a Military requirement.* The commitment of funds and resources to joint programs shall be commensurate with the interest of each agency in the project.

The Assistant Secretary of Defense (Comptroller) shall explore with the Office of Management and Budget means for providing relief from any imposed manpower constraints to the extent of the DOD participation in non-defense work.

Operating Policy of the Department of Defense Technology Transfer Consortium

Purpose—The purpose of this policy is to establish the basic framework and direction of the Department of Defense (DOD) Technology Transfer Consortium.

Background—The DOD currently funds approximately half of the total Federal expenditure for R&D. Civil government agencies are expressing an increased interest in the exploitation of defense technology for the solution of problems in the civil sector. The Military Departments have been encouraged to cooperate in this endeavor, subject to considerations promulgated by the Secretary of Defense.

Consortium Purpose—The DOD Laboratories are a source of technology for the solution of these civil sector problems which are amenable to technological solutions. The primary role of the in-house laboratories is to provide a research and development base for the development of systems required to fulfill the national security mission of the DOD. However, these laboratories can serve a vital secondary role in the adaptation of technology to other fields and areas of need to the extent that it does not adversely impact on the primary DOD mission. A consortium of DOD Laboratories is formed for the purpose of coordinating interactions with other Federal Agencies and technology users at federal, state, and local level, and of coordinating the efforts in this endeavor. The technology transfer consortium is an association of DOD Laboratories working together through an informal affiliation. The main thrust of the consortium activity is through the individual and cooperative efforts of the laboratories involved, with an emphasis on the transfer and adaptation of technology through person-to-person mechanisms.

Criteria for Laboratory Consortium Membership. The following criteria for the participation of a DOD Laboratory in Consortium activities shall apply:

- The participation of any laboratory shall be undertaken with the full knowledge of the parent Military Department and the director or commander of the laboratory.
- For each participating laboratory an individual shall be designated by name to represent that laboratory to the consortium, and to coordinate the technology transfer activities of that laboratory. Procedures should be adopted within each laboratory to preclude the dilution of the efforts of middle and top level management by their involvement in the administrative aspects of the technology transfer effort.

• Any laboratory may withdraw from the Consortium by notifying the Consortium Chairman of this intent.

Criteria for Conduct of Work—It is the view of the Consortium that the civil sector should rely on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels. The laboratories shall attempt to provide a supplemental resource that is not technically available or that is obtainable only at an excessive cost. Such services shall not supplant existing private or industrial resources but are offered to enable other Federal agencies, State and local governments to avoid unnecessary duplication of special service functions.

The following criteria shall apply for the conduct of work undertaken in the technology transfer program:

• In order for work to be undertaken for any government organization each of the following criteria must be satisfied:

a. Laboratory staff will not increase as a result of the additional work.

b. Laboratory facilities will not be added for non-DOD work.

c. Proposed work should relate to a laboratory's area of particular expertise and the laboratory should be a significant resource in the particular subject area.

d. A determination should be made that the laboratory's background, experience and facilities are such that private industry could not perform the work except at a significantly increased cost.

• The major emphasis of the Technology Transfer Consortium should be directed to:

a. The transfer or adaptation of existing technology, either directly, or after being subjected to adaptive engineering.

b. The preparation of documentation and technical assistance in those activities unique to the mission of the DOD laborabories.

• Work will be performed for private industry only on an exception basis, such as when the laboratory possesses unique facilities that are required and which are not available in the private sector.

• Description of the work to be accomplished and the funds to be transferred will normally be specified in a formal interagency agreement.

• All costs shall be recovered from the receiving government organization, including realistic overhead costs, except that cooperative developments on a shared cost basis are encouraged where there is a distinct military application.

• Laboratory production of hardware shall normally be limited to prototypes or test units required to prove feasibility.

• Adaptive engineering shall not be performed on technological innovations for which a patent application has been made by a private industrial firm unless permission is received in writing from that firm. Technical, consulting, and support services will not normally be furnished another agency on a continuing basis.

• Work in the form of analytic services shall not normally be undertaken in areas where comparable expertise exists in competitive industry. An exception to this provision is acceptable in areas of problem definition where existing Defense technology offers a unique potential solution.

33 CFR Ch. II

Therefore, the Table of Contents, 33 CFR Chapter II is amended by adding the following note: Cross Reference: for Research and Development, Laboratory Research and Development and Tests, Work for Others regulations, see 32 CFR Part 555.

[FR Doc. 80-15047 Filed 5-15-80; 8:45 am]

BILLING CODE 3710-92-M

POSTAL SERVICE

39 CFR Part 111

Expiration of Temporary Classification Change and of Interim Regulations: Express Mail Metro Service

AGENCY: Postal Service.

ACTION: Notice of Expiration of Temporary Classification Change and of Interim Regulation: Express Mail Metro Service.

SUMMARY: The temporary implementation of Express Mail Metro Service, announced in the **Federal Register** on April 19, 1979 (44 FR 23396), and supplemented on June 8, 1979 (44 FR 33068), June 15, 1979 (44 FR 34497), June 22, 1979 (44 FR 36434), and June 29, 1979 (44 FR 37915), will end on May 17, 1980, pursuant to the requirement in 39 U.S.C. 3641(e) that temporary changes remain in effect no longer than 30 days after the Postal Rate Commission transmits a recomended decision to the Governors of the Postal Service. The Commission transmitted its recommended decision to the Governors on April 17, 1980. Therefore, Express Mail Metro Service shipments will not be accepted after 5 p.m. on Friday, May 16, 1980. The interim regulations published in the **Federal Register** on April 27, 1979 (44 FR 24844) will also expire at that time. (39 U.S.C. 3641).

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Gloria Flanaghan (202) 245–4610.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 80-15189 Filed 5-15-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP OF2321/R247; FRL 1492-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N-1-Naphthyl Phthalamic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule established a tolerance for residues of the herbicide *N*-1-naphthyl phthalamic acid on peanut hulls at 0.1 part per million (ppm). The regulation was requested by Uniroyal Chemical. This rule establishes a maximum permissible level for residues of the subject pesticide in or on peanut hulls.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202–755–2196).

SUPPLEMENTARY INFORMATION: On March 14, 1980, notice was given (45 FR 16557) that Uniroyal Chemical, 74 Amity Road, Bethany, CT 06525, had filed a pesticide petition (PP 0F2321) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition proposed that 40 CFR 180.297 be amended to establish a tolerance for residues of the herbicide *N*-1-naphthyl phthalamic acid from application of its sodium salt (calculated as the parent compound) in or on the raw agricultural commodity peanut hulls at 0.1 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included an acute oral study in rats using *N*-1-naphthyl phthalamic acid with a lethal dose (LD_{50}) greater than 8.2 grams (gm)/kilogram (kg) of

body weight (bw), an acute oral study in rats using the salt of the parent compound with the LD_{50} of 1.77 g/kg bw, and subacute feeding studies in rats and dogs.

Tolerances of 0.1 ppm have previously been established on a variety of crops including peanuts and peanut hay. This tolerance proposal is in support of an additional use pattern for the herbicide applied overtop on peanuts until the flowering stage of the crop.

There is no reasonable expectation of residues in meat, milk, poultry, and eggs resulting from this use (40 CFR 180.6(a)(3) applies). There is an adequate analytical method (distillation followed by spectrophotometry) available for enforcement purposes.

There are no regulatory actions pending the continued registration of this product and no other considerations are involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.1 ppm on peanut hulls established by amending 40 CFR 180.297 will protect the public health. It is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before June 16, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective May 16, 1980, Part 180 is amended as set forth below.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2).)

Dated: May 8, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.297 is revised by editorially reformatting the section into an alphabetized columnar listing and by alphabetically inserting peanut hulls at 0.1 ppm, as follows:

§ 180.297 N-1-Naphthyl phthalamic acid; tolerances for residues.

Tolerances are established for residues of the herbicide *N*-1-naphthyl phthalamic acid from application of its sodium salt in or on the following raw agricultural commodities:

Commodity:	Parts per million
Cantaloups	0.1 (N)
Cranberries	0.1 (N)
Cucumbers	0.1 (N)
Muskmelons	0.1 (N)
Peanuts	0.1 (N)
Peanuts, hay	0.1 (N)
Peanuts, hulls	0.1
Soybeans	0.1 (N)
Soybeans, hay	0.1 (N)
Watermelons	0.1 (N)

[FR Doc. 80-15115 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Parts 3-1 and 3-7

Confidentiality of Information

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations by establishing a new section concerning confidentiality of information and a new clause for its implementation. The section provides Departmental coverage for cases where the contractor handles confidential information which is not subject to provisions of the Privacy or Freedom of Information Acts.

EFFECTIVE DATE: This amendment is effective May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Jack D. Coleman, Office of Procurement Policy, OGP-OASMB-OS, Room 539H, Hubert H. Humphrey Building, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington D.C. 20201.

SUPPLEMENTARY INFORMATION: On November 23, 1979, the notice of proposed rule making was published in the **Federal Register** setting forth guidance to contractors in handling data generated under a contract which might for various reasons be considered confidential, and invited public comments by January 6, 1980. As a result, responses were received from the academic community, their representative associations, a drug manufacturing and distributing corporation, and a Government agency.

The principal objection to the proposed regulations was expressed by the academic community, and relates to the requirement for prior approval by the contracting officer of disclosures of research findings or results. They feel that this would infringe on academic freedom and the rights of scientific investigators to publish the results of their research.

These objections overlook two facts: (1) The proposed rule is concerned only with findings or results which if published prematurely might adversely affect public safety or the Government's formulation of policy with respect to budgeting, program planning, etc. in that particular area. For example, a publication by a cancer researcher on early results might lead the public to believe that a cure for cancer has been discovered, when in fact only a promising lead has been found requiring years of testing for validity, safety, etc. Public outcry for the immediate distribution or early development of the substance would obviously endanger public health and disrupt orderly planning processes for pursuing the lead.

(2) Under the Federal contract mechanism, as contrasted to assistance mechanisms such as the grant or cooperative agreement, specified data or material generated under a contract is Government property and the disposition then becomes a Government responsibility. Under the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224), a procurement contract is used whenever the principal purpose of the instrument is the purchase of property or services for the direct benefit or use of the Government. When the purpose is support or stimulation authorized by statute, a grant or cooperative agreement is used. Interests in data and material generated under assistance agreements are treated differently from contracts.

After consideration of the comments, in order to limit the amount of interchange and regulation in this area and at the same time serve the Government's purposes, the premature disclosure portion has been rewritten in the form of a requirement for a 45-day advance notification by the contractor of its intent to disclose the information.

during which interval the Government will have the opportunity to question the timing of the proposed disclosure.

Responses also questioned the need for the Government's prior approval of release in every case of personal or proprietary information, since the only probable basis for denial in those situations would be the lack of consent of the party(ies) affected. Therefore, in order to eliminate excessive Government involvement the personal and proprietary data portions have been revised to require the contractor to obtain prior consent for disclosure from the party(ies) involved rather than from the Government.

The logic for the provision in the proposed clause which limits applicability to contracts in excess of $10,000 was rightly questioned. Since legitimacy for safeguarding confidentiality is unrelated to dollars there is no basis for this limitation, and it has been removed.

Comments also expressed the opinion that there is a lack of clarity in the overall purpose of the regulation. Concern was expressed about the proper identification of confidential information and the contracting officer's role in it. Therefore, explanatory language has been added to resolve these comments.

Dated: May 12, 1980.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

PART 3-1—GENERAL

The following section is added to Subpart 3-1.3 and to the Table of contents of that subpart.

Subpart 3-1.3—General Policies

* * * * *

Sec.

3-1.357 Confidentiality of information.

* * * * *

Subpart 3-1.3—General Policies

§ 3-1.357 Confidentiality of information.

(a) *General.* In the performance of certain HHS contracts it is necessary for the contractor to generate data or be furnished data by the Government, which is about individuals, organizations, or Federal agency programs.

This section imposes a responsibility on contractors to handle in a prudent way disclosure of certain types of information which is not subject to the Privacy Act or HHS Human Subject regulations in 45 CFR Part 46. It contains provisions that are to be included in applicable requests for proposals (RFPs) and contracts. These describe the kinds of data to be generated by the contractor and/or data to be furnished by the Government that are considered confidential and how they should be treated.

(b) *Policy.* It is the policy of HHS to protect the personal interests of individuals, corporate interests of non-Governmental organizations, and the capacity of the Government to provide public services when information from or about individuals, organizations, or Federal agencies is provided to or obtained by contractors in performance of HHS contracts. This protection depends on the contractor's recognition and proper handling of such information.

(c) *Application of the clause.* The clause set forth in § 3-7.5027 should be used in contracts where the need exists for confidentiality of information provisions, as provided in § 3-1.357(a). Examples of situations where this clause may be appropriate include:

(1) Studies performed by the contractor, which generate information or involve Government-furnished information that is personally identifiable, such as medical records, vital statistics, surveys, and questionnaires.

(2) Contracts which involve the use of salary structures, wage schedules, proprietary plans or processes, or confidential financial information of organizations other than the contractor's.

(3) Studies or research which might result in preliminary or unvalidated findings which, upon disclosure to the public might create erroneous conclusions which if acted upon could threaten public health or safety.

With regard to protecting individuals, this regulation is not meant to regulate or control the method of selecting subjects and performing studies or experiments involving them.

These questions are dealt with in the HHS regulation entitled "Protection of Human Subjects," 45 CFR Part 46. If a system of records under contract or portions thereof are determined to be subject to the requirements of the Privacy Act, in accordance with §§ 1-1.327 and 3-1.327 and the HHS General Administration Regulations (45 CFR Part 5b), the Privacy Act procedures and clauses cited in those references shall be included in the contract. If the contract also involves confidential information as described herein which is not subject to the Privacy Act, the contract shall include the clause set forth in § 3-7.5027 in addition to the Privacy Act clauses.

(d) *Required clause.* The clause set forth in § 3-7.5027 shall be included in any RFP and resultant contract(s) where it has been determined that confidentiality of information provisions may apply. Any RFP announcing the intent to include this clause in any resultant contract(s) shall indicate as specifically as possible the types of data which would be covered and requirements for handling such data.

PART 3-7—CONTRACT CLAUSES

The following clause is added to Subpart 3-7.50, Special Contract Clauses, and to the Table of Contents for that subpart.

Subpart 3-7.50—Special Contract Clauses

* * * * *

Sec.

3-7.5027 Confidentiality of information.

* * * * *

Subpart 3-7.50—Special Contract Clauses

§ 3-7.5027 Confidentiality of information.

The following clause is covered by the policy set forth in Subpart 3-1.3 and is to be used in accordance with the instructions set forth in § 3-1.357.

Confidentiality of Information

(a) Confidential information, as used in this clause means (1) information or data of a personal nature about an individual, or (2) proprietary information or data submitted by or pertaining to an institution or organization.

(b) In addition to the types of confidential information described in (1) and (2) above, information which might require special consideration with regard to the timing of its disclosure may derive from studies or research, during which public disclosure of preliminary unvalidated findings could create erroneous conclusions which might threaten public health or safety if acted upon.

(c) The Contracting Officer and the contractor may, by mutual consent, identify elsewhere in this contract specific information and/or categories of information which the Government will furnish to the Contractor or that the Contractor is expected to generate, which is confidential. Similarly, the Contracting Officer and the Contractor may, by mutual consent, identify such confidential information from time to time during the performance of the contract. Failure to agree will be settled pursuant to the Disputes clause.

(d) If it is established elsewhere in this contract that information to be utilized under this contract or a portion thereof, is subject to the Privacy Act, the Contractor will follow the rules and procedures of disclosure set forth in the Privacy Act of 1974, 5 U.S.C. 552a, and implementing regulations and policies, with respect to systems of records determined to be subject to the Privacy Act.

(e) Confidential information as defined in (a) (1) and (2) above, that is information or data of a personal nature about an individual, or proprietary information or data submitted by or pertaining to an institution or organization, shall not be disclosed without the prior written consent of the individual, institution or organization.

(f) Written advance notice of at least 45 days will be provided to the Contracting Officer of the Contractor's intent to release findings of studies or research, which have the possibility of adverse effects on the public or the Federal agency, as described in (b) above. If the Contracting Officer does not pose any objections in writing within the 45-day period, the Contractor may proceed with disclosure. Disagreements not resolved by the Contractor and the Contracting Officer will be settled pursuant to the Disputes clause. The advance notice must be in the Contracting Officer's hands at least 45 days prior to disclosure, and any Contracting Officer objections must be in the Contractor's hands within 30 days of Contracting Officer receipt of the notice.

(g) Whenever the contractor is uncertain with regard to the proper handling of material under the contract, or if the material in question is subject to the Privacy Act or is confidential information subject to the provisions of this clause, the Contractor should obtain a written determination from the Contracting Officer prior to any release, disclosure, dissemination or publication.

(h) Contracting Officer determinations will reflect the results of internal coordination with appropriate program and legal officials.

(i) The provisions of paragraph (e) of this clause shall not apply when the information is subject to conflicting or overlapping provisions in other Federal, State or local laws.

[FR Doc. 80-15129 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 252 and Lemon Reg. 251, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 18-24, 1980, and increases the quantity of such lemons that may be so shipped during the period May 11-17, 1980. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective May 18, 1980 and the amendment is effective for the period May 11-17, 1980.

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

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

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 July 31, 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.

The committee met again publicly on May 13, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is very active.

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

1. Section 910.552 is added as follows:

§ 910.552 Lemon regulation 252.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period May 18, 1980, through May 24, 1980, is established at 285,000 cartons.

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

§ 910.551 [Amended]

2. Paragraph (a) of § 910.551 Lemon Regulation 251 (45 FR 30612) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period May 11, 1980, through May 17, 1980, is established at 300,000 cartons."

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

Dated: May 14, 1980.

D. J. Kuryloski

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

[FR Doc. 80-15293 Filed 5-15-80; 9:03 am]

BILLING CODE 3410-02-M

7 CFR Part 916

[Nectarine Reg. 12]

Nectarines Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California nectarines for the period May 16, 1980, through July 6, 1980. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California Nectarines in the interest of producers and consumers.

EFFECTIVE DATES: May 16, 1980 through July 6, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in 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 recommendations and information submitted by the Nectarine Administrative Committee, established under the marketing agreement and order, and upon other available information. It is hereby found that the regulation of shipments of nectarines will tend to effectuate the declared policy of the act.

The committee estimates 1980 season fresh shipments of California nectarines at 14,989,000 packages, compared with actual shipments of 14,167,000 packages

last season. The committee reports that the 1980 California nectarine crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California nectarines of a lower grade or smaller size than specified and are designed to provide ample supplies of good-quality fruit in the interest of producers and consumers under the declared policy of the act.

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 of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when information upon which this regulation is based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on this regulation at an open meeting held May 8, 1980. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comments. The regulation has not been classified significant under the USDA criteria for implementing the Executive Order 12044. An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, Telephone 202–447–5975.

Accordingly, it is found that the requirements for the handling of nectarines should be and are established as follows:

§ 916.354 Nectarine Regulation 12.

Order. (a) Nectarine Regulation 11 (44 FR 29641; 43250) is hereby terminated as of the effective date hereof.

(b) During the period May 16, 1980, through July 6, 1980, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Mayfair, Maybelle, or Aurelio Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 98 nectarines.

(4) Any package or container of Apache, Armking, Crimson Gold, Early Red, Early Star, Early Sungrand, Firebrite, Independence, June Belle, June Grand, Kent Grand, May Grand, Moon Grand, Red Diamond, Red June, Spring Grand, Spring Red, Star Grand I, Star Grand II, Summer Grand, Sun Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Ed's Red, Fairlane, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand, Tasty Free, Tom Grand, 61–61, Honey Gold, Larry's Grand, Son Red variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(c) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in § 1387.11 of the "Regulations of the California Department of Food and Agriculture." All other terms mean the same as defined in this marketing order.

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

Dated: May 14, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-15298 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 917

[Peach Reg. 12]

Fresh Pears, Plums, and Peaches Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh California peaches for the period May 16, 1980, through July 2, 1980. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California peaches in the interest of producers and consumers.

EFFECTIVE DATES: May 16, 1980 through July 2, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and

Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in 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 recommendations and information submitted by the Peach Commodity Committee, established under the marketing agreement and order, and upon other available information. It is hereby found that the regulation of shipments of fresh peaches will tend to effectuate the declared policy of the act.

The committee estimates fresh shipments of California peaches at 12.7 million packages, compared with actual shipments of 12.1 million packages last season. The committee reports that the 1980 California peach crop is sizing normally and is of good quality.

The grade and size requirements are necessary to prevent the shipment of California peaches of a lower grade or smaller size than specified and are designed to provide ample supplies of good-quality fruit in the interest of producers and consumers consistent with the declared policy of the act.

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 of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because of insufficient time between the date when information upon which this regulation is based became available and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on this regulation at an open meeting held May 7, 1980. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comments. The regulation has not been classified significant under the USDA criteria for implementing the Executive Order 12044. An Impact Analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, Telephone 202–447–5975.

Accordingly, it is found that the requirements for the handling of peaches should be and are established as follows:

§ 917.452 Peach Regulation 12

Order. (a) Peach Regulation 11 (44 F.R. 28775; 38447) is hereby terminated as of the effective date hereof.

(b) During the period May 16, 1980, through July 2, 1980, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(2) Any package or container of Armgold, Desertgold, Pat's Pride, Royal April, Royal Gold, or Springold variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of any type of Babcock, Bonjour, Cardinal, Dixired, Early Coronet, Early Royal May, Flavorcrest, JJK–1, June Lady, May Lady, Merrill Gemfree, Pat's Redhaven, Royal May, Springcrest, Royal Crest, May Crest, Tizz, or Red Crest variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 84 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

(4) Any package or container of Aurora, Coronet, Indian Red, Merrill Gem, Redhaven, Redtop, or Regina variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Angelus, Autumn Gem, Bella Rosa, Belmont, Cal Red, Carnival, Early Fairtime, Early O'Henry, Fairtime, Fay Elberta, Fayette, Fiesta, Fire Red, Flamecrest, Fortyniner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), July Lady, Mardigras, Merricle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Red Cal, Redglobe, Red Lady, Regular Elberta, Rio Oso Gem, Scarlet Lady, Sparkle, Summerset, Summertime, Suncrest, Sun Lady, Toreador, Treasure, Windsor, Delp, Gem Crest, or Otani variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(c) During the period May 16 through July 2, 1980, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (b) unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subparagraph (i) of this paragraph (c) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(d) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards

for Peaches (7CFR 2851.1210–1233); "No. 22D standard lug box" and "No. 12B standard fruit (peach) box" mean the same as defined in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture." All other terms mean the same as defined in this market order.

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

Dated: May 14, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-15299 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco; 1980-Crop Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the schedule of grade loan rates which will apply to 1980-crop flue-cured tobacco eliminates support for eight grades of low quality tobacco, and announces the level of support of $1.415 per pound. The rule is needed to notify producers of the statutory level of support for 1980-crop flue-cured tobacco. Eligible tobacco of this kind may be delivered for price support at the specified rates.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, Room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7601. 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 the above named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. On February 27, 1980, a notice was published in the **Federal Register** (45 FR 12826) inviting written comments, not later than March 28, 1980, on a proposed schedule of grade loan rates for providing price support for 1980-crop flue-cured tobacco at the statutory level. Also proposed was that the grades P5L, P5F, P5G, N1GL, N1XO, N1PO, N1L and N1XL not be supported due to their limited demand and low quality. Section 106 of the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act") prescribes a formula for computing, in cents per pound, the level of price support for each crop of tobacco for which marketing quotas are in effect or have not been disapproved by producers. Application of this formula requires that the 1980 crop of flue-cured tobacco be supported at the level of $1.415 per pound.

Price support will be provided through loans to producer associations which will receive eligible tobacco from the producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the grade loan rates, which average the required level of support when weighted by estimated grade percentages, in accordance with Section 403 of the Act. The price support advances for flue-cured tobacco will be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound which the producers' associations are authorized to deduct and to apply against overhead costs.

Discussion of Comments

During the comment period ending March 28, 71 comments were received. Fifty-five comments, including those from members of the trade, farm groups, and State departments of agriculture, on the proposal to suspend support for the grades P5L, P5F, P5G, N1GL, N1XO, N1PO, N1L and N1XL, favored that proposal.

Fourteen (13 producers and one warehouse association) opposed the proposal, stating that (1) support is needed on these grades and (2) the lack of support may isolate loan stocks of these grades.

Two comments stated that the overall support level was too high, but made no reference to the individual grade loan rates.

Since the eight grades mentioned are of low quality and have a very limited market demand, and since the rule is generally acceptable to all facets of the industry, it has been decided to adopt the loan schedule without change.

Final Rule

Accordingly, effective for the 1979 crop of flue-cured tobacco, types 11–14, the regulations at 7 CFR Part 1464 are amended by revising § 1464.16 to read as set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

(Secs. 4, 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b, 714c), Secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C. on May 13, 1980.

Bob Bergland,

Secretary of Agriculture.

§ 1464.16 1980 crop flue-cured tobacco, types 11–14, loan schedule.[1]

(a) Loan schedule

(Rate per pound)

Grade:	Loan rate
A1F	$1.83
A1L	1.83
B1L	1.73
B2L	1.69
B3L	1.66
B4L	1.62
B5L	1.55
B6L	1.49
B1F	1.73
B2F	1.69
B3F	1.66
B4F	1.62
B5F	1.55
B6F	1.49
B1FR	1.71
B2FR	1.67
B3FR	1.64
B4FR	1.61
B5FR	1.54
B6FR	1.47
B4R	1.45
B5R	1.36
B3K	1.59
B4K	1.53
B5K	1.46
B6K	1.38
B3V	1.54
B4V	1.49
B5V	1.42
B3S	1.48
B4S	1.44
B5S	1.37
B3KL	1.49
B4KL	1.45
B5KL	1.39
B6KL	1.30
B3KF	1.49
B4KF	1.45
B5KF	1.39
B6KF	1.30
B3KM	1.51
B4KM	1.48
B5KM	1.42
B6KM	1.31

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-limited support", are 50 percent of the loan rate listed plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", P5F, P5L, P5G, N1GL, N1XO, N1PO, N1L, N1XL, or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

B3KR	1.55
B4KR	1.51
B5KR	1.44
B4KV	1.40
B5KV	1.32
B6KV	1.24
B4G	1.37
B5G	1.31
B6G	1.22
B5GR	1.18
B4GK	1.31
B5GK	1.27
B6GK	1.19
B5GG	1.10
H3L	1.68
H4L	1.65
H5L	1.57
H6L	1.52
H1F	1.75
H2F	1.71
H3F	1.68
H4F	1.65
H5F	1.57
H6F	1.52
H4FR	1.61
H5FR	1.55
H6FR	1.48
H4K	1.55
H5K	1.50
H6K	1.43
C1L	1.75
C2L	1.72
C3L	1.69
C4L	1.65
C5L	1.58
C1F	1.75
C2F	1.72
C3F	1.69
C4F	1.65
C5F	1.58
C4V	1.52
C4S	1.49
C4KL	1.46
C4KM	1.49
C4KR	1.54
C4G	1.37
C4GK	1.31
X1L	1.70
X2L	1.65
X3L	1.59
X4L	1.49
X5L	1.35
X1F	1.70
X2F	1.65
X3F	1.59
X4F	1.49
X5F	1.35
X3V	1.48
X4V	1.42
X3S	1.42
X4KL	1.34
X4KF	1.34
X4KV	1.27
X3KR	1.49
X4KR	1.44
X3KM	1.43
X4KM	1.36
X4G	1.27
X5G	1.21
X4GK	1.22
P2L	1.19
P3L	1.11
P4L	1.01
P2F	1.19
P3F	1.11
P4F	1.01
P4G	.91
M4F	1.30
M5F	1.26
M4KR	1.20
M4KM	1.19
M5KM	1.14
M4GK	1.14
M5GK	1.06
N1K	1.07
N1R	.97
N1GF	.97
N1GR	.92
N1KV	.96
N1GG	.88
N1BO	.89

(b) *Level of support.* The statutory level of support for the 1980-crop of flue-cured tobacco, calculated in accordance with section 106 of the Agriculture Act of 1949, is $1.415 per pound

[FR Doc. 80-15192 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Specification for Telephone Station Protectors; Revision of Existing Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby revises Bulletin 345–39, Specification for Telephone Station Protectors, to conform with the recently developed proposed industry standard for these devices, PEG–2. This will lead to uniform requirements and test procedures throughout the industry with a resulting savings through standardization.

EFFECTIVE DATE: May 5, 1980.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, telephone (202) 447–3827. A Final Impact Analysis has been prepared and is available from the Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby revises REA Bulletin 345–39, Specification for Telephone Station Protectors.

Interested persons may obtain copies of the revised specification from the address indicated above.

Appendix A to Part 1701 is hereby modified.

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Analysis has been prepared and is available from the Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355–S, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: May 5, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80-14820 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 799

Environmental Quality and Related Environmental Concerns—Compliance With the National Environmental Policy Act (NEPA)

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule prescribes the Agricultural Stabilization and Conservation Service (ASCS) procedures for compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). These procedures supplement the NEPA Regulations issued by the Council on Environmental Quality (CEQ) (40 CFR 1500–1508). These procedures together with the CEQ regulations and USDA regulations regarding NEPA (7 CFR Part 3100) provide the guidance necessary to fully comply with the revised NEPA process in carrying out ASCS actions and programs. This revised rule will supersede the earlier guidelines issued by ASCS on December 20, 1974 (39 FR 43996) for implementing Section 102(2)(c) of NEPA.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Alan D. Durick, Director, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20013, (202) 447–6221. The Final Impact Statement describing the options considered in developing this final rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has not been classified as "significant." In compliance with Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), initiation of review of these regulations contained in 7 CFR 799.1–799.13 for need, currency, clarity, and effectiveness is planned for the period May–July 1984. On December 20, 1974, ASCS published a final rule (39 FR 43996) for the implementation of the environmental impact statement (EIS) process as required under Section 102(2)(c) of the National Environmental Policy Act (NEPA). Such regulation has been used in administering ASCS

programs since that date. The CEQ, based on Executive Order 11991 (42 FR 26967), recently issued regulations on agency compliance with the NEPA environmental impact process. These CEQ regulations required all Federal agencies to initiate procedures to comply with such NEPA regulations no later than July 30, 1979. The USDA published a final rule regarding NEPA on July 30, 1979 (7 CFR Part 3100).

On July 27, 1979, ASCS published proposed rules (44 FR 44167) in the Federal Register to revise its procedures to supplement the NEPA regulations issued by CEQ. The proposed rules were developed in consultation with the staff of the Council on Environmental Quality and the Office of Environmental Quality of USDA. In response to the notice of proposed rule making, ASCS received only four written responses. All of these comments related to the impact of the regulations on the Agricultural Conservation Program. None of these supported the proposed revised regulations. The comments may briefly be summarized as follows: The preparation of environmental assessments or environmental impact statements on actions carried out under the Agricultural Conservation Program would be impractical, economically infeasible, create a heavier tax burden, delay the implementation of projects, discourage good conservation projects, create unnecessary additional paperwork and destroy a good environmental enhancement program.

These rules address the concerns voiced by those commenting. Utilization of the environmental evaluation process as provided for in these regulations should promptly identify those practices where implementation would have little potential significant adverse impact on the quality of the human environment. Under the procedures set forth in these regulations, this can be done with little, if any, additional delay, paperwork or expense. Use of the environmental evaluation process will also identify those few practice implementations with potential significant adverse impacts on the quality of the human environment and in most cases will assist in avoiding or mitigating such impacts by providing for revision of practice guidelines and specifications without going through the environmental assessment or environment impact statement process. This can in most instances be done with little additional expense, paperwork or delay. There may be some proposed practices with potential for having significant impacts on the quality of the human environment which will not be undertaken by ASCS because of the high costs of avoiding or mitigating the adverse impacts.

The proposed regulations have been changed to provide clarification and better coordination of the NEPA process among the USDA agencies involved in the implementation of ASCS programs and practices. This final rule provides that where technical assistance for a proposed practice or project under an ASCS program is furnished by another agency and that agency is required to carry out the NEPA process under its rules, ASCS will adopt the NEPA determinations and considerations of such agency.

Final Rule

Accordingly, the regulations at 7 CFR Part 799 are amended by changing the title to read Environmental Quality and Related Environmental Concerns—Compliance with the National Environmental Policy Act and amending the Table of Contents and the text to read as follows:

PART 799—ENVIRONMENTAL QUALITY AND RELATED ENVIRONMENTAL CONCERNS—COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

799.1 Background.
799.2 Purpose.
799.3 Applicability.
799.4 Definitions.
799.5 ASCS officials and offices responsible for carrying out NEPA.
769.6 Adoption of regulations issued by others in implementing the procedural provisions of NEPA.
799.7 Early involvement in private and state and local activities requiring Federal approval.
799.8 Making supplements to EISs a part of the final administrative record.
799.9 Ensuring that environmental factors are considered in agency decisionmaking.
799.10 Criteria and identification of ASCS actions as to degree of involvement under the NEPA process.
799.11 Expedited procedures.
799.12 Program termination.
799.13 Environmental information.
Appendix 1—Organization Chart—ASCS–USDA.
Appendix 2—Form ASCS–929.

Authority: Pub. L. 91–190, 83 Stat. 852, as amended (42 U.S.C. 4321); EO 11514; EO 11991; 40 CFR 1507.3, 7 CFR 3100.

§ 799.1 Background.

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) establishes national policies and goals for the protection of the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward the attainment of such goals. Section (102)(2) also requires all Federal agencies to give appropriate consideration to the environmental effects of their proposed actions in their decisionmaking and to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. Executive Order 11991 of May 24, 1977 (42 FR 26967), directed the Council on Environmental Quality (CEQ) to issue regulations to implement the procedural provisions of NEPA. Accordingly, CEQ issued final NEPA regulations (40 CFR Parts 1500–1508) on November 29, 1978, which are binding on all Federal agencies as of July 30, 1979. These regulations provide that each Federal agency shall as necessary adopt implementing procedures to supplement the regulations. The United States Department of Agriculture adopted such procedures in a final rule (7 CFR Part 3100) published on July 30, 1979. The CEQ regulations at 40 CFR 1507.3 (b) identify those items which must be addressed in agency procedures.

§ 799.2 Purpose.

The purpose of this Part is to establish agency procedures which supplement NEPA regulations issued by CEQ and USDA. This regulation, together with such NEPA regulations issued by CEQ and USDA, will supersede regulations issued by the Agricultural Stabilization and Conservation Service (ASCS) on December 20, 1974 (39 FR 43996).

§ 799.3 Applicability.

This Part, together with NEPA regulations issued by CEQ and USDA, applies to all programs administered by ASCS which might have significant impacts on the environment.

§ 799.4 Definitions.

(a) The term "environmental evaluation" means agency appraisal of the potential or likely environmental impacts of proposed legislation, a new program, a major change in a program, an action related to a program or an action related to part of a program which will be used by the responsible agency official to determine whether or not an environmental assessment and/or an environmental impact statement is needed. Such appraisal shall relate to the same environmental concerns as an environmental impact statement. The environmental evaluation shall particularly focus on the adverse affects of ASCS actions on the environmental factors listed on Form ASCS–929 (see Appendix 2) and on the significance of

the action as discussed in the CEQ regulations concerning NEPA at 40 CFR 1508.27. As required, the environmental evaluation shall be made by an interdisciplinary team.

(b) In the regulations in this part and in all instructions, forms, and documents in connection therewith, all other words and phrases shall, unless the context or subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments and bases, Part 719 of this chapter, as amended.

§ 799.5 ASCS officials and offices responsible for carrying out NEPA.

(a) *Responsible officials.* The Administrator of ASCS, or his or her designee, is the responsible Federal official for carrying out the purpose of NEPA for all ASCS programs. County committees, State committees, and Directors of Washington Divisions, within their respective areas of responsibility with the assistance of the ASCS representative on the USDA Environmental Quality Committee, shall assist the Administrator in complying with the policies and purposes of NEPA generally, and, in particular, in determining whether the quality of the human environment will be significantly affected in implementing agency programs and preparing the necessary environmental documents.

(b) *Offices responsible for carrying out NEPA.*—(1) *Washington divisions.* Washington divisions are responsible for carrying out NEPA with regard to legislative proposals and multi-State and national programs or major revisions of national programs.

(2) *State committees.* State committees are responsible for carrying out NEPA with regard to major actions in a State or area within a State.

(3) *County committees.* County committees are responsible for carrying out NEPA with regard to major actions within a county.

(c) All environmental assessments, environmental impact statements (EISs) and similar documents will be forwarded through the appropriate agency channels to the ASCS representative on the USDA Environmental Quality Committee for review and submission to the Administrator.

§ 799.6 Adoption of regulations issued by others in implementing the procedural provisions of NEPA.

In addition to provisions provided for in this Part 799, ASCS adopts the NEPA regulations issued by CEQ (40 CFR Parts 1500–1508) and NEPA regulations issued by USDA (7 CFR Part 3100).

§ 799.7 Early involvement in private and state and local activities requiring Federal approval.

(a) The NEPA regulations at 40 CFR 1501.2(d) require agencies to provide for early involvement in actions which, while planned by private applicants or other non-Federal entities, require some form of Federal involvement.

(b) To implement the requirements of 40 CFR 1501.2(d) with respect to these actions ASCS shall:

(1) Prepare, where practicable, generic guidelines describing the scope and level of environmental information required from applicants seeking assistance from ASCS as a basis for evaluating their proposed actions, and make these guidelines available upon request.

(2) Provide such guidance on a project-by-project basis to applicants seeking assistance from ASCS.

(3) Upon receipt of an application for agency approval, or notification that an application will be filed, consult as required with other appropriate parties to initiate and coordinate the necessary environmental analyses.

(c) The responsibilities under this Section shall be coordinated by the Conservation and Environmental Protection Division of the Agricultural Stabilization and Conservation Service, Washington, D.C.

(d) To facilitate compliance with paragraph (a) of this Section, private applicants seeking assistance from ASCS and other non-Federal entities are expected to:

(1) Contact ASCS as early as possible in the planning process for guidance on the scope and level of environmental information required to be submitted in support of their application;

(2) Conduct any studies which are deemed necessary and appropriate by ASCS to determine the impact of the proposed action on the human environment;

(3) Consult with appropriate Federal, regional, State and local agencies and other potentially interested parties during preliminary planning stages to ensure that all environmental factors are identified;

(4) Submit applications for all Federal, regional, State and local approvals as early as possible in the planning process;

(5) Notify ASCS as early as possible of all other Federal, regional, State, local and Indian tribe actions required for project completion so that ASCS may coordinate all Federal environmental reviews; and

(6) Notify ASCS of all known parties potentially affected by or interested in the proposed action.

§ 799.8 Making supplements to EISs part of the final administrative record.

Where ASCS evaluates a proposal on the basis of a formal administrative record and an EIS on the proposal has been prepared, any supplement to the EIS shall be made a part of the formal record before a final decision on the proposal is made.

§ 799.9 Ensuring that environmental factors are considered in agency decisionmaking.

(a) The NEPA regulations at 40 CFR 1501.1 contain requirements to ensure adequate consideration of environmental factors in decisionmaking. To fulfill these requirements, ASCS officials shall:

(1) Consider all relevant environmental factors in evaluating proposals for agency action;

(2) Make all relevant environmental documents, comments and responses part of the record in formal rulemaking or adjudicatory proceedings.

(3) Ensure that all relevant environmental documents, comments and responses accompany the proposal through existing review processes;

(4) Consider only those alternatives encompassed by the range of alternatives discussed in the relevant environmental documents when evaluating proposals for agency action.

(5) Where an EIS has been prepared, consider the specific alternatives analyzed in the EIS when evaluating the proposal which is the subject of the EIS.

(b) The four categories of ASCS activities that have or are likely to have significant environment impacts on the human environment are:

(1) Legislative proposals.

(2) Initial program implementation.

(3) Major changes in ongoing programs.

(4) Major environmental concerns with ongoing programs.

(c) Initial NEPA involvement in program categories in paragraph (b) of this Section shall begin at the time ASCS begins developing proposed legislation, begins the planning stage for implementing a new or changed program or receives notice that an ongoing program may have a significant adverse impact on the quality of the human environment. Where a legislative EIS or environmental assessment is part of the formal transmittal of a legislative program proposal to Congress, such legislative EIS or assessment may negate the need for the subsequent preparation of a program impact statement when ASCS implements the resulting program. The decision whether such additional statement is needed will be made by an interdisciplinary team. The NEPA process on legislative proposals and ASCS programs is carried out at the national level.

(d) Individual farm participation in ASCS programs will normally not require any major involvement with the NEPA process. The practices carried out under ASCS programs that might have impacts on the quality of the human environment will normally have been discussed in environmental assessments or impact statements on the applicable programs. However, for those practices that might significantly affect the quality of the human environment, the county committee shall make an environmental evaluation before approval. If the environmental evaluation shows that the implementation of a proposed ASCS practice on an individual farm will have significant adverse affects on the quality of the human environment, the county committee will not approve the practice implementation until after the completion of the NEPA–EIS process in accordance with this Part. For those actions for which technical assistance is provided by an agency other than ASCS, and such technical agency is required by its regulations to implement NEPA requirements when providing such assistance, the county committee shall use the environmental determination and considerations of such agency instead of duplicating the NEPA–EIS process. Individual farm participation in acreage set-aside, acreage allotments, price support and loans and other similar or related programs will not significantly affect the quality of the human environment.

(e) Pooling agreements and special projects carried out under several ASCS programs involving two or more farmers in a local geographic area will not normally require any major involvement with the NEPA process. However, the county committee shall, with the assistance of a local interdisciplinary team, as necessary, make an environmental evaluation of proposed pooling agreements or special projects that have a potential for significantly affecting the quality of the human environment. The NEPA process shall begin with the initial involvement of ASCS personnel in the planning or development of pooling agreements or special projects. If it is determined from an environmental evaluation that the implementation of a proposed pooling agreement or a proposed special project will have a significant adverse impact on the quality of the human environment, the completion of the NEPA–EIS process in accordance with these regulations will be necessary before approval. For those actions for which technical assistance is provided by an agency other than ASCS and such technical agency is required by its regulations to implement NEPA when providing such assistance the county committee shall use the environmental determinations and considerations of such agency instead of duplicating the NEPA–EIS process.

§ 799.10 Criteria and identification of ASCS actions as to degree of involvement under the NEPA process.

(a) ASCS will for each of its legislative proposals, initial program implementations, program changes or any actions under its ongoing programs make a determination by the use of an environmental evaluation as to whether or not an environmental assessment or EIS is required.

(b) The NEPA regulations issued by CEQ at 40 CFR 1507.3(b)(2) in conjunction with the regulations at 40 CFR 1508.4 require agencies to determine those typical classes of actions for treatment under NEPA. The typical classes of ASCS actions for treatment under NEPA are set forth as follows:

(1) Actions normally requiring an EIS are:

(i) Production adjustment programs to balance supply and demand of specified commodities, through cropland set-aside or other acreage diversion.

(ii) Agricultural Conservation Program.

(iii) Rural Clean Water Program.

(iv) Other major actions that are determined after an environmental evaluation and/or an environmental assessment to significantly affect the quality of the human environment.

(2) Actions normally not requiring an assessment or an EIS are:

(i) Individual farm participation in ASCS programs.

(ii) Pooling agreements and special projects under ASCS programs.

(iii) Production adjustment programs for tobacco, peanuts and extra long staple cotton.

(iv) Emergency Conservation Program.

(v) Water Bank Program.

(vi) Forestry Incentives Program.

(vii) Sugar Program.

(viii) Wool and Mohair Incentives Program.

(ix) Bee and Dairy Indemnity Programs.

(x) Commodity Income and Support and Disaster Protection Programs.

(xi) Facility Loan Program.

(xii) Grain Reserve Program.

(xiii) Livestock Feed Program.

(xiv) Naval Stores Program.

(xv) Indian Acute Distress Donation Program.

(xvi) Other major actions that are determined after an environmental evaluation not to significantly affect the quality of the human environment.

(c) ASCS will independently determine by an environmental evaluation whether an environmental assessment or an EIS is required on actions included in paragraph (b) of this Section where the presence of extraordinary circumstances or other unforseeable factors indicate that some other level of environmental review may be appropriate.

(d) If an environmental evaluation indicates that an action will significantly affect the quality of the human environment, the preparation of

an environmental assessment and/or an EIS will be necessary before the action is carried out.

§ 799.11 Expedited procedures.

Where emergency circumstances make it necessary to take action with significant environmental impact without following the provisions of the NEPA regulations issued by CEQ, USDA, and ASCS, ASCS will, by working through the USDA Office of Environmental Quality, consult with CEQ and/or EPA about alternative arrangements (7 CFR 3100.35).

§ 799.12 Program termination.

An environmental assessment or an EIS will not be needed when a program or part of a program is discontinued because of a mandatory legislative requirement where the enabling legislation for such program does not provide authority to ameliorate or mitigate any resulting environmental effects on the quality of the human environment.

§ 799.13 Environmental information.

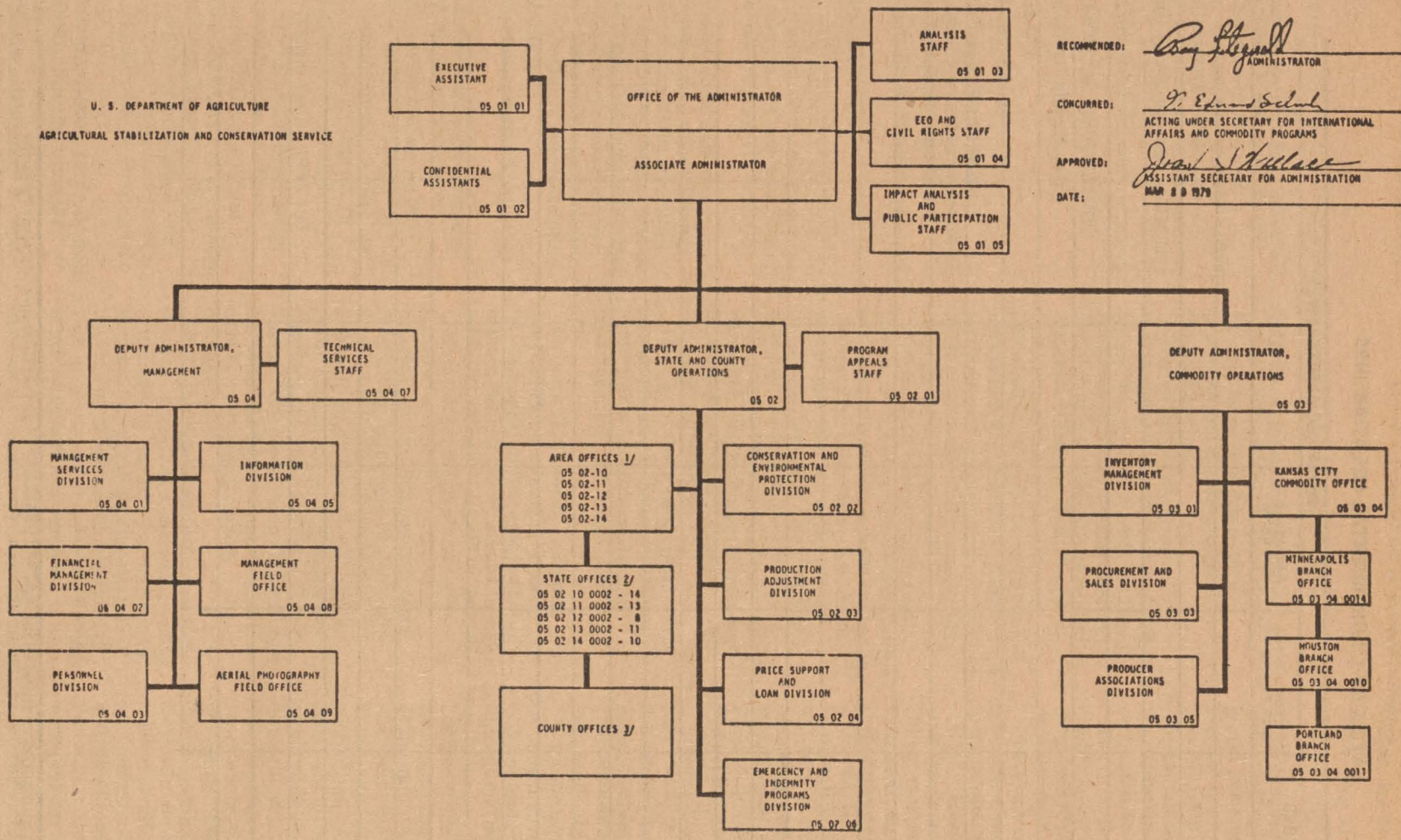
Interested persons may contact the Conservation and Environmental Protection Division, ASCS, for information regarding ASCS compliance with NEPA.

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

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

BILLING CODE 3410-05-M



ADMINISTERS SPECIFIED COMMODITY AND RELATED LAND USE PROGRAMS DESIGNED FOR PRODUCTION ADJUSTMENT, RESOURCE PROTECTION, AND PRICE, MARKET, AND FARM-INCOME STABILIZATION

1/ 5 AREAS
2/ OFFICE IN EACH STATE AND PUERTO RICO
3/ OFFICES IN AGRICULTURAL COUNTIES

PREPARED BY:
PERSONNEL DIVISION
SUPERSEDES ASCS CHART DATED OCTOBER 31, 1978

ASCS-929
(8-11-78)

U. S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service

APPENDIX 2

MATRIX OF ENVIRONMENTAL RELATIONSHIPS

ENVIRONMENTAL FACTORS	POTENTIAL ALTERNATIVES				
	FUTURE WITHOUT PROGRAM	PROPOSED PROGRAM	1/	1/	1/
Land Cover					
Soil Erosion					
Loss of Prime Cropland					
Water Quantity					
Water Quality					
Ground-Water Quality					
Air Quality					
Odor					
Noise					
Radiation					
Energy Supply					
Pesticides					
Fertilizers					
Woodland Production					
Wildlife Habitat					
Fish Production					
Recreation					
Timber Production					
Wetlands					
Natural Streams					
Service Industries					
Economic					
Population Migration					
Social Values					
Unique					
Archaeological					
Historical					
Natural					
Endangered Species					
Landscape					

REMARKS

Relationship of Impacts Toward the Environment - + Slight; ++ Moderate; +++ Important. 1/ List alternative to proposed program.

[FR Doc. 80-14969 Filed 5-15-80; 8:45 am]
BILLING CODE 3410-05-C

Proposed Rules

Federal Register
Vol. 45, No. 97
Friday, May 16, 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 Part 971

[Docket No. AO-323-A1]

Lettuce Grown in South Texas; Decision on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes an amendment of Marketing Agreement No. 144 and Order No. 971 regulating the handling of lettuce grown in South Texas.

The proposal would authorize production research, set requirements for a public member to the committee, allow the committee to penalize lettuce handlers who pay assessments late and revise certain definitions in the order. The primary intent of the proposal is to improve the program's administration and usefulness.

DATES: Referendum Period May 20–30, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 6, 1980, and published February 11, 1980 (45 FR 9010). Notice of Recommended Decision—Issued April 4, 1980, and published April 10, 1980 (45 FR 24489).

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and it has been classified "not significant." A Final Impact Analysis is available from Charles W. Porter (202) 447–2615.

PRELIMINARY STATEMENT: This proposed amendment was formulated on the record of a public hearing held at McAllen, Texas, on February 26, 1980. Notice of the hearing was published in the February 11, 1980, issue of the Federal Register (45 FR 9010). The notice set forth a proposed amendment submitted by the South Texas Lettuce Committee on behalf of lettuce producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on April 4, 1980, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. Notice of such recommended decision was published in the April 10, 1980, issue of the Federal Register (45 FR 24489). In the recommended decision notice was given of the opportunity to file comments by April 23, 1980. None was filed.

The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby incorporated by reference and made part of this decision, subject to the following corrections of inadvertent, grammatical, or obvious errors.

On page 24489, second column, fourth paragraph, line 2, change "fromulated" to "formulated"; line 3, change "Feruary" to "February."

On page 24490, second column, first paragraph, line 9, change "incidates" to "indicates"; third column, second paragraph, line 20, change "and" to "an."

On page 24491, second column, Section 971.5, paragraph 2, change "paragaraphs" to "paragraphs"; third column, Section 971.27, second to last sentence, change "actural" to "actual."

Marketing agreement and order. Annexed and made a part of this decision are two documents entitled "Marketing Agreement, as Amended, Regulating the Handling of Lettuce Grown in South Texas," and "Order Amending the Order, Regulating the Handling of Lettuce Grown in South Texas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, that this entire decision, except the annexed marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order amending the order regulating the handling of lettuce grown in South Texas is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1979, through April 30, 1980.

The agents of the Secretary to conduct such referendum are hereby designated to be David B. Fitz and Kurt J. Kimmel.

Copies of this Decision are being mailed to known interested persons. Others may obtain copies from Mr. Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447–2615, or from David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, 320 North Main, Room A–103, McAllen, Texas 78501, Phone (512) 682–2833.

Signed at Washington, D.C., on May 12, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

Order[1] amending the order regulating the handling of lettuce grown in South Texas

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

marketing agreement and Order No. 971 (7 CFR Part 971), regulating the handling of lettuce grown in South Texas.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of lettuce grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of lettuce grown in the production area; and

(5) All handling of lettuce grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of lettuce grown in South Texas shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Deputy Administrator on April 4, 1980, and published in the **Federal Register** on April 10, 1980 (45 FR 24489), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

§ 971.5 [Amended]

1. Amend § 971.5 *Lettuce* by deleting the words, "commonly known as iceberg type type head lettuce,".

2. Amend paragraphs (a) and (b) of § 971.20 to read:

§ 971.20 Establishment and membership.

(a) The South Texas Lettuce Committee is hereby established consisting of 12 members, including seven producers, four handlers and one public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each committee member and alternate shall be a resident of the production area. Industry members shall be producers or handlers, or officers or employees of a producer or handler or of a producers' cooperative marketing organization. The public member shall be a person who has no financial interest in the commercial production or marketing of lettuce except as a consumer, and shall not be a director, officer or employee of any firm so engaged.

3. Add a new paragraph (f) to § 971.23 to read:

§ 971.23 Nominations.

* * * * *

(f) The public member and alternate shall be nominated by the industry members of the committee. The committee shall prescribe such additional qualifications, administrative rules and procedure for selection and voting for each candidate as it deems necessary and as the Secretary approves.

4. Amend § 971.27 to read:

§ 971.27 Alternate members.

An alternate member of the Committee shall act in place and stead of the member during such member's absence or when designated to do so. In the event both a member of the committee and that member's respective alternate are unable to attend a committee meeting, the member, alternate, or the committee, in that order, may designate another alternate from the same group (producer or handler) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, the alternate shall act for the member until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

5. Amend § 971.28 *Procedure* to read:

§ 971.28 Procedure.

(a) At assembled meetings seven members of the committee shall constitute a quorum and seven concurring votes shall be required to approve any committee action. Such votes shall be case in person.

(b) The committee may meet by telephone, telegraph, or other means of communication. The agendas of such meetings shall be limited to nonregulatory provisions and packing holidays only and any vote cast shall be promptly confirmed in writing. On such occasions nine concurring votes shall be required to approve any action.

6. Amend § 971.42 by adding the following sentence to the end of paragraph (a) and amending the first sentence of paragraph (b) to read:

§ 971.42 [Amended]

(a) * * * If a handler does not pay the assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, or both.

(b) Assessments, late payment charges and interest charges shall be levied upon handlers at rates established by the Secretary. * * *

* * * * *

7. Amend § 971.43(a)(2) by revising the first sentence to read as follows:

§ 971.43 Accounting.

(a) * * *

(1) * * *

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately three fiscal periods' budgeted expenses. * * *

8. Amend the first sentence of § 971.48 to read:

§ 971.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of lettuce. * * *

9. Amend § 971.31(a) to read as follows:

§ 971.31 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members or alternates, to nominate the public member and alternate, to provide for consultants and their services, and to adopt such rules and regulations for the

conduct of its business as it may deem advisable;

[FR Doc. 80-15191 Filed 5-15-80; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 1002

[Docket No. A0-71-A73]

Milk in the New York-New Jersey Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, U.S.D.A.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider order changes proposed by milk plant operators and producer groups. The key proposals would increase the farm-to-plant hauling allowances under the order. This would allow milk plant operators to be reimbursed by producers to a greater extent than now for costs they incur in hauling milk from farms to processing plants. Proponents contend that the requested order changes are needed to make the order terms more compatible with changing milk transportation costs.

DATE: June 10, 1980.

ADDRESS: Best Western Thruway Motel, 1375 Washington Avenue, Albany, New York 12206.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (telephone: 202-447-6273).

SUPPLEMENTAL INFORMATION: Notice is hereby given of a public hearing to be held at the Best Western Thruway Motel, 1375 Washington Avenue, Albany, New York 12206, beginning at 9:30 a.m., on June 10, 1980, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to the proposals listed below.

The proposal relative to the elimination of the limit on the amount of the negotiable tank truck service charge to producers for any farm to first plant transportation costs (Proposal No. 1) raises the issue of whether the class prices to handlers and the uniform prices to producers should apply at the location of the first plant at which the milk of producers is received as a means of effectuating the declared policy of the Act.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by North Atlantic Milk Processors' Association

Proposal No. 1

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

§ 1002.55 Transportation credit on bulk unit pool milk.

1. Revise § 1002.55 to read as follows:

For pool milk received by a handler in a pool or partial pool unit, a transportation credit at the rate of 20 cents per hundredweight shall be computed.

§ 1002.80 Time and rate of payments.

2. Revise paragraph (a)(3) of § 1002.80 to read as follows:

(a) * * *

(3) For milk received in a bulk tank unit and for which transportation was provided by the handler or at his expense, there may be deducted, as proper and as authorized in writing by the producer, or by a cooperative association authorized to act on behalf of such producer, a tank truck service (transportation) charge for any farm to first plant transportation costs for which the handler was not reimbursed through the transportation credit pursuant to § 1002.55, except that the deduction and transportation credit combined shall not exceed the actual transportation costs incurred. Any such deduction must be made by the handler not later than the date on which the producer is required to be paid for such milk. If authorization for such deduction is cancelled by the producer or by the cooperative by notifying the handler in writing, such cancellation shall be effective on the first day of the month following its receipt by the handler; and

* * * * *

Proposed by McCadam Cheese Co., Inc.

Proposal No. 2

Same as proposal No. 1, except that the transportation credit on bulk unit pool milk shall be 30 cents per hundredweight.

Proposed by Hershey Chocolate Co.

Proposal No. 3

Amend § 1002.55 to provide a transportation credit at the rate of 20 cents per hundredweight, except where farm bulk tank pick-up is limited by the producer to a six day per week basis provide for a transportation credit of 25 cents per hundredweight.

Proposed by Tuscan Dairy Farms, Inc.

Proposal No. 4

Amend § 1002.80 paragraph (a)(3) by adding the following proviso:

The maximum deduction provided herein shall not apply to farms where the hauling costs exceed such maximum rates because of the peculiar situations inherent to these farms and producers. The situations alluded to shall include the following:

(i) Producers who because of their religious persuasion, such as the Amish, do not allow pickup on Sunday and where an extra truck is needed to pick up their milk on the third day.

(ii) Producers whose farms do not have adequate holding capacity for milk produced by them and who, therefore, require daily rather than every-other-day pickup.

(iii) Producers, also because of their religious persuasion, such as Amish, who do not have electricity on their farms, requiring special trucking equipment to pick up their milk.

(iv) Producers whose farms are located on roads upon which trailer trucks cannot be used and single axle trucks have to be used to pick up their milk.

Proposed by Northeast Dairy Cooperative Federation, Inc.

Proposal No. 5

Amend § 1002.80(a)(3), *Time and rate of payments*, to increase the maximum tank truck service (transportation) charge from the existing 15 cents per hundredweight to 25 cents per hundredweight, providing that the deduction, as adjusted for the transportation credit pursuant to § 1002.55 shall not exceed the actual transportation costs incurred.

Proposed by Allied Federation Cooperative, Inc.; Dairylea Cooperative, Inc.; and Eastern Milk Producers Cooperative Association, Inc., and its Affiliated Cooperative Association

Proposal No. 6

Amend § 1002.80(a)(3), *Time and rate of payments,* to increase the maximum tank truck service (transportation) charge from the existing 15 cents per hundredweight to 25 cents: providing that the deduction, as adjusted for the transportation credit pursuant to § 1002.55 and the location differentials pursuant to § 1002.82, shall not exceed the actual transportation costs incurred.

Proposed by Allied Federated Cooperative, Inc.; Dairylea Cooperative, Inc.; Eastern Milk Producers Cooperative Association and its Affiliated Cooperative Associations; and Northeast Dairy Cooperative Federation, Inc.

Proposal No. 7

Amend § 1002.55, *Transportation credit on bulk unit pool milk,* to provide a transportation credit at the rate of 20 cents per hundredweight in place of the current 15 cent rate.

Proposal No. 8

Amend § 1002.51(c), transportation differentials, to provide a differential rate applicable to Class I milk at all locations between the 201–210 mile zone and the 1–10 mile zone at 2.2 cents per zone rather than the current 1.8 cents per zone. Continue the Class I differential at all locations beyond the 201–210 mile zone at the 1.5 cents per zone.

Proposed by Dairy Farmers for Action

Proposal No. 9

1. Eliminate § 1002.55.
2. Revise § 1002.80(a)(3) to provide the same terms and conditions for service charges at the same point of delivery, to all handlers, including those who are cooperative handlers, to effect uniform prices as to all handlers.
3. Revise § 1002.82(b) to apply the direct delivery differential to all milk received within the 70 mile zone irrespective of the point of origin.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 10

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42nd Street, New York, New York 10017 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, New York-New Jersey Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on May 13, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-15190 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[ERA Docket No. 80-ERA-R-8004]

Reports on Impending Major Electric Utility System Emergencies, Customer Load Reductions and/or Significant Service Interruptions in Bulk Electric Power Supply and Actions To Minimize Their Impact; Proposed Rulemaking

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of issuance of order granting, in part, request for extension of the comment period, and granting public hearing after issuance of revised regulations.

SUMMARY: ERA has issued an order in ERA Docket No. 80-ERA-R-8004, extending the comment period thirty days from issuance of the order and granting a public hearing after issuance of revised regulations.

DATE: Comments are now due on or before June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION:

Order Granting, in Part, Request for Extension of the Comment Period, and Granting Public Hearing After Issuance of Revised Regulations

On March 19 1980, the Administrator of the Economic Regulatory Administration of the Department of Energy gave notice of a proposed rulemaking regarding issuance of regulations pursuant to section 311 of the Federal Power Act. ERA proposed to issue regulations on reporting impending major electric utility system emergencies, customer load reductions and significant service interruptions in bulk electric power supply; and actions to minimize their impact.

Notice of the issuance of the rulemaking and the proposed regulations was given in the **Federal Register** on March 27, 1980 (45 FR 20109). The Notice stated that requests for a public hearing should be filed on or before April 21, 1980 and comments on the proposed rulemaking should be submitted on or before April 30, 1980.

ERA has received extensive comments from several utility companies, including Central Illionis Public Service Company Uath Power & Light Company, Jacksonville Electric Authority, and Mississippi Power & Light Company.

ERA has determined that proposed regulations should be, in fact, revised. Upon issuance of the revised regulations, ERA proposes to hold a public hearing and allow a new comment period at that time.

A request to extend the comment period another 60 days was received from the Edison Electric Institute. Because ERA has determined that the proposed regulations should be revised, it is unnecessary to extend the comment period for 60 days, as requested. However, ERA has determined that an extension of 30 days, until June 9, 1980 is appropriate to allow for additional comments before the regulations are revised.

ERA has received four requests for a public hearing, from the Mid-America Interpool Network (MAIN) on April 15, from the National Electric Reliability Council (NERC) and the East Central

Area Reliability Council (ECAR), both on April 21, and from the Mid-America Reliability Coordination Agreement (MARCA). in addition, ERA has received a telephone request from a representative of the Iowa Public Service Company who stated a desire to participate in a public hearing if one were held.

In light of ERA's decision to hold a public hearing upon issuance of the revised regulations, ERA will not hold a hearing at this time. However, a public hearing and a brief comment period will be noticed in the **Federal Register** upon issuance of the revised regulations.

Order

1. The request by the Edison Electric Institute for an extension of the comment period for 60 days is hereby granted in part. The comment period is hereby extended 30 days, until June 9, 1980.

2. The requests by the National Electric Reliability Council, the East Central Area Reliability Council, the Mid-America Interpool Network, and the Mid-America Reliability Coordination Agreement for a public hearing at this time are hereby denied. A public hearing and comment period will be announced in the **Federal Register** upon issuance of the revised regulations.

Issued in Washington, D.C., on May 9, 1980.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 80-15076 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0004]

Premiums, Finders Fees, and the Payment of Interest in Merchandise

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") proposes to adopt a rule concerning the offering of premiums or gifts by depository institutions. Under the proposed rule, the giving to a depositor of a premium or gift (whether in the form of cash or merchandise) by an institution associated directly with the receipt of a deposit would be prohibited. In addition, finders fees paid to third parties would be regarded as the payment of interest to the depositor and would be required to be paid only in cash. The Committee also is considering adoption of a proposed rule that would require that all interest paid on a deposit be paid only in the form of cash or a credit to a deposit account. This rule would have the effect of eliminating programs, currently authorized under Federal Reserve and FDIC rules, in which interest is prepaid in the form of merchandise.

DATES: Comments must be received by June 16, 1980.

ADDRESS: Interested parties are invited to submit written data, views or arguments regarding the proposed rules 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.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, Federal Deposit Insurance Corporation (202/389-4324), Anthony F. Cole, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3612), P. Allan Schott, Attorney, Treasury Department (202/566-6798), John Hall, Attorney, Federal Home Loan Bank Board (202/377-6466), or Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1633).

SUPPLEMENTARY INFORMATION: Under the current 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"), a premium given to a depositor upon the opening of a new account or an addition to an existing account is not regarded as the payment of interest if the cost of the premium (excluding shipping and packaging costs) does not exceed $5 for deposits of less than $5,000 and $10 for deposits of $5,000 or more, and the premium is not given on a recurring basis to the same individual.

In recent months, the attention of the Federal financial institutions regulatory agencies has been directed to possible circumvention of interest rate limitations through the use of premiums to induce deposits and finders fees paid to a person who introduces a depositor to an institution. Such programs require a substantial amount of examiner time investigating complaints and reviewing compliance. The current premium rule was adopted by the agencies in 1970 in order to establish what constituted a *de minimis* gift that would not be regarded as the payment of interest. It was intended that the rule would clarify this matter and reduce time spent by the agencies in reviewing individual programs. However, in practice the rule is difficult to enforce because it can be circumvented by attributing an inflated portion of the total cost of the premium to shipping and packaging, rather than to the direct wholesale cost of the premium. In addition, some institutions may have been billed at an average cost for a group of different items, thus enabling the institutions to provide premiums that would otherwise exceed the limitations. Consequently, the existing rule does not appear to have served its original purpose.

Finders fees, whether in the form of cash or merchandise, are fees paid to a person who introduces a depositor to an institution. The finders fee is typically related to the size of the deposit received by the institution. Under the current rules of the FHLBB, the cost of any premiums given to a depositor and finders fees given to a third party are regarded as the payment of interest if in excess of $5 for deposits of less than $5,000 and $10 for deposits of $5,000 or more. The rules of the FCDIC and Federal Reserve do not restrict the use of finders fees paid to third parties. However, if any portion of the fee is passed on to the depositor or a member of the depositor's household, it is regarded as additional interest on the deposit.

Recently banks have increased use of finders fees to attract deposits. There are indications that finders fees are being employed to avoid current premium limitations and that some or all of such fees may go to the depositor. To the extent that such a practice occurs, it results in a circumvention of interest rate ceilings.

In view of these considerations, the Committee is considering adoption of a rule that would prohibit the giving to a depositor of a premium or gift (whether in the form of cash or merchandise) upon the opening of a new account or an addition to an existing account. The Committee also is considering adoption of a rule that would require that all finders fees be paid only in cash and that would regard such fees as the payment of interest to the depositor for the purpose of deposit rate ceilings. With reference to finders fees, comment specifically is requested on the extent to which such fees are passed on to or shared with depositors and procedures utilized to ensure that such fees are not passed on to depositors.

Comment also is requested on alternatives to prohibiting the use of premiums.

The Committee also is considering adoption of a rule that would require that all interest paid on a deposit be

paid only in the form of cash or a credit to a deposit account. The Committee believes that this rule would benefit consumers by making the amount of interest paid on a deposit explicit, thus facilitating comparisons by depositors and reducing potential customer confusion as to the actual return earned on a deposit. This rule would have the effect of eliminating programs, currently authorized under FDIC and Federal Reserve rules, in which interest is prepaid in the form of merchandise. Comment also is requested on whether the prepayment of interest in cash should be prohibited.

All comments and information on these proposals should be submitted to the Executive Secretary, Depository Institutions Deregulation Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, to be received by June 16, 1980. Material submitted will be made available for inspection and copying upon request except as provided in section 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

By order of the Committee, May 6, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-15056 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 70

[Docket No. 79P-0077]

Nitrites in Bacon; Proposed Exception From the Color Additive Definition and Request for Information on Other Meat Products That May Qualify for the Exception to the Color Additive Definition; Separation of the "Color-Imparting" Issue from the "Exception" Issue for Red Meats Other Than Bacon

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is deferring consideration of the question of whether nitrites in cured red meats other than bacon qualify for the exception to the "color additive" definition that applies to color-imparting substances that are used solely for a purpose or purposes other than coloring. Consideration of this issue is deferred until FDA determines finally whether nitrites "impart" color to bacon and other red meats. This action is taken in response to a "Petition for Reconsideration" submitted by the American Meat Institute (AMI).

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1979 (44 FR 75659), FDA issued a notice of proposed rulemaking based on the agency's earlier response to a citizen petition requesting that FDA declare nitrites used in the production of bacon to be "color additives" within the meaning of section 201(t)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(t)(1)). FDA proposed to declare that nitrites used in red meat products (including bacon) are capable of "imparting" color to the meat but that nitrites used in bacon qualify for the exception to the "color additive" definition, which applies to substances "used (or intended to be used) solely for a purpose or purposes other than coloring." FDA also stated its intention to except from the "color additive" definition nitrites used in meat products other than bacon if it could be demonstrated that these uses qualify for the exception in the same manner as nitrites used in bacon. The agency specifically requested the submission of information on the latter point.

AMI and several other trade associations, companies, and individuals subsequently requested FDA to defer the question of whether cured meats other than bacon qualify for the exception until after the "color-imparting" issue is decided. In the **Federal Register** of February 22, 1980 (45 FR 11841), FDA denied the request, stating that "the agency's purpose in this rulemaking is to resolve the color additive status of nitrites in a complete, coherent manner. Separation of the two issues would defeat that purpose. It also would result in substantial, unjustified delay in the rulemaking process." However, FDA extended until May 19, 1980, the period for responding to the request for information on meat products other than bacon that may qualify for the exception to the "color additive" definition.

By letter dated March 14, 1980, AMI submitted a "petition for reconsideration" of the decision not to defer the exception issue for meats other than bacon until the "color-imparting" issue is decided. AMI argues that the exception issue, "as it applies to meat products other than bacon, raises substantial scientific and technical questions requiring not only the compilation and analysis of existing data but the need to undertake new research to fill any data gaps revealed in the available scientific information." AMI argues that such research would be expensive, and that the industry is reluctant to undertake research that will be "wholly unnecessary" if FDA reverts to its "longstanding position" that nitrite fixes or preserves, rather than imparts, color.

These are persuasive arguments, and FDA now agrees that consideration of the "exception" issue for red meats other than bacon should be deferred until after the "color imparting" issue is decided. Although there are advantages to deciding the issues together, FDA agrees that this would require an expenditure of resources by the industry and FDA that would be wasted if FDA concludes that nitrites "fix" rather than impart color.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and (t)(1), 402(a), 701(a), 706, 52 Stat. 1046 as amended, 1055, 72 Stat. 1784 as amended, 74 Stat. 397, 399-407 as amended (21 U.S.C. 321(s) and (t)(1), 342(a), 371(a), (376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), consideration of the "exception" issue for red meats other than bacon is deferred until after the "color imparting" issue is resolved. The May 19, 1980 deadline for the submission of comments concerning the use of nitrites in red meats other than bacon is thus also deferred pending a final decision on the "color-imparting" issue. That decision will be announced in the **Federal Register** in the near future. If FDA concludes finally that nitrites "impart" color, it will renew its request for information concerning the use of nitrites in red meats other than bacon and establish a new deadline for submitting the information.

Dated: May 9, 1980.

Jere E. Goyan,

Commissioner of Food and Drugs.

[FR Doc. 80-14989 Filed 5-12-80; 2:26 p.m.]

BILLING CODE 4110-03-M

21 CFR Parts 182 and 184

[Docket No. 79N-0371]

Lactic Acid and Calcium Lactate; Affirmation of GRAS Status for Lactic Acid and Calcium Lactate for Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of lactic acid and calcium lactate as direct human food ingredients for use beyond infancy. The safety of these

ingredients has been evaluated under a comprehensive safety review being conducted by the agency.

DATE: Comments by July 15, 1980.

ADDRESS: Written comments to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: A comprehensive safety review of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by the Food and Drug Administration (FDA). The Food and Drug Administration has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of lactic acid and calcium lactate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), FDA proposes to affirm the GRAS status of these ingredients for direct human food use beyond infancy.

Lactic acid, 2-hydroxypropionic acid ($C_3H_6O_3$), is a viscous, non-volatile liquid at room temperature, having a melting point of 16.8° C. It is soluble in water and is miscible in alcohol. Calcium lactate, $C_6H_{10}CaO_6 \leqslant xH_2O$ (where x is any integer up to 5), is a white to cream colored crystalline powder which is nearly odorless, is soluble in water, and is practically insoluble in alcohol. Lactic acid and its calcium salt occur as optically active L(+) or D(−) isomers or as the racemic (DL) mixture. It is the racemic (DL) mixture that is added to foods in the United States.

Lactic acid is produced in varying amounts by most living tissues as a normal metabolic intermediate. It is found in normal human blood to the extent of 8 to 17 mg per 100 mL of serum. Lactic acid occurs naturally in sour milk, molasses, meats, tomato juice, beer, wines, apples, and other fruits, and several higher plants, especially during germination. The racemic mixtures of lactic acid and calcium lactate, respectively, can be prepared commercially by *Lactobacillus* fermentation of sugars, particularly corn sugar. The fermentation product is neutralized with calcium carbonate, giving racemic calcium lactate. Calcium lactate is purified by recrystallization. Sulfuric acid decomposition yields DL-lactic acid. The optically active L(+) and D(−) forms can be obtained by chemical resolution of the racemic mixture or by selective fermentation using certain *Lactobacilli* that are known to selectively produce D(−) lactic acid and/or products that consist mainly of L(+) lactic acid with varying small amounts of D(−) lactic acid.

Both DL-lactic acid and DL-calcium lactate are listed as multiple purpose GRAS food substances in 21 CFR 182.1061 and 21 CFR 182.1207, respectively, pursuant to the regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368). Additionally, an opinion letter was issued that indicated that calcium lactate was safe for use as a dietary supplement.

Certain Federal standards of identity list the uses of lactic acid and calcium lactate in food: lactic acid in certain cheese (Part 133 (21 CFR 133)), certain frozen desserts (Part 135 (21 CFR 135)), and certain artificially sweetened fruit jellies, preserves, and related products (Part 150 (21 CFR 150)); calcium lactate in certain artificially sweetened fruit jellies, preserves, and related products (Part 150 (21 CFR 150)), and certain canned vegetables (Part 155 (21 CFR 155)). In addition, lactic acid is cleared by the Poultry Division of the United States Department of Agriculture for use at a level of 0.5 percent as a poultry additive to develop flavor.

In processing foods, lactic acid is used to maintain clarity of brine in packing Spanish-type olives by inhibiting microbiological spoilage and fermentation, to acidify cheese and dried food casein, to impart flavor to carbonated fruit juices and frozen desserts, to solubilize pepper oleoresin, and to stabilize certain types of wine. Calcium lactate is employed for such purposes as preserving the firmness of apple slices during processing, improving the crispness of canned bean sprouts, and jelling demethylated pectins.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which lactic acid and calcium lactate were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to these ingredients. The total amounts of lactic acid and calcium lactate used for food purposes in the United States in 1970 were estimated as 2.5 million pounds and 123,000 pounds, respectively. Relative to 1960, the lactic acid usage in 1970 increased by 33 percent, while the usage of calcium lactate was nearly halved. A reasonable maximum estimate of the per capita daily "intake" of lactic acid is 15 mg, and the per capita daily "intake" of calcium lactate is 1 mg.

Lactic acid and calcium lactate have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 2,074 abstracts on lactic acid and calcium lactate was reviewed and 45 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Within the body, L(+) lactate is formed primarily from the glycolysis of carbohydrates. Kreisberg reported that most of the production of lactate occurs in the muscles, brain, erythrocytes, and skin, while smaller production takes place in the leucocytes, renal medulla, and intestinal mucosa. Lactate is transported to the liver and converted by lactic acid dehydrogenase to pyruvate. Pyruvate, in turn, can be converted into free glucose, stored as glycogen, and utilized in other metabolic transformations.

Animals readily absorb both L(+) and D(−) lactic acid or lactate from the gastrointestinal tract and have the capacity to completely metabolize both the L(+) and D(−) isomers but at different rates. Cori and Cori intubated rats with levorotatory, dextrorotatory, and racemic sodium lactate (currently designated by convention as D(−), L(+) and racemic sodium lactate, respectively) at a level of 1.7 g per kg body weight and measured liver glycogen and urinary lactate in animals sacrificed three hours after dosing. With the L(+) isomer, 39.6 percent of the absorbed dose was converted to glycogen and less than 1 percent was excreted in the urine. Essentially none of the D(−) isomer was converted to glycogen although it was absorbed at the same rate from the intestine as the L(+) isomer; about a third of the absorbed dose of the D(−) lactate was excreted in the urine. With DL-lactate, 24.9 percent of the absorbed dose was

converted to glycogen and about 1.6 percent was excreted. Cori and Cori attribute the differences observed to differences in the rates of utilization of the two isomers; the L(+) isomer was found to be utilized about four times more rapidly than the D(−) isomer. At the relatively high doses used in these experiments, the D(−) isomer was being absorbed more rapidly than it was being utilized, accounting for its appearance in relatively large amounts in the urine.

Conant *et al.* intubated adult rats with DL-sodium lactate containing ^{11}C in the carboxyl position and found an average of 20 percent of the administered radioactivity to be expired as CO_2 during the 2.5 hours following administration. Doses varied from 30 to 250 mg per rat (260 to 1800 mg per kg body weight).

Craig found that orally intubated sodium DL-lactate was practically completely metabolized in the dog. In another series of experiments, dogs were infused intravenously with lactic acid preparations containing 35 to 71 percent of the L(+) isomer and the amounts of L(+) and D(−) lactic acid in the blood and urine were measured. It was concluded that the rate of utilization of the L(+) isomer is about 1.5 times that of the D(−) isomer.

Drury and Wick injected labeled L(+) or D(−) lactic acid intravenously into eviscerated nephrectomized rabbits where the important metablizing tissues are heart, brain, endocrines, and muscles of respiration. With the L(+) isomer, the specific activity of the expired carbon dioxide peaked within two hours after administration and decreased rapidly thereafter. With the D(−) isomer the specific activity of the expired carbon dioxide increased slowly and remained elevated for more than five hours. This study indicated that both the L(+) and the D(−) isomers are oxidized but at different rates, the oxidation of the D(−) isomer being the slower.

Giesecke and Fabritius fed adult rats, for one or two days, a diet containing 5 percent calcium sodium DL-lactate and found that only 1 to 2 percent of the ingested D(−) lactate was recovered in the urine. A specific enzymatic assay was used for the D(−) lactate determination. In further experiments, fasted rats were injected intraperitoneally with 247 mg per kg body weight of D(−) lactate containing [^{14}C] D(−) lactate. Within six hours, 84.4 percent of the injected dose was recovered as expired CO_2, 3 percent as D(−) lactate in the urine, and 3 percent as metabolites in the urine, indicating that D(−) lactate was readily oxidized. In identical experiments with rats fed a diet containing 5 percent DL-lactate, 81.9 percent of the injected D(−) lactate appeared in the expired CO_2 and 10.2 percent in the urine as D(−) lactate and metabolites.

Using ^{14}C-lactate (isomer not indicated but presumably DL), Kreisbert reported lactate turnover rate in normal man to be 82 mg per kg per hour or about 140 g per day in an adult, and Searle and Cavalieri reported a turnover value of 95 mg per kg per hour. Similar turnover rates have been found in dogs and sheep using continuously infused L(+)-^{14}C-lactate. Baumgärtner and Ketx found DL-lactic acid to have a caloric value of 3,638 cal per g.

The oral LD_{50} for lactic acid (purified laboratory preparation, isomer not indicated) was reported to be 3.73 g per kg for rats and 1.81 g per kg for guinea pigs. The oral LD_{50} of lactic acid (isomer not indicated) for mice was reported as 4.875 g per kg. The minimum lethal dose of calcium lactate (isomer not indicated), administered intravenously, was reported to be 80 to 160 mg per kg for dogs and 180 to 380 mg per kg for rabbits. Furth and Engel found rats to survive, without damage, subcutaneous doses of 2 g lactic acid (isomer not indicated) per kg daily for 11 days. Durlacher *et al.* found that gastric intubation of fasted, two to six-day-old rabbits with a single dose of 6 g calcium lactate (isomer not indicated) per kg body weight did not result in lesions in the stomach and intestines examined 48 hours after dosing.

No long-term feeding studies and only the following few short-term feeding studies have come to the attention of the Select Committee.

Jonek observed that the adrenal cortical activity increased in female rabbits consuming 180 mg lactic acid (isomer not indicated) daily in their feed (120 mg per kg day) for 38 days, although glutamic acid and citric acid at simiar levels showed stronger stimulative effects. Fazekas found that rabbits given 100 to 200 mg per kg body weight of lactic acid (isomer not indicated) every other day in the drinking water for over five months, developed enlarged ovaries (weight increase of 125 to 150 percent) and parathyroids (weight increase of 160 to 277 percent). However, similar effects were found to occur with other compounds tested concurrently, at the same dosage levels such as ammonium hydroxide, ammonium phosphate, and acetic acid.

In studies on the metabolism of calcium salts, Lieberman observed that the oral administration of a single dose of 10 g calcium lactate (isomeric form not indicated) in 250 ml of water to each of three healthy men resulted in violent abdominal distress, vomiting, and diarrhea. There were no violent reactions when the dose was 5 g.

A human subject consuming 300 ml of a drink containing 2.82 g of lactic acid (isomer not indicated) excreted 20.7 percent of the lactate in the urine within 13 hours. The same subject consuming 250 ml of a 0.5 percent lithium lactate solution (isomer not indicated) corresponding to 1.17 g of lactic acid, excreted 31.7 percent of the lactate in the urine within 12 hours.

Medically, calcium lactate is used to supply calcium in doses of 1 to 5 g, three times a day for adults.

Durlacher *et al.* administered by gavage to five newborn and a four-month-old infant, 6 g calcium lactate (isomeric form not indicated) in 10 percent aqueous solution before the morning feeding. Mild diarrhea occurred in three of the infants, but no vomiting. Serum calcium rose significantly, serum protein slightly, and serum phosphorus decreased as the calcium level increased. No other effects were reported.

Lactic acid has been used to acidify infant formulas. Initially, formulas made from fresh cow milk were acidified as a means of reducing curd tension but with improvements in milk processing (e.g. homogenization, evaporation), low curd tension has been achieved without acidification. While formulas acidified with lactic acid are still marketed in Europe and elsewhere, commerically available infant formulas in the United States, as described in the Physicians' Desk reference, are not acidified. However, since acidification of milk inhibits growth of certain microorganisms and may influence the gastrointestinal flora of the infant, the following considerations are relevant.

A large number of studies of the effect of feeding lactic acid acidified formulas have been reported; however, any of these lack appropriate controls or are rather inadequately described.

[Several of the studies considered concern] premature infants. With intakes of DL-lactic acid of 600 mg per kg per day or greater (the only intakes studied), metabolic acidosis and decreased growth rate were generally observed. Although Toussaint and Ozawa did not observe metabolic acidosis in full-term infants fed formulas acidified with DL-lactic acid, other investigators have reported metabolic acidosis in full-term infants fed such formulas. These latter studies are difficult to interpret because of lack of adequate conrols.

* * *, with one exception, [m]etabolic acidosis was not demonstrated in infants fed formulas acidified with L(+)

lactic acid. The exception is the report by Ungari *et al.*, in which neither the source of lactic acid nor the dose is specified. However, the lactic acid was produced by fermentation and it seems possible that the organism produced some D(−) lactic acid. Controls also demonstrated metabolic acidosis but less severe than that of infants fed the acidified formula. Full-term infants were also reported to develop metabolic acidosis when fed this acidified formula. Other authors * * * fed formulas acidified with L(+) lactic acid or acidified "by fermentation" and did not observe metabolic acidosis in premature infants or in "normal" infants or those recovering from illness. It is to be noted that concern has also been expressed about the ability of young infants to metabolize the unnatural (D) isomer of malic acid.

None of the reports concerning infants fed formulas acidified with L(+) lactic acid or acidified "by fermentation" include data on rate of growth, but the Select Committee considers it unlikely that interference in rate of growth would occur in the absence of metabolic acidosis.

It is to be noted that some special products such as powdered milk formulas containing up to 3 percent lactic acid for dietary management of infants with celiac disease and glucose solutions containing up to 50 mg lactic acid per acid per liter for oral hospital use in initial feedings of premature infants, are produced in the United States. Such special products are not being evaluated in this report.

Lactic acid, USP, at levels up to 0.18 percent and calcium lactate, USP, at levels up to 0.625 percent did not exhibit mutagenic activity in *in vitro* microbial assays using strains of *Saccharomyces cerevisiae* or *Salmonella typhimurium*, with or without activation with mouse, rat, or monkey liver homogenates. Lactic acid, USP, is a mixture of lactic acid and lactic acid lactate. It contains the equivalent of 85 to 90 percent lactic acid, is obtained by fermentation of sugar or prepared synthetically, and is probably the racemic (DL) form.

Qualified scientists of the Select Committee have evaluated all available safety information on lactic acid and calcium lactate. It is the opinion of the Select Committee that:

Lactic acid is produced in varying amounts by most living tissues as a normal metabolic intermediate. The lactate turnover rate in man has been estimated to be of the order of 2 g per kg per day.

An additional load of up to 1 mg per kg per day of lactic acid as the free acid or as calcium lactate contained in commercially prepared food commodities would not appreciably modify the normal metabolic processes. None of the limited toxicity data available raises any suspicion of adverse effects in adults at doses orders of magnitude above the estimated levels of human consumption. There is no indication that the per capita intake of lactate from processed foods will be substantially increased in the foreseeable future.

There is no evidence of potential toxicity of the L-isomer for individuals of any age. However, premature infants fed formulas acidified with DL-lactic acid (or, in one instance, D(−) lactic acid), have [been] reported to develop metabolic acidosis and growth retardation. Results of studies of full-term infants are conflicting and difficult to interpret. Resolution of this conflict is needed even though, as far as the Select Committee is aware, lactic acid acidification of infant formulas is not currently being practiced in the United States except in products designed for special dietary or therapeutic purposes which are not being evaluated in this report.

The Select Committee concludes that there is no evidence in the available information on L(+) lactic acid and L(+) calcium lactate that demonstrates or suggests reasonable grounds to suspect a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future.

There is no evidence in the available information on either of the isomers of lactic acid, their calcium salts, and their racemates that demonstrates or suggests reasonable grounds to suspect a hazard to individuals beyond infancy when they are used at levels that are now current or that might reasonably be expected in the future.

The evidence on D(−) lactic acid, DL-lactic acid and their calcium salts is insufficient to determine that the adverse effects reported would be deleterious to infants should they be used in infant formulas. Lactic acid acidification of generally available infant formulas is not now being practiced in the United States.

The Food and Drug Administration has undertaken its own evaluation of all available information on lactic acid and calcium lactate and concurs with the conclusions of the Select Committee. Therefore, based upon available safety data, including the reports of metabolic acidosis and growth retardation observed in infants, the agency concludes that, except for use in infant foods, no change in the current GRAS status of lactic acid and calcium lactate is justified. While the agency has determined that there is insufficient evidence to conclude that lactic acid and calcium lactate are GRAS for use in infant foods, FDA is aware that these substances are sometimes administered in medical foods to infants who are under medical supervision because of special nutritional requirements. How FDA will regulate medical foods is currently under consideration. Until FDA's policy on medical foods is fully developed, however, the agency will not challenge the GRAS status of calcium lactate and lactic acid used in medical foods which are consumed under medical supervision solely to meet specialized nutritional requirements, provided these substances are used at levels consistent with good manufacturing practice.

Although the survey of food manufacturers in 1970 indicated that sodium lactate had been added to foods on a limited basis, subsequent attempts by both FDA and the National Academy of Sciences to verify present food uses of sodium lactate have been unsuccessful. Sodium lactate is not currently on the GRAS list, i.e., does not appear in 21 CFR Part 182. Consequently, the Select Committee did not undertake a safety review of sodium lactate in food. In previous proposals, FDA has emphasized that use information (i.e., foods that the substance is added to, levels of addition, intended technical effects, and food-grade specifications) is very important in assessing the safety of food ingredients. Consequently, the Food and Drug Administration is not affirming the GRAS status of sodium lactate unless adequate evidence of use is submitted as comments on this proposal during the comment period. Alternatively, future consideration may be obtained through the petition procedures (21 CFR 170.35 or 171.1).

Copies of the scientific literature review on lactic acid and calcium lactate and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as follows:

Title	Order number	Price code	Price *
Lactic acid (scientific literature review).	PB-241-958/AS	A09	$9.00
Lactic acid and Calcium lactate (Select Committee report).	PB-238-713/AS	A03	4.50

* Price subject to change.

This proposed action does not affect the present use of lactic acid and calcium lactate for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.1061 [Deleted]

1. By deleting § 182.1061 *Lactic acid.*

§ 182.1207 [Deleted]

2. By deleting § 182.1207 *Calcium lactate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 184.1061 to read as follows:

§ 184.1061 Lactic acid.

(a) Lactic acid ($C_3H_6O_3$, CAS Reg. Nos.: DL mixture, 598–82–3; L-isomer, 79–33–4; D-isomer, 10326–41–7), the chemical 2-hydroxy propanoic acid, occurs naturally in several foods and is synthesized commercially by fermentation of carbohydrates such as glucose, sucrose, or lactose.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter, curing and pickling agent as defined in § 170.3(o)(5) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and solvent and vehicle as defined in § 170.3(o)(27) of this chapter.

(d) The ingredient is used in foods, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum, as served, level of 1 percent for baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, 0.15 percent for nonalcoholic beverages and beverage bases as defined in § 170.3(n)(3) of this chapter, 7 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 1.5 percent for condiments and relishes as defined in § 170.3(n)(8) of this chapter, 1 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, 3 percent for hard candy as defined in § 170.3(n)(25) of this chapter, and 0.45 percent or less for all other food categories excluding infant foods and infant formulas.

4. By adding new § 184.1207 to read as follows:

§ 184.1207 Calcium lactate.

(a) Calcium lactate ($C_6H_{10}CaO_6.xH_2O$, where x is any integer up to 5, CAS Reg. No. 814–80–2) is prepared commercially by the neutralization of lactic acid with calcium carbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as a firming agent as defined in § 170.3(o)(10) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, and nutrient supplement as defined in § 170.3(o)(20) of this chapter, and stabilizer and thickener as defined in § 170.3(i)(28) of this chapter.

(d) The ingredient is used in food in accordance with § 184.1(b)(1) at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum, as served, level of 0.25 percent for baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, 0.2 percent for nonalcoholic beverages and beverage bases as defined in § 170.3(n)(3) of this chapter, 0.004 percent for grain products and pastas as defined in § 170.3(n)(23) of this chapter, 0.004 percent for meat products as defined in § 170.3(n)(29) of fruits and fruit juices as defined in § 170.3(n)(35) of this chapter, 90 percent for sugar substitutes as defined in § 170.3(n)(42) of this chapter, and 0.0025 percent or less for all other food categories, excluding infant foods, and infant formulas.

The Food and Drug Administration hereby gives notice that it is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded prior sanction uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a prior sanction regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before July 15, 1980, submit to the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: May 5, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–14804 Filed 5–15–80; 8:45 am]

BILLING CODE 4110–03–M

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, DC 20037, or examined at the Office of Federal Register Library.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Surface Coal Mining and Reclamation and Enforcement Under Federal Programs for States

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

ACTION: Notice of intent to develop Federal programs and request for public comments.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has initiated actions to propose, promulgate and implement Federal programs for the regulation of coal exploration, surface coal mining and reclamation operations and the surface effects of underground coal mining on

non-Federal and non-Indian lands in the States of Georgia and Washington. Georgia and Washington have failed to submit programs and therefore, in accordance with Section 504 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and 30 CFR Part 736, OSM is initiating the Federal program promulgation process. Also, the Director, OSM (the Director), is soliciting public comments on whether to propose, promulgate and implement Federal programs in other States with coal reserves.

DATE: Public comment on whether the potential economic consequences of the Georgia and Washington Federal programs require preparation of a regulatory analysis should be submitted by June 16, 1980.

ADDRESS: Information and comments should be sent to: Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director for State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; 202–343–4225.

SUPPLEMENTARY INFORMATION: This notice provides information to assist the public in understanding the responsibilities, actions and procedures of OSM related to developing, proposing, promulgating and implementing Federal permanent regulatory programs for surface coal mining and reclamation operations.

General Background on the Permanent Regulatory Program

The environmental protection provisions of SMCRA are being enacted in two phases—the initial program and the permanent program—in accordance with Sections 501–503 of SMCRA, 30 USC 1251–1253. The initial program became effective on February 3, 1978, for new coal mining operations on non-Federal and non-Indian lands which received State permits on or after that date and became effective on May 3, 1978, for all coal mines existing on that date. The interim program rules were promulgated by the Secretary on December 13, 1977 under 30 CFR Parts 710–725, 42 FR 62639. The permanent program will become effective in each State upon the approval of a State program by the Secretary of the Interior or the implementation of a Federal program within the State. If a Federal program is implemented in a State, OSM will be the primary regulator of activities in that State. Termination of a Federal program can occur only upon the approval of a State program by the Secretary of the Interior.

The Federal rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15385–15393 (March 13, 1979). Corrections were published at 44 FR 15485 (March 14, 1979), 44 FR 53507–53509 (September 14, 1979) and 44 FR 66195 (November 19, 1979). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 75302 (December 19, 1979), 44 FR 77440–77447 (December 31, 1979), and 45 FR 2626–2629 (January 11, 1980). Portions of these rules have been suspended, pending further rulemaking. See 44 FR 67942 (November 27, 1979), 44 FR 77447–77454 (December 31, 1979), 44 FR 77454–77455 (December 31, 1979) and 45 FR 6913 (January 30, 1980).

Criteria for Promulgating Federal Programs

Section 504 of the Act and 30 CFR 736.11 establish specific criteria for the Director to use in determining whether to promulgate and implement a Federal program in a State. Under 30 CFR 736.11(a)(1)(i), the Director shall promulgate and implement a Federal program for a State if the Director reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands within that State at any time before June, 1985, and that State fails to submit a State program for regulation of such activities under the time provided in 30 CFR 731.12, August 3, 1979. In an August 22, 1979, opinion, the District Court for the District of Columbia extended the prescribed August 3, 1979, State program submission deadline to March 3, 1980 (see *In Re: Permanent Surface Mining Reclamation Litigation*, 13 ERC 1586). This decision was premised on the Department's seven month delay in promulgating the permanent regulatory program rules and the need to provide States an equal extension of time to prepare and submit their programs.

Contents of a Federal Program

Each Federal program for a State will be specific to that State and will implement the permanent program of environmental protection provisions of the Act. When proposing, promulgating or revising any Federal program for a State, the Director will consider the nature of that State's soils, topography, climate, and biological, chemical, geological, hydrological, agronomic and other relevant physical conditions in accordance with 30 CFR 736.22(a)(1).

As provided in 30 CFR 736.22(b), each Federal program for a State will include rules necessary to provide Federal regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State. At a minimum, the regulations will specify performance requirements, provisions regarding applications for and issuance of coal exploration approvals and surface and underground coal mining and reclamation operations permits, blasting procedures, standards for performance bonds, procedures for inspections and enforcement actions, procedures for assessments of civil penalties, provisions for designating lands unsuitable for mining, rules for the certification and training of blasters, and employee protection provisions. Whenever possible and practicable, OSM will include those provisions of existing State statutes or rules which provide equivalent standards to SMCRA and the permanent regulatory program rules contained in 30 CFR Chapter VII. OSM will review existing State laws and rules. Emphasis will be given to seeking ways to apply those equivalent standards found during the review or brought to OSM's attention by public commenters. OSM will urge public commenters to indicate which State statutory or regulatory provisions they believe provide standards that are equivalent to the Federal requirements and to suggest ways in which such standards may be applied. The application of existing State standards which are determined to be equivalent by OSM will help to ensure the consideration of each State's special conditions in accordance with 30 CFR 736.22(a)(1).

Under 30 CFR 736.22(a)(3), each Federal program for a State will also contain any existing State performance standards which are determined by the Office to be more stringent than those otherwise provided by the Act and the permanent program rules. These standards would include provisions of any State statute or regulation providing more stringent land use and environmental control and regulation of coal exploration or surface coal mining and reclamation operations pursuant to 30 CFR 736.22(a)(3) and 736.23(b). State statutes or regulations that are determined by the Office to be inconsistent, less stringent or which preclude compliance with the purposes

and requirements of the Act and the Federal program will be superseded by the rules promulgated under the Federal program and will not be in effect for that Federal program.

To comply with the requirements of 30 CFR 736.22(a)(3) and 736.23(b), OSM will consider existing State laws and regulations before issuing proposed rules for a Federal program in that State. Throughout the development of proposed rules, OSM will consult appropriate Federal, State and local government agencies. Upon issuing proposed rules, OSM will solicit public comments.

Under 30 CFR 736.22(a)(2), each Federal program will include provisions to implement the requirements of the Endangered Species Act of 1973, as amended (16 USC 531 *et seq.*), the Fish and Wildlife Coordination Act, as amended (16 USC 661–666c), the National Historic Preservation Act of 1974 (16 USC 469a), the Archaelogical and Historic Preservation Act of 1974 (16 USC 479a), the National Environmental Policy Act of 1969 (42 USC 4332), and other relevant Federal laws and executive orders imposing duties upon the Secretary.

Each Federal program will include a process for coordinating the review and issuance of permits with other Federal, State and local planning or permit processes which are applicable to surface coal mining and reclamation operations in the jurisdiction involved. Such processes will include at a minimum those related to the Clean Air Act, as amended (42 USC 7401 *et seq.*), the Clean Water Act, as amended (30 USC 1251 *et seq.*), the Resource Conservation and Recovery Act (42 U SC 3251 *et seq.*) and plans approved by the Administrator of the U.S. Environmental Protection Agency under Sections 208a, 303(c) of the Clean Water Act, as amended (33 USC Section 1288, 1313(c)).

Applicability of the Federal Program Promulgation and Implementation Process to the States of Georgia and Washington

The States of Georgia and Washington have officially notified the Office that they will not submit a regulatory program for approval by the Secretary of the Interior. Georgia notified OSM of its decision in a June 20, 1979, letter from the Governor to the OSM Regional Director for that State. The State of Washington indicated its decision not to submit a program in a September 11, 1979, letter from the Commissioner, Washington Department of Natural Resources, to the Undersecretary of the Interior.

All States, including Georgia, were notified of the change in the deadline for submission of State programs from August 3, 1979, to March 3, 1980, pursuant to the opinion of the District Court for the District of Columbia (see *In Re: Permanent Surface Mining Regulation Litigation*, 13 ERC 1586) in an August 27, 1979, letter from the Undersecretary of the Interior to the Governor of each State. Subsequent to the Undersecretary's letter, Georgia did not notify OSM of any change in its decision not to submit a State program by March 3, 1980.

Copies of these letters may be obtained and are available for public inspection from 8:30 a.m. to 5:00 p.m., Monday through Friday in the OSM Administrative Record Office, Room 153, Interior South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240.

The Director has determined that each of these States presently has coal exploration or surface coal mining and reclamation operations on non-Federal and non-Indian lands. Because Georgia and Washington have such operations and have failed to submit State programs by March 3, 1980, the Department must promulgate and implement a Federal program for each as provided in 30 CFR 736.11(a)(1)(i). In the near future, proposed rules for each will be published in the **Federal Register** in accordance with 30 CFR 736.12.

The Office invites public comment on whether the potential economic consequences of the Georgia and Washington Federal programs require preparation of a regulatory analysis under 43 CFR Part 14.

Applicability of the Federal Program Promulgation and Implementation Process to Other States With Known Coal Reserves

The Director is presently considering whether any of the criteria for the promulgation of Federal programs for States contained in 30 CFR 736.11(a)(1)(i) are currently applicable to other States with known coal reserves which did not submit State programs for approval by March 3, 1980. States which submitted State programs for approval by March 3, 1980 include Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming. Alaska did not submit a program and has asserted it does not have to do so at this time because the study of surface coal mining in Alaska being carried out by the National Academy of Sciences pursuant to Section 708 of the Act is not complete. OSM is currently examining what action should be taken with regard to Alaska, and when such action should occur. If the Director finds reason to believe that coal exploration and surface mining and reclamation operations are expected to exist on non-Federal and non-Indian lands within any other States prior to June 1985, the Director will notify those States and the public of such a determination.

Persons wishing to provide information about present or anticipated coal exploration or surface coal mining and reclamation operations on non-Federal and non-Indian lands in States with known coal reserves and whether a regulatory program is needed may submit such information to OSM's administrative record at the following address: Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Ave., N.W., Washington, D.C. 20240.

Procedures OSM Will in Proposing, Promulgating and Implementing Federal Programs in States

The specific regulations for proposing, promulgating and implementing Federal programs are found in 30 CFR 736.12–15 (see 44 FR 15330–15331). Throughout the period for proposing and promulgating a Federal program for a State, OSM will actively work with the State authorities in developing the program, if the State desires. OSM will follow the published "Guidelines for Contacts with Interior Department Employees and Officials During Consideration of State Permanent Regulatory Programs" (44 FR 54444–54445). In proposing a Federal program, the Office will give advance notice in the **Federal Register** at least 60 days prior to a public hearing date, and in a newspaper of general circulation in the State within 30 days of the public hearing date. The notices will provide the date, time and location of the public hearing(s) which will be held in each State. At least one public hearing will be held to afford interested persons an opportunity to submit data and comments on the proposed Federal program. The hearing(s) will follow legislative procedures and include a presentation of the proposed program or revision by the Regional Director's Office.

The notices will also provide information on how interested persons may request public meetings with OSM officials to receive additional advice and recommendations concerning the content of the proposed program. Interested persons are urged not only to provide data and comments on the

proposed Federal program rules, but also to suggest areas in which OSM may make additional revisions on a State-specific basis, and to note possible conflicts between Federal and State laws and regulations.

Both notices will indicate at which locations copies of the proposed Federal program rules may be examined and copied, and will solicit written public comments on the proposed program. The **Federal Register** notice will also explain the basis and purposes of the proposed program and will set forth the proposed text of the regulations of the program. At the completion of the public hearings and public comment period, the Regional Director will forward to the Director the hearing transcripts, exhibits submitted, written presentations at the hearings, copies of public comments and the Regional Director's recommendation concerning the promulgation of the Federal program. The Director will then decide whether to promulgate the program and will publish the decision in the **Federal Register** along with the regulations of the Federal program, a statement of the basis and purpose of the program and the effective date of the program.

The Director will implement the Federal program not later than 30 days after publication in the **Federal Register**, except that in accordance with 30 CFR 736.15 and 765.13(b) the provisions for designating State lands as unsuitable for mining will not be implemented until one year after the Federal program is made effective.

Dated: May 12, 1980.

Walter N. Heine,

Director, Office of Surface Mining.

[FR Doc. 80-15233 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Parts 715, 716, 816, 817, 826

Surface Coal Mining and Reclamation Operations Interim and Permanent Regulatory Program; Steep Slope Mining

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is proposing to amend 30 CFR Chapter VII in an attempt to ensure uniform enforcement of interim and permanent program regulations governing multiple seam mining operations. These amendments are necessary because of the varying interpretations of the same regulations by different operators.

DATES: Comments are due on or before June 12, 1980. A public hearing will be held on June 11, 1980.

ADDRESSES: Written comments must be mailed or hand-delivered to Office of Surface Mining, Room 153, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments will be available for inspection at Room 153, South Interior Building. A public hearing will be held at the Holiday Inn Heart O'Town, Broad and Washington Streets, Charleston, West Virginia.

FOR FURTHER INFORMATION: Raymond E. Aufmuth, Physical Scientist, Technical Services Division, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, telephone (202) 343-4022.

SUPPLEMENTAL INFORMATION:

Background

During the implementation of the interim surface coal mining regulations, as those regulations relate to previously mined areas varying interpretations of the same regulation by operators, environmental groups, and State and Federal inspectors have occurred. In an attempt to avoid conflicting interpretations and to ensure uniform enforcement of the interim and permanent regulations, OSM is proposing rules that will address multiple seam mining operations. In the Eastern Coal Province (Appalachia) the existence of several coal seams of varying distance apart is quite common. The active (and past) mining of one or more seams at the same time is a standard mining operation in this Region. Mining prior to August 3, 1977, has resulted in many miles of serpentive benches and orphaned highwalls. Remining in most instances will result in excess spoil material exceeding that necessary to reclaim the active bench and eliminate the highwall. This excess spoil material may be disposed of in two ways: (1) the material may be used in a valley or head-of-hollow fill structure approved by the Regulatory Authority or, (2) it may be used to eliminate existing benches and orphaned highwalls. In either situation the fill structures must be constructed in accordance with excess spoil disposal requirements (30 CFR 715.15; 816.71-816.74/817.71-817.74).

In view of the extensive amount of existing benches and orphaned highwalls in steep slope multiple seam mining, OSM is encouraging the use of any excess spoil for the purpose of eliminating the orphaned highwalls prior to its use in an approved valley or head-of-hollow fill. Determination of the availability of orphaned highwalls and benches is made by the Regulatory Authority based on information provided by the operator in the reclamation plan portion of the permit application. This proposed rule will provide for the elimination of orphaned highwalls with acceptable reclamation practices using the requirements of backfilling and grading regulations instead of disposal of excess spoil regulations. The requirements with respect to foundation analysis and the factor of safety for backfilling and grading are less stringent than that required for valley or head-of-hollow fill structures. This difference is based on the premise that backfilling and grading is conducted on natural solid rock benches which are generally flat, whereas valley or head-of-hollow fills are placed on steeply dipping unconsolidated materials. The fragile environment and hydrologic balance of steep slope areas will be protected by reducing the quantity (both size and number) of valley and head-of-hollow fill structures. Valley and head-of-hollow structures are located in hollows within the permit area, much of which has not been disturbed either by previous or active mining operations, thereby requiring additional areas to be disturbed by the fill construction process. In addition, the long-term stability factor is greater for material placed on natural solid rock than for material placed in valley or head-of-hollow fill structure. This proposed rule would amend 30 CFR 715.15(a)(5); 716.2(c); 816.71(e); 817.71(e) and 826.16(c) to encourage the use of excess spoil to eliminate orphaned highwalls prior to use in a head-of-hollow or valley fill structure. The legal basis for this requirement is found in 515(b)(22)(E) of the Act which requires spoil to be placed on the most moderate slope available which complies with the requirements of the Act and specifically identifies "* * * a natural * * * bench * * *" as a potential excess spoil disposal site.

Public hearings on these regulations will be held on the dates specified below to hear all those who wish to testify. The hearings will be held at the following location and will begin at 9:30 a.m. local time at the following location:

June 11, 1980—Holiday Inn Heart O'Town, Broad and Washington Streets, Charleston, West Virginia.

Persons wishing to testify at the public hearings on the proposed regulations should contact Raymond E. Aufmuth at (202) 343-4022. Individual

testimony at these hearings will be limited to 15 minutes. The hearings will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearings would greatly assist OSM officials who will attend the hearings. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked to clarify or to request more specific information from the person testifying. Each public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearings will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written and oral comments should be specific as possible. The office will appreciate any and all comments, but those most useful and likely to influence decisions on these regulations will be those which include a rationale based on fact, not opinion, for any given recommendation.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The Department of the Interior has also determined that the adoption of this legislative rule does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969.

Summary

Part 715—30 CFR 715.15(a)(5) is proposed to be amended by adding a sentence at the conclusion of the paragraph providing for excess spoil disposal on a natural bench in accordance with backfilling and grading requirements.

Part 716—30 CFR 716.2(a)(3) is proposed to be amended by adding a sentence at the conclusion of the paragraph providing for excess spoil disposal on a natural bench in accordance with backfilling and grading requirements.

Part 816–30 CFR 816.71(e) is proposed to be amended by adding a sentence at the conclusion of the paragraph providing for excess spoil disposal on a natural bench in accordance with backfilling and grading requirements.

Part 817—30 CFR 817.71(e) is proposed to be amended by adding a sentence at the conclusion of the paragraph providing for excess spoil disposal on a natural bench in accordance with backfilling and grading requirements.

Part 826—30 CFR 826.16 is proposed to be amended by adding the term "natural" before the word "bench" to make clear that the excess spoil is to be deposited only on the solid portion, that is the natural portion, of the bench in accordance with section 515(b)(22)(E) of the Act.

30 CFR 826.16(c) is proposed to be amended by redesignating the references providing for excess spoil disposal on a natural bench in accordance with backfilling and grading requirements.

Proposed Amendments

PART 715—GENERAL PERFORMANCE STANDARDS

1. Part 715—30 CFR 715.15(a)(5) is proposed to be revised as follows:

§ 715.15 Disposal of excess spoil; General requirements.

(a) * * *

(5) The disposal areas shall be located on the most moderately sloping and naturally stable areas available as approved by the regulatory authority. If such placement provides additional stability and prevents mass movement, fill materials suitable for disposal shall be placed upon or above a natural terrace, bench, or berm. If disposal is conducted on a natural bench created and abandoned by previous surface mining operations (prior to Aug. 3, 1977) then the requirements of 30 CFR 715.14 shall be applicable.

* * * * *

PART 716—SPECIAL PERFORMANCE STANDARDS

2. Section 716.2 is proposed to be amended by revising the introductory text and paragraph (c) as follows:

§ 716.2 Steep-slope mining.

The permittee conducting surface coal mining and reclamation operations on natural slopes that exceed 20 degrees, or on lesser slopes that exceed 20 degrees, or on lesser slopes that require measures to protect the area from disturbance as determined by the regulatory authority after consideration of soils, climate, the method of operation, geology, and other regional characteristics, shall meet the following performance standards. The standards of this section do not apply where mining is done on a flat or gently rolling terrain with an occasional steep slope through which the mining proceeds and leaves a plain or predominantly flat area; or where the mining is governed by § 716.3.

* * * * *

(c) Material in excess of that required to meet the provisions of § 715.14 of this chapter shall be disposed of in accordance with the requirements of § 715.15 of this chapter. In remining multiple seam steep slope areas, spoil not required to reclaim and restore the area disturbed for removal of coal during current mining may be placed on a preexisting natural bench in accordance with § 715.14 of this chapter, before use in a fill structure.

* * * * *

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

3. Section 816.71(e) is proposed to be revised as follows:

§ 816.71 Disposal of excess spoil: General requirements.

* * * * *

(e) The disposal areas shall be located on the most moderately sloping and naturally stable area available as approved by the regulatory authority. If such placement provides additional stability and prevents mass movement, fill materials suitable for disposal shall be placed upon or above a natural terrace, bench, or berm. If disposal is conducted on a natural bench created and abandoned by previous surface mining operations (prior to Aug. 3, 1977) then the requirements of 30 CFR 816.101–.106 or 817.101–.106 shall be applicable.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

4. Section 817.71(e) is proposed to be revised as follows:

§ 817.71 Disposal of underground development waste and excess spoil: General requirements.

* * * * *

(e) The disposal areas shall be located on the most moderately sloping and naturally stable areas available as approved by the regulatory authority. If such placement provides additional stability and prevents mass movement, fill materials suitable for disposal shall be placed upon or above a natural terrace, bench or berm. If disposal is conducted on a natural bench created

and abandoned by surface mining operations (prior to Aug. 3, 1977) then the requirements of 30 CFR 816.101–.106 or 817.101–.106 shall be applicable.

* * * * *

PART 826—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

5. Section 826.16 is proposed to be amended by revising the introductory text and paragraph (c) to read as follows:

§ 826.16 Steep Slope Multiple seam.

In multiple-seam steep slope affected areas, spoil not required to reclaim and restore the permit area may be placed on a pre-existing natural bench, if approved by the regulatory authority and if the following requirements are met:

* * * * *

(c) The fill must comply with 30 CFR 816.101; .102 & .106 or 817.101; .102 & .106.

* * * * *

Dated: May 6, 1980.

Joan M. Davenport,

Assistant Secretary—Energy & Minerals.

[FR Doc. 80-15269 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1490-4]

Ohio: Approval and Promulgation of Implementation Plan

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

ACTION: Proposed rulemaking.

SUMMARY: On December 28, 1979, the State of Ohio submitted to USEPA, pursuant to Part D of the Clean Air Act (Act) as amended in 1977, proposed revisions to the carbon monoxide and ozone portions of the State Implementation Plan (SIP) for Youngstown, Ohio. Additionally, on February 12, 1980, the State submitted amendments to the December 28, 1979 submittal.

In the March 14, 1980 **Federal Register** (45 FR 16503) the USEPA announced receipt and availability for public inspection of these proposed revisions. At that time USEPA indicated that a subsequent notice would be published to discuss USEPA's review of and proposed action on the Youngstown, Ohio submittal. The purpose of this notice is to discuss the results of USEPA's review and propose rulemaking action on the Youngstown, Ohio submittal and to invite public comment. Additionally, this notice will discuss USEPA's review of the control plan developed for the rural nonattainment areas in Ohio.

DATE: Comments on these revisions and on USEPA's proposed rulemaking action must be postmarked by June 16, 1980. For additional information see "Supplementary Information" below.

ADDRESSES: Copies of the SIP revisions are available at the following addresses for inspection:

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

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43215.

WRITTEN COMMENTS SHOULD BE SENT TO: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for carbon monoxide and ozone. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions for ozone and/or carbon monoxide that date may be extended to no later than December 31, 1987.

On July 27, 1979, and September 13, 1979, the State of Ohio submitted control strategies for all of the designated urban ozone and/or carbon monoxide nonattainment areas in the State, with the exception of the Youngstown area. Those control strategies included Statewide regulations for the control of volatile organic compound (VOC) emissions from stationary sources; an Inspection/Maintenance (I/M) program for the Cincinnati and Cleveland nonattainment areas; and transportation control plans and attainment demonstrations for the Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Steubenville and Toledo nonattainment areas. In the March 10, 1980 **Federal Register** (45 FR 15192), USEPA proposed rulemaking on these submittals.

On December 28, 1979, the State submitted the control strategy for the Youngstown urban area with amendments submitted on February 12, 1980. The control strategy submitted for the Youngstown area contained transportation control measures designed to provide for reductions in carbon monoxide and hydrocarbon emissions from mobile sources. The control strategy also included measures to provide for reductions of VOC emissions through controls on stationary sources. The reductions in VOC emissions from stationary sources predicted by this plan are the result of the implementation of the revised regulations submitted by Ohio EPA on September 13, 1979 and proposed for rulemaking by USEPA in the March 10, 1980 **Federal Register** (45 FR 15192).

This notice solicits public comment and proposes rulemaking on: (1) The transportation control plan and attainment demonstration developed for the Youngstown urban nonattainment area and submitted to USEPA on December 28, 1979 and February 12, 1980, and (2) the ozone control strategy for the rural nonattainment areas in the State. A thirty day comment period is being provided to enable publication of final action on the SIP revisions as soon as possible because of the July 1, 1979 statutory deadline in section 172 of the Act, and because a notice of public availability of these SIP revisions was published in the **Federal Register** of March 14, 1980.

The requirements for an approvable SIP are described in a **Federal Register** notice published on April 4, 1979, (44 FR 20372), and are not reiterated in this notice. Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38483), August 28, 1979 (44 FR 50371), September 17, 1979, (44 FR 53761) and November 23, 1979 (44 FR 67182) discussing, among other things, additional criteria for SIP approval.

It should be noted that for a State Implementation Plan to be considered approvable, each individual element of the submittal must be approved as a

revision to the SIP, and the revised SIP as a whole must satisfy the requirements of Part D of the Clean Air Act. As discussed in this notice, USEPA has determined that specified individual elements of the control strategy for the Youngstown area are either approvable or conditionally approvable and has proposed specific rulemaking actions with respect to those elements of the plan. If the deficiencies specifically cited below are adequately corrected prior to USEPA final rulemaking, USEPA will approve those specified elements. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be adequately corrected according to a schedule negotiated between the State and the USEPA, USEPA will conditionally approve those specified elements and propose for approval the negotiated schedules in a subsequent **Federal Register** notice. If the State neither corrects the deficiencies nor provides the required assurances, USEPA will disapprove those specified elements of the Youngstown, Ohio Ozone and Carbon Monoxide SIP in its final rulemaking.

USEPA has evaluated the transportation plan using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979 **Federal Register** (44 FR 20372), the "USEPA–USDOT Guidelines for Air Quality Transportation Plans" and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs". In order to assist the public in preparing comments on the proposed SIP revisions a summary of the principal requirements and the strategies adopted in the plans to satisfy these requirements is discussed below.

1. Technical Assessments, Demonstrations of Attainment and Reasonable Further Progress

Section 172 of the Act states that the SIP must include a program for selecting transportation measures to attain the emission reductions targets of the SIP. This program must include schedules for the expeditious implementation of adopted transportation measures and schedules for the analysis and adoption of additional transportation measures.

Additionally, the April 4, 1979 **Federal Register** and its supplements details the requirements for acceptable attainment demonstrations. A brief summary is as follows:

a. A definition of the geographic areas covered by the plan.

b. An accurate, comprehensive, and current emission inventory.

c. Emission reduction estimates for each adopted or scheduled control measure or for related groups of control measures.

d. A determination of the level of control needed to demonstrate attainment of the primary NAAQS by 1982 (1987 if attainment cannot be made by 1982 for ozone or carbon monoxide). This should include a consideration of future emission growth.

e. A provision for reasonable further progress (RFP) toward attainment of the primary standards prior to 1982 or 1987.

f. A provision for annual reporting on the progress toward meeting the compliance schedules outlined in the SIP.

g. An identification and quantification of an emissions growth increment, which will allow for major new or modified stationary sources. Alternatively, an emissions offset approach can be adopted to accommodate new sources.

2. Interagency Agreements and Assignments of Tasks

Pursuant to section 174 of the Act, the State and elected officials of affected local governments must determine respective responsibilities of the state air pollution control agency, other state agencies, the lead local agencies, and local units of government. This determination must identify the responsibilities for strategy evaluation, adoption, implementation, and enforcement.

3. Analysis of Alternatives

Pursuant to section 172(b)(2) of the Act, all reasonably available transportation measures must be evaluated and considered for implementation. At a minimum, the strategies listed in section 108(f) of the Act must be considered for each nonattainment area needing transportation related emission reductions. Areas that need an extension of the attainment date for carbon monoxide or ozone must commit to establish, expand or improve public transit and to meet basic transportation needs (section 110(a)(3)(D) and 110(c)(5)(B)).

4. Implementor Commitments

Pursuant to section 172(b)(10) of the Act, the SIP must include written evidence that the State and other units of government have adopted the necessary requirements in legally enforceable form. Further, the SIP must contain commitments to implement and enforce the SIP strategies as well as annual emissions reduction goals.

5. Financial and Manpower Resources

Pursuant to section 172(b)(7) of the Act, the SIP must identify the fiscal resources necessary to carry out the plan provisions.

6. Reporting of Progress

Pursuant to section 172(b)(5) of the Act, the SIP must contain procedures and schedules for periodic monitoring of progress in implementing strategies and in achieving annual emission reductions. Section 176(c) of the Act requires that the lead local agency determine the conformity of its transportation control plan and programs with the SIP.

7. Impacts of Plan Provisions

Pursuant to section 172(b)(9)(A) of the Act, the SIP must identify and analyze the air quality, health, welfare, economic, energy, and social effects of the plan provisions and the alternatives considered.

8. Public Participation

Pursuant to section 172(b)(9) of the Act, the SIP must contain evidence of public, local government, and State legislative involvement and consultation regarding the planning process and proposal.

9. Strategies

Each State Implementation Plan must include strategies which will be used to demonstrate attainment of the NAAQS.

Youngstown Urban Area

Based on measured violations of the ozone National Ambient Air Quality Standard (NAAQS) occurring during the years 1975–1977, inclusive, Mahoning and Trumbull Counties, Ohio were designated as nonattainment areas for ozone. Additionally, based on measured violations of the 8-hour carbon monoxide primary NAAQS, Mahoning County, Ohio was designated as a nonattainment area for carbon monoxide. The Eastgate Development and Transportation Agency (EDATA), as the designated lead local agency for the area, in conjunction with the Ohio Environmental Protection Agency (OEPA) and the Ohio Department of Transportation (ODOT) prepared the control strategy for the area. The control strategy demonstrates attainment of the ozone NAAQS by 1982 with reduced VOC emissions occurring primarily as the result of implementation of controls on stationary sources of hydrocarbon emissions, the Federal Motor Vehicle Control Program (FMVCP) and specific Transportation Control Measures (TCM). The attainment demonstration also documents that due to the FMVCP the carbon monoxide NAAQS will be

achieved by 1982. The control strategy also contains representative transportation control measures which are already adopted and which are to be implemented between 1979–1982. The following table identifies the project, potential implementors and the emission reductions associated with the projects.

Strategy	Potential implementor	Emission reductions (tons per year)
Traffic flow improvements	ODOT and local jurisdictions.	240
Improved traffic signalization	Local jurisdictions	75
Improved public transit—Youngstown urbanized area.	Western Reserve Transit Authority.	134
Carpool program	Major employers	80

USEPA has reviewed the control strategy developed for the Youngstown Metropolitan Area. (A document which details USEPA's complete review is available for inspection during normal business hours at the USEPA Regional Office. The address of the Regional Office is stated at the beginning of this notice.) Except for the issues presented below, the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements previously described for an approvable nonattainment area SIP. Therefore, USEPA proposes to approve all of the portions of the transportation control plan and attainment demonstration for the Youngstown area except for those portions discussed below. If prior to final rulemaking the State adequately corrects the deficiencies noted below then the USEPA will also approve those portions. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be adequately corrected according to a schedule negotiated between the State and the USEPA, USEPA will conditionally approve those specified elements and propose the negotiated schedules in a subsequent **Federal Register** notice.

I. Technical Assessments, Demonstrations of Attainment and Demonstration of Reasonable Further Progress

A. Demonstrations of Attainment (Ozone)

1. *Emissions Inventory.* Section 172(b)(4) of the Clean Air Act Amendments of 1977 requires that the SIP includes a comprehensive, accurate, and current inventory of actual emissions from all sources of each pollutant. EDATA has included in the SIP a current inventory of VOC emissions from RACT point sources, other major point sources, area sources, and mobile sources for both Trumbull and Mahoning Counties. Included also is a CO emissions inventory for point, mobile, and area sources for Mahoning County. These calculations of current VOC and CO emissions levels appear to be accurate for the base year (1975). The Youngstown submittal also contains an inventory of projected VOC and CO emissions for the attainmnent year (in this case 1982) as well as for 1987.

The emissions inventory must project the total amount of VOC and CO emissions that are anticipated. To determine the total emissions resulting in any one year, it is necessary to project for that year the amount of emissions resulting from each source category. After reviewing the VOC emissions inventory for the years 1982 and 1987, USEPA notes the following issue.

EDATA projected that in the years 1982 and 1987 the level of VOC emissions resulting from the source category "other solvent usage" would be identical to the amount emitted in 1975. The category "other solvent usage" refers to the amount of VOC emitted used per capita per year. To accurately project the total amount of VOC emitted from this source category it is necessary to determine the average amount of VOC emitted from this category per person and then to apply this figure to the total population of the area for that year.

When developing the emissions inventory for this source category EDATA assumed that in the years 1975, 1982 and 1987, on the average, 8 lbs. of VOC would be emitted per person.

According to EDATA information the 1982 and 1987 population in this area would be greater than the population in 1975. Therefore, applying the per capita VOC emissions figure of 8 lbs. to the population projections for these years the total estimated VOC emissions from this source category should be greater in 1982 and 1987 than in 1975. However, EDATA projected that the total estimated VOC emissions from this source category would be identical in the years 1975, 1982 and 1987.

Based on the population projections USEPA believes that there is a possibility of greater VOC emissions from this source category than EDATA projected. Furthermore, USEPA believes that the increased VOC emissions from this category may negatively affect the attainment demonstration and the ozone reasonable further progress demonstration. Therefore, USEPA proposes to approve the VOC emissions inventory portion of the attainment demonstration if prior to final rulemaking the State submits either: (1) Technical support for its assumption that the 1982 VOC emissions projections from this source category are correct or (2) a revision to the emissions inventory for the "other solvent usage" category which accurately accounts for VOC emissions due to the 1982 population projections. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the above noted deficiency will be adequately corrected according to a schedule negotiated between the State and the USEPA, USEPA will conditionally approve those specified elements and propose the negotiated schedule in a subsequent **Federal Register** notice.

Any change in the emission projections for this source category will require a change in the RFP demonstration. Therefore, if the State revises the emission projections for the "other solvent usage" category the State will also need to re-evaluate the RFP demonstration, revise it as appropriate and submit the revisions to USEPA for review and approval.

2. *Emission Reduction Estimates.* USEPA questions the percent reduction in VOC emissions which the plan predicts due to the implementation of a particular control measure.

The plan predicts that in 1982 due to the implementation of new rule 3745–21–09(N) there will be no emissions of VOC from the cutback asphalt category. (New rule 3745–21–09(N) limits the usage of cutback asphalt from April 15 to October 15 of each year.) This prediction by the Ohio EPA translates into an assumption of 100% reduction in Volatile Organic Compound emissions from this category. However, there are problems with this assumption.

When preparing the VOC emissions inventory for the baseline year 1975, the Ohio EPA examined yearly cutback asphalt usage throughout the State and then apportioned the resulting VOC emissions to each county on the basis of population. OEPA then assumed that a 100 percent reduction (i.e. zero emission in 1982) in emissions from this source category would result from the implementation of Ohio's new rule 3745–21–09(N). The emission reduction credits apportioned to each county were computed from a 12 month baseline emission inventory.

New rule 3745–21–09(N) bans the usage to cutback asphalt only during the months April 15 to October 15. Under certain circumstances cutback asphalt may be used during this time period (i.e. when used as a penetrating prime coat or in long-life stockpiling). Therefore, it is possible for VOC emissions to occur

from this source category during the period April 15 to October 15. Additionally, since the rule does not ban the usage of cutback asphalt during the months October 15 to April 15 there is a possibility of VOC emissions during these months. Without technical support documenting that there are no VOC emissions occuring during the year it appears that the 100% emission reduction credit assumed for this source category may be excessive.

USEPA proposes to approve this portion of the attainment demonstration if prior to final rulemaking, the State submits to the USEPA Regional Office either: (1) technical support for this emission reduction estimate; or (2) a re-evaluation of its baseline emissions (including those emissions occurring only in the months of April-October) with the appropriate emission reduction calculations (accounting for the effect that the emissions in new rule 3745–21–09(N) will have on the calculations); or (3) technical support demonstrating that the yearly usage occurs basically in the months of April-October with the emission reduction calculations reflecting the effect of the exemptions to new rule 3745–21–09(N). Alternatively, if the appropriate State Official(s) provide USEPA with assurance that the deficiencies will be adequately corrected according to a schedule negotiated between the State and the USEPA Regional Office, USEPA will conditionally approve this portion and propose the negotiated schedules in a subsequent **Federal Register** notice.

It should be noted that any alterations made in the VOC emissions inventory for the baseline year 1975 or the attainment year 1982 will alter the RFP demonstration. Therefore, if any changes are made in the emissions inventory the State must appropriately revise the RFP demonstration and submit the revised RFP demonstration to USEPA for review and approval.

(B) Demonstrations of Reasonable Further Progress (ozone) Reasonable Further Progress (RFP) for ozone is defined as the annual incremental reduction in total VOC emissions necessary to ensure attainment by the prescribed date. When developing an ozone RFP demonstration, it is necessary to graphically plot the total actual allowable VOCs emitted during the base year (1977 in this case) and the predicted allowable VOC level emitted during the attainment year (1982 in this case). Once these parameters are determined a line is drawn from the base year to the attainment year. This line is used to determine the minimum annual reductions necessary to ensure attainment by the prescribed date. The accuracy of the RFP demonstration is dependent on a number of factors; one of the factors being the total allowable emissions predicted for the attainment year. As stated earlier, in February of 1980, based on a reanalysis of their monitoring data, Ohio EPA submitted an amendment to the December 1979 Youngstown attainment demonstration. The results of Ohio EPA's reanalysis indicated that a smaller percent reduction in VOC emissions would be necessary to ensure attainment of the ozone NAAQS by 1982 than was originally projected in the December 1979 submittal. Consequently, a revision was necessary in the calculation of the total allowable VOC emissions level for 1982. USEPA has reviewed Ohio EPA's reanalysis and the subsequent changes and finds them acceptable. However, it should be noted that Ohio EPA's February 1980 amendment has altered the base year (from 1975 to 1977) and the total allowable VOC emissions level for 1982. Since the RFP demonstration was based on the December 1979 calculations, it will be necessary for the Ohio EPA to revise the RFP demonstration to accurately reflect the revised base year and the revised allowable VOC emissions level. Additionally, the revised RFP demonstration should also reflect any of the changes made in the ozone attainment demonstration and mentioned in sections (I)(A)(1) and (2) of this notice.

USEPA proposes to approve the ozone RFP demonstration if, prior to final rulemaking, the State submits to the USEPA Regional Office and redrawn RFP demonstration line which corrects the deficiencies noted above. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be adequately corrected according to a schedule negotiated between the State and the USEPA, USEPA will conditionally approve this portion and will propose the negotiated schedule in a subsequent **Federal Register** notice.

II. Implementor Commitments

As discussed previously one of the nine requirements for an approvable nonattainment area SIP is the inclusion of commitments by the lead local agency and local or State units of governments to implement any reasonably available transportation measure. In addition, pledges from the regional policy board to meet specific annual emission reduction goals should be included. The Youngstown transportation control plan does not contain commitments from the Regional Policy Board to meet annual specific emission reduction goals.

USEPA will approve the implementor commitments portion of the Youngstown plan if the State, prior to final rulemaking, submits to the USEPA Regional Office the necessary commitment from the Regional Policy Board to meet specific annual emission reduction targets which demonstrate attainment of the NAAQS by December 31, 1982. Alternatively, if the appropriate State Official(s) provide USEPA with assurances that the deficiencies will be adequately corrected according to a schedule negotiated between the State and the USEPA, USEPA will conditionally approve this portion and propose the negotiated schedules in a subsequent **Federal Register** notice.

Ozone Control Strategy for Rural Nonattainment Areas

In addition to the urban nonattainment areas, 39 counties in Ohio have been designated as rural nonattainment areas. These counties are: Lawrence, Clinton, Brown, Highland, Fayette, Ross, Pickaway, Hocking, Perry, Fairfield, Madison, Licking, Belmont, Champaign, Shelby, Logan, Union, Ottawa, Fulton, Delaware, Knox, Holmes, Tuscarawas, Harrison, Carroll, Columbiana, Ashtabula, Wayne, Ashland, Richland, Morrow, Marion, Allen, Hancock, Seneca, Huron, Erie, Sandusky, and Henry.

The criteria for an approvable ozone SIP for rural nonattainment areas are described in the April 4, 1979 **Federal Register** (44 FR 20372) and are summarized as follows. An ozone SIP must assure reasonable further progress and demonstrate attainment in all nonattainment areas. However, the SIP need not include a specific demonstration of attainment and reasonable further progress in the rural nonattainment areas. For these rural nonattainment areas reasonably available control technology (RACT) on stationary sources of hydrocarbons is required. Additionally, reductions in VOC emissions in all major nonattainment areas will be sufficient to assure a reduction in the pollutants transported from the urbanized to the rural areas.

In the March 10, 1980 **Federal Register** (45 FR 15192) USEPA proposed rulemaking on Ohio's ozone control strategy for all of the urban nonattainment areas except for the Youngstown urban area. The ozone control strategy contained rules for the control of VOC emissions from stationary sources located in the urban and rural nonattainment areas. In

addition to thse rules, the control strategy provided for substantial reductions in VOC emissions due to the implementation of specific transportation control measures and the Federal Motor Vehicle Control Program (FMVCP).

USEPA has reviewed the ozone control strategy developed for the Ohio Part D ozone SIP and has determined that the strategy provides for the required level of control on stationary sources located in the rural nonattainment areas. Additionally, the VOC emission reductions that will be achieved in the urban nonattainment areas will ensure a reduction in the pollutants transported from the urbanized to rural areas. Therefore, USEPA proposes to approve the ozone SIP for the above mentioned rural nonattainment areas.

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

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

Dated: April 18, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-15075 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1493-6]

State of Vermont Ambient Monitoring Network; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Vermont were submitted to EPA on March 21, 1979 by the Governor. On May 10, 1979 EPA promulgated Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. That action revoked the requirements for air quality monitoring in Part 51 of Title 40 of the Code of Federal Regulations and established a new Part 58 entitled Ambient Air Quality Surveillance. Those regulations satisfy the requirements of Section 110(a)(2)(c) of the Clean Air Act (the Act) by requiring ambient air quality monitoring and data reporting for purposes of SIPs. Additionally, requirements of Sections 319, 313, and 127 of the Act are satisfied.

The intended effect of Vermont's SIP revision is to meet the requirements of this new Part 58.

This Notice discussed the Vermont submittal and EPA's proposed action. EPA is proposing to approve the comprehensive air quality monitoring network.

DATES: Comments must be received on or before June 16, 1980.

ADDRESSES: Copies of the Vermont submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; the Agency of Environmental Conservation, Air and Solid Waste Programs, State Office Building, Montpelier, Vermont 05602; the State Health Department, 60 Main Street, Burlington, Vermont 05401; and the Chittendon County Regional Planning Commission, 58 Pearl Street, Essex Junction, Vermont 05452.

Copies of EPA guidance pertaining to the requirements of the SIP revision are available for inspection in Room 1903, JFK Federal Building, Boston, Massachusetts; the Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and at the Agency of Environmental Conservation, State Office Building, Montpelier, Vermont 05602.

Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) pursuant to the requirements of Sections 110(a)(2)(c), 319, 313, and 127 of the Act, EPA promulgated Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions, revoking Part 51 and establishing a new Part 58 entitled Ambient Air Quality Surveillance.

As required by subpart C, 58-20, "the State shall adopt and submit to the Administrator a revision to the plan which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in Part 50 of this chapter.

(b) Provide for meeting the requirements of Appendices A, C, D, and E to this part.

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of an air pollution episode as defined in the contingency plan.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to this part. Such review must identify needed modifications to the network such as termination or relocation of unnecessary stations or establishment of new stations which are necessary.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The Storage and Retrieval of Aerometric Data (SAROAD), site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to this part.

(6) A schedule for:

(i) locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal,

(ii) implementing quality assurance procedures of Appendix A to this part for each SLAMS for which such procedures are not implemented at the time of plan revision submittal, and

(iii) resiting each SLAMS which does not meet the requirements of Appendix E to this part at the time of plan revision submittal."

Vermont's SIP submittal to EPA on March 21, 1979 included a comprehensive air quality monitoring plan designed to meet anticipated Federal regulations. Because EPA's ambient air quality monitoring and data

reporting regulations were in proposed form (August 7, 1978 (43 FR 34892)) at that time, EPA could not approve or disapprove that portion of Vermont's SIP submittal until the ambient air quality monitoring and data reporting regulations were promulgated on May 10, 1979.

Vermont has worked closely with EPA, Region I to design a comprehensive monitoring system. The number and locations of SLAMS were jointly determined by Vermont and the Regional Office. Stations are located in all areas where Vermont and EPA decided they are necessary to determine: (1) highest concentrations expected to occur in the area covered by the network; (2) representative concentrations in areas of high population density; (3) the impact of significant sources or source categories on ambient pollution levels; and (4) general background concentrations. Vermont will operate the SLAMS network in accordance with the Quality Assurance Procedures described in Appendix A to 40 CFR Part 58 and will submit a written Quality Assurance Program to the Regional Office by June 30, 1980. Some SLAMS will be designated as episode monitoring sites for declaring and monitoring episodes for CO, SO_2, NO_2, O_3, and particulate matter.

Vermont also provides for a special purpose monitoring system which is comprised of several studies designed to aid in determining air quality levels and the effects of air pollution sources on air quality in Vermont, measure effects of control strategies on air quality, and provide a better understanding of air pollution in Vermont and the effects of air pollution on the public's health.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the network without repeating the full SIP revision procedure.

Vermont's submittal establishes an ambient air monitoring network for "Criteria Pollutants" (SLAMS) meeting Appendices A, C, D, and E, establishes episode monitoring stations, and provides for a network description and an annual SLAMS review.

EPA finds the Vermont submittal meets the applicable regulations and is proposing approval of the comprehensive air quality monitoring network.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(c), 319, 313, and 127 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 et seq. and 7601).

Dated: April 30, 1980.

Robert C. Thompson,

Acting Regional Administrator, Region I.

[FR Doc. 80-15134 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR 180

[PP 8F2115/P138; FRL 1493-5]

2,2,5-Trimethyl-3-Dichloroacetyl-1,3-Oxazolidine; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that an exemption from the requirement of a tolerance be established for residues of the inert ingredient 2,2,5-trimethyl-3-dichloroacetyl-1,3-oxazolidine applied preemergence to corn fields. The proposal was submitted by Stauffer Chemical Co. This regulation would permit the registration of pesticide formulations containing the subject inert ingredient.

DATE: Comments must be received by June 16, 1980.

ADDRESS COMMENTS TO: Mr. Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-755-2196).

FOR FURTHER INFORMATION CONTACT: Mr. Robert Taylor at the above address.

SUPPLEMENTARY INFORMATION: Stauffer Chemical Co., 1200 S. 47th Street, Richmond, CA 94804, has submitted a pesticide petition (PP 8F2115) to the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. This petition requests that the Administrator propose that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the inert ingredient 2,2,5-trimethyl-3-dichloroacetyl-1,3-oxazolidine when used in formulations of the herbicides *S*-ethyl dipropylthiocarbamate, *S*-ethyl diisobutylthiocarbamate, and *S*-propyl dipropylthiocarbamate applied to corn fields before the corn plants emerge from the soil with a maximum of 0.5 pound of inert ingredient per acre.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed exemption from the requirement of a tolerance included a rat oral lethal dose (LD_{50}) of 1,800 milligrams/kilogram (mg/kg) of body weight (bw) for males and an LD_{50} of 1,920 mg/kg bw for females, an acute dermal LD_{50} (rabbit) of greater than 5,000 mg/kg bw, no dermal irritation by the Draize method (rabbit), mild eye irritation by the Draize method (rabbit), and an inhalation lethal concentration (LC_{50}) (rat) of greater than 0.25 mg/liter (1) (highest level possible), a 90-day rat feeding study with a no-observed-effect-level (NOEL) of 2,200 parts per million (ppm), and a 90-day dog feeding study with a NOEL of 1,000 ppm.

No exemptions from the requirement of a tolerance have been previously established for 2,2,5-trimethyl-3-dichloroacetyl-1,3-oxazolidine. There are no outstanding data and no steps being taken to obtain additional data. There are no actions pending against registration of the inert and no other considerations in granting this exemption.

There is no reasonable expectation of finite residues of the inert ingredient, *per se*, occurring in meat, milk, poultry, or eggs. The nature of the residues in corn plants is adequately defined for the proposed use. The analytical method (gas chromatography) is adequate for determining residues. There is no enforcement action anticipated in the case of this exemption. The inert is considered useful for the purpose for which the exemption is sought and the exemption will protect the public health.

It is proposed, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before June 16, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP 8F2115/P138". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of PM 25, Room 359, East Tower,

from 8:30 a.m. to 4 p.m. Monday through Friday.

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

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

Dated: May 7, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart D, be amended by adding the new § 180.1041 to read as follows:

§ 180.1041 2,2,5-Trimethyl-3-dichloroacetyl-1,3-oxazolidine; exemption from the requirement of a tolerance.

2,2,5-Trimethyl-3-dichloroacetyl-1,3-oxazolidine is exempted from the requirement of a tolerance when used as an inert ingredient in formulations of the herbicides *S*-ethyl dipropylthiocarbamate, *S*-propyl dipropylthiocarbamate, and *S*-ethyl diisobutylthiocarbamate applied to corn fields before the corn plants emerge from the soil with a maximum of 0.5 pound of the inert ingredient per acre.

[FR Doc. 80-15116 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5824]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. 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 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and Section 206 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, 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Harrington Park (Borough), Bergen County.	Hackensack River	Intersection of Hackensack river and the upstream corporate limit	*26
		Dorotockeys Run	25 feet upstream from center of Tappan Road	*31
			70 feet upstream from center of Swim Club Drive	*37
			40 feet upstream from center of First Street	*44
		Tappan Run		
		Blanch Brook	Intersection of Tappan Run and corporate limit	*40
			40 feet upstream from center of Lynn Street	*32
			20 feet upstream from center of Arthur Place	*39
		Oradell Reservoir	Intersection of Oradel Reservoir and Conrail	*25
	Maps available at Borough Hall, 85 Harriot Avenue, Harrington Park, New Jersey.			
	Send comments to the Honorable Jeffrey R. Van Zandt, Mayor, Borough of Harrington Park, Borough Hall, 85 Harriot Avenue, Harrington Park, New Jersey 07640.			
New Mexico	City of Clovis, Curry County	Thomas Street Ditch	Approximately 90 feet downstream of West Seventh Street	*4,288
		West Second Street Drain	Just downstream of Tennessee Street	*4,235
			Just upstream of Maple Street	*4,247
			Just upstream of Mitchell Street	*4,263
			Approximately 30 feet upstream of Hull Street	*4,269
		Northeast Drainage	Just upstream of U.S. HWY 60	*4,216
			At Fourteenth Street	*4,252
			Just downstream of Twenty First Street	*4,269
		Northwest Drainage Channel	Approximately 50 feet upstream of Prince Street	*4,262
			Just upstream of Williams Avenue	*4,298
	Maps available at City Hall, 321 Connolly Street, Clovis, New Mexico 88101.			
	Send comments to Mayor Frank Murray or Mr. Edward Fowler, Mayor Pro-Tem, 321 Connolly Street, P.O. Box 760, Clovis, New Mexico 88101.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
New Mexico	City of Fort Sumner, DeBaca County.	Pecos River	Just downstream of Highway 84 & 60	*4,018
		Las Truchas Creek	Approximately 100 feet upstream of Highway 84 & 60	*4,024
		Hitson Draw	Just downstream of Atchison Topeka and Santa Fe Railway	*4,052
	Maps available at City Hall, 500 East Sumner Avenue, Fort Sumner, New Mexico 88119.			
	Send comments to Mayor Michael Teeter or F. E. Wood, Councilman, 500 East Sumner Avenue, P.O. Box 180, Fort Sumner, New Mexico 88119.			
New Mexico	City of Portales, Roosevelt County.	18th Street Riverline	Just upstream of Abilene Avenue	*3,997
			Just upstream of South Avenue B	*3,998
			Just upstream of Avenue D	*3,999
		Shallow Flooding (Ponding) Above Railroad.	Intersection of North Avenue M and West Cherry Street	*4,009
		Shallow Flooding (Sheet Flow) Below Railroad.	Intersection of West Fifth Street and South Avenue C	#1
	Maps available at City Hall, 100 W. First Street, Portales, New Mexico 88130.			
	Send comments to Mayor Donald Shafer or Mr. Don Huston, City Manager, 100 W. First Street, Portales, New Mexico 88130.			
New Mexico	City of Santa Rosa, Guadalupe County.	Pecos River	Just upstream of Parker Avenue (Hwy 66 & 84)	*4,556
			Just upstream of Southern Avenue Railroad Crossing	*4,557
		El Rito Creek	Just downstream of La Aradira	*4,575
			Just upstream of Will Rodgers Drive	*4,582
	Maps available at City Hall, 141 South 5th Street, Santa Rosa, New Mexico 88435.			
	Send comments to Mayor E. M. Lucers, or Mr. Lorenco T. Chavez, Assistant City Manager, 141 South 5th Street, Santa Rosa, New Mexico 88435.			
New York	Aldan, Town, Erie County	Ellicott Creek	Downstream Corporate Limits	*747
			Zoller Road	*754
			100' upstream of Home Road	*763
			Upstream of Walden Avenue	*768
			Upstream of Farm Road	*775
			2,400' upstream of Conrail (Upstream crossing)	*785
			3,500' downstream of Sandridge Road	*796
			Sandridge Road	*805
			Village of Alden Downstream Corporate Limits	*811
			Village of Alden Upstream Corporate Limits	*815
			Crittenden Street	*817
		Cayuga Creek	Downstream Corporate Limits	*742
			2,150' downstream of Two Rod Road	*768
			80' upstream of Two Rod Road	*773
			50' upstream of Four Rod Road	*794
			Three Rod Road	*811
			3,700' upstream of Three Rod Road	*827
			Upstream Corporate Limits	*839
	Maps available at the Town Hall, Aldan, New York.			
	Send comments to Mr. Arnold Aldinger, Town Supervisor of Aldan, Town Hall, 11901 Broadway, Aldan, New York 14009.			
New York	Lockport City, Niagara County	Eighteenmile Creek	40' upstream of Corporate Limits	*362
			1,130' downstream of Broken Dam	*372
			670' downstream of Broken Dam	*383
			470' downstream of Broken Dam	*392
			270' downstream of Broken Dam	*402
			Downstream side of Broken Dam	*415
			Upstream side of Broken Dam	*421
			320' upstream of Broken Dam	*430
			Upstream side of Downstream Conrail Bridge	*432
			Downstream side of Gooding Street	*439
			Upstream side of Gooding Street	*452
			70' downstream of William Street	*461
			40' upstream side of William Street	*466
			Downstream side of Dam	*475
			Upstream side of Dam	*485
			Downstream side of outlet end of Eighteenmile Creek Culvert	*486
			Inlet end of Eighteenmile Creek Culvert	*617
			Upstream Corporate Limits	*622
		Gulf Branch	Confluence with Eighteenmile Creek	*363
			50' downstream of Jackson Street	*373
			270' upstream of Jackson Street	*383
			570' upstream of Jackson Street	*393
			850' upstream of Jackson Street	*403
			1,130' upstream of Jackson Street	*413
			1,610' upstream of Jackson Street	*423
			2,170' upstream of Jackson Street	*433
			2,810' downstream of Niagara Street	*453
			590' downstream of Niagara Street	*463
			Niagara Street	*469
			110' upstream of Niagara Street	*472
		Lincoln Avenue Branch	Downstream Corporate Limits	*631
			980' upstream of Corporate Limits	*633
	Maps available at the Building Inspectors Office in the Municipal Building, Lockport, New York.			
	Send comments to Honorable Thomas Rotodno, Mayor of Lockport, 1 Locks Plaza, Lockport, New York 14094.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C), Cuyahoga Falls, Summit County.	Cuyahoga River	Western corporate limits	*1,005
			Eastern corporate limits	*1,005
		Mud Brook	Downstream corporate limit	*967
			At Bath Road	*968
			Approximately 2,730 feet upstream from Bath Road	*974
		Kelsey Creek	At the mouth	*1,005
			Just upstream from Munroe Falls Avenue	*1,006
			Just downstream from North Moreland Road	*1,017
			Just upstream from North Moreland Road	*1,023
			Just downstream from Access Road	*1,029
			Just upstream from 2nd crossing of Access Road	*1,033
			Just upstream from Howe Road	*1,041
	Maps available at the Office of the City Clerk, 2310 Second Street, Cuyahoga Falls, Ohio.			
	Send comments to Honorable Robert J. Quirk, Mayor, City of Cuyahoga Falls, 2310 Second Street, Cuyahoga Falls, Ohio 44221.			
Ohio	(V), Glen Willow, Cuyahoga County.	Tinkers Creek	Just upstream of Richmond Road	
			About 360 feet upstream of Dam	*941
			Just downstream of Pettibone Road	*945
			At Eastern corporate limits	*952
	Maps available at the Office of the Village Clerk, Village Hall, Glen Willow, Ohio.			
	Send comments to Honorable Norma Hummer, Mayor, Village of Glen Willow, 27850 Annetta Drive, Solon, Ohio 44139.			
Ohio	(C), Macedonia, Summit County	Brandywine Creek	Downstream corporate limits	*965
			Upstream corporate limits	*967
		Indian Creek	Mouth at Brandywine Creek	*966
			Just upstream from State Route 8	*972
			Just downstream from Conrail	*986
			Just upstream from Conrail	*992
			Just downstream from Berkshire Drive	*992
			Just upstream from Berkshire Drive	*1,001
			Just upstream from Ledge Road	*1,014
			About 750 feet upstream of private drive (near Interstate 80)	*1,032
		Tributary No. 1	Mouth at Indian Creek	*992
			About 1,700 feet upstream of mouth at Indian Creek	*1,013
		Tributary No. 2	Mouth at Indian Creek	*992
			About 1,400 feet upstream of mouth at Indian Creek	*1,019
		Tributary No. 3	Mouth at Indian Creek	*1,011
			Just upstream from Ledge Road	*1,013
			About 1,550 feet upstream of Ledge Road	*1,020
		Tributary No. 4	Mouth at Indian Creek	*978
			About 550 feet upstream of Bedford Road	*983
		Tributary No. 5	Mouth at Brandywine Creek	*967
			About 2,300 feet upstream of mouth at Brandywine Creek	*969
	Maps available at Office of the Finance Director, 9699 Valley View Road, Macedonia, Ohio.			
	Send comments to Mr. Jim Lawton, Administrative Assistant, City of Macedonbia, 9699 Valley View road, Macedonbia, Ohio 44056.			
Ohio	(V), Millville, Butler County	Indian Creek	About 5,700 feet downstream of U.S. Route 27, at southern corporate limits.	*609
			About 500 feet downstream of U.S. Route 27	*621
			Just upstream of U.S. Route 27	*626
			About 3,200 feet upstream of U.S. Route 27	*631
		Beals Run	About 410 feet downstream of Ross Hanover Road	*620
			About 90 feet downstream of State Route 129	*626
			About 620 feet upstream of State Route 129	*627
		Beals Run Tributary	About 600 feet upstream of State Route 129	*627
	Maps available at Village Hall, Millville, Ohio.			
	Send comments to Honorable Harold Handley, Mayor, Village of Millville, Village Hall, Milville, Ohio 45013.			
Ohio	(V), New Miami, Butler County	Four Mile Creek	Convluence with Great Miami River	*591
			About 200 feet upstream of corporate limits	*600
		Great Miami River	About 240 feet downstream of southern corporate limits	*591
			About 6,600 feet upstream of Chessie System Railroad	*598
	Maps available at the Village Hall, 268 Whitaker Avenue, New Miami, Ohio.			
	Send comments to Mr. Clifton Brewer, Village Administrator, Village of New Miami, Village Hall, 268 Whitaker Avenue, New Miami, Ohio.			
Ohio	(C), Solon, Cuyahoga County	Hawthorne Creek	*Just downstream of Aurora Road	*997
			Just downstream Conrail	*1,008
			Just downstream Cannon Road	*1,019
			About 550 feet upstream Cannon Road	*1,020
		Tributary 1	3,100 feet downstream Carter Road	*1,005
			175 feet upstream Carter Road	*1,030
			Just downstream Solon Road	*1,036
			125 feet upstream Kroger Rail	*1,040
			Just upstream Aurora Road	*1,048
			Just downstream Old Harper Road	*1,051
			Just downstream Conrail	*1,054
			Just upstream Conrail	*1,059
			Just downstream Cannon Road	*1,063
	Maps available at City Hall, 6315 S.O.M. Center Road, Solon, Ohio.			
	Send comments to Honorable Charles Smercina, Mayor, City of Solon, City Hall, 6315 S.O.M. Center Road, Solon, Ohio 44139.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V), Somerville, Butler County	Sevenmile Creek	Southern corporate limits	*755
			Just upstream of Mill Street	*758
			Northern corporate limits	*762
		Tributary No. 1	Confluence with Sevenmile Creek	*756
			Just upstream of Mound Street	*764
			Just downstream of Main Street	*767
			290 feet upstream of East Mill Street	*775
			Northeast corporate limits	*795

Maps available at the Village Hall, 146 South Main Street, Somerville, Ohio.

Send comments to Honorable Roscoe Ruker, Mayor, Village of Somerville, Village Hall, 146 South Main Street, Somerville, Ohio 45064.

Ohio	(V), Springboro, Warren County	Clear Creek	Western corporate limits	*743
			Just upstream State Route 741	*747
			Eastern corporate limits	*760
		Twin Creek No. 2	At mouth	*743
			Just upstream Mill Street	*748
			Just upstream Factory Road	*763
			Just upstream State Route 73	*775
			Just upstream Pennyroyal Road	*876
			Northern corporate limits	*882
		Twin Creek No. 2 Tributary 2	At mouth	*743
			Just upstream Mill Street	*750
			Just upstream Factory Road	*764
			Just downstream Market Street	*774
			Just upstream Market Street	*781
			Just downstream State Road 73	*784
			Just upstream State Route 73	790
			About 650 feet upstream State Route 73	*793
		Richards Run	At mouth	*748
			Just upstream Lower Springboro Road	*759
			Just upstream Concrete Plant Road	*766
			Just upstream State Route 73	*779
			About 250 feet upstream of confluence of Rapid Run	*798

Maps available at the Village Hall, 280 West Central Avenue, Springboro, Ohio.

Send comments to Mr. John Chambers, Village Administrator, Village of Springboro, Village Hall, 280 West Central Avenue, Springboro, Ohio 45066.

Ohio	(C), Twinsburg, Summit County	Tinkers Creek	Downstream county boundary	*951
			Just downstream Glenwood Drive	*954
			Approximately 5,300 feet upstream Glenwood Drive	*959
			Approximately 5,000 feet downstream Darrow Road	*964
			Just downstream Darrow Road	*971
			Just downstream Cannon Road	*973
			At upstream city limits	*978

Maps available at the Office of the City Clerk, 10075 Ravenna Road, Twinsburg, Ohio.

Send comments to Mr. Larry Moedt, City Manager, City of Twinsburg, 10075 Ravenna Road, Twinsburg, Ohio 44087.

Ohio	(V), Walton Hills, Cuyahoga County	Tinkers Creek	At corporate limits	*642
			About 80 feet downstream Dunham Road	*655
			About 60 feet upstream Dunham Road	*657
		Tributary No. 1	About 80 feet downstream Egbert Road	*902
			Just downstream Egbert Road	*911
			About 50 feet upstream Walton Road	*912
			About 1400 feet upstream Walton Road	*924
			About 1800 feet upstream Walton Road	*934
		Sagamore Creek	About 240 feet downstream Bike Trail	*746
			About 200 feet downstream Bike Trail	*752
			About 1120 feet downstream Sagamore Road	*849
			About 760 feet downstream Sagamore Road	*856
			At Sagamore Road	*857

Maps available at the Office of the Village Clerk, 7579 Walton Road, Walton Hills, Ohio.

Send comments to Honorable Thomas G. Young, Mayor, Village of Walton Hills, 7595 Walton Road, Walton Hills, Ohio 44146.

Ohio	(Uninc.), Warren County	Great Miami River	At western county boundary	*662
			At confluence of Clear Creek	*671
			At northern county boundary	*689
		Twin Creek	At mouth	*664
			About 300 feet upstream of Dayton Oxford Road	*667
			About 200 feet downstream Chessie system	*673
			At northern county boundary	*686
		Clear Creek	About 2,500 feet downstream of Union Road at City of Franklin corporate limits.	*681
			Just downstream of State Route 123	*690
			At confluence of Sharts Run	*705
			At confluence of Gander Run	*725
			Just upstream of Weidner Road	*742
			Just downstream of Red Lion-Five Points Road	*755
			Just upstream of Red Lion-Five Points Road	*759
			Just upstream of Bunnel Hill Road	*778
			Just downstream of Lower Springboro Road	*795

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet* (NGVD)
		Tommy's Run	At mouth	*685
			About 1,400 feet upstream of mouth	*686
			Just upstream City of Franklin upstream corporate limit	*709
			Just downstream Shaker Road	*740
			Just downstream of Decker Road	*748
		Sharts Run	Just upstream City of Franklin corporate limit	*705
			About 900 feet upstream City of Franklin corporate limit	*711
		Gander Run	At mouth	*725
			About 800 feet upstream of mouth	*726
			Just downstream of Beal Road	*731
		Twin Creek No. 2	At downstream Village of Springboro corporate limit (about 800 feet upstream of mouth).	*743
			Just upstream of Lower Springboro Road	*748
			Just downstream of Factory Road	*762
			600 feet upstream Factory Road	*765
			About 200 feet downstream of Pennyroyal Road	*873
			Just upstream Pennyroyal Road	*876
			At northern county boundary	*889
		Richards Run	At mouth	*748
			Just downstream of State Route 73	*777
			At confluence of Coon Creek	*791
			Just downstream of Five Points-Lytle Road	*883
		Coon Creek	At mouth	*792
			About 2,100 feet upstream of mouth	*809
		Rapid Run	At mouth	*792
			Just upstream driveway (about 1,300 feet downstream of Five Points-Lytle Road).	*892
			Just downstream of Five Points-Lytle Road	*907
		Dicks Creek	About 0 2 mile downstream Hendrickson Road (at Village of Monroe corporate limits).	*670
			Just upstream of Union Road	*706
			Just upstream Shaker Road	*778
			Just downstream of Knollbrook Drive	*845
			Just upstream of Knollbrook Drive	*852
			Just downstream Robinson Vail Road	*853
		North Branch Dicks Creek	At western county boundary	*680
			Just downstream of Locust Lane	*700
			About 1,900 feet upstream of Locust Lane	*708
			Just upstream Bevis Lane	*739
			Just downstream of Interstate 75	*751
		Turtle Creek	Just downstream of Mason Road	*628
			Just upstream of Mason Road	*635
			About 200 feet upstream confluence of Little Muddy Creek	*656
			Just upstream of Conrail (near U.S. Route 42)	*669
			At confluence of Mulfords Run	*675
			About 1,700 feet upstream of confluence of Reeders Run	*680
			Just upstream of Jameson Avenue	*721
			Just downstream of State Route 48	*722
			Just upstream of State Route 48	*728
			About 0.92 mile upstream Wilmington Road	*745
		Dry Run Creek	At South Lebanon corporate limit (near confluence of Dry Run Branch).	*635
			Just upstream of Snook Road	*663
			Just downstream of Dry Run Road	*672
			About 100 feet upstream of Dry Run Road	*678
			Just downstream of confluence of Bee Run	*679
		Dry Run Branch	Just upstream Lebanon Road	*636
			Just downstream of State Route 48	*655
			Just upstream of State Route 48	*661
			Just downstream of Interstate 71	*679
		Little Muddy Creek	At mouth	*656
			Just upstream of U.S. Route 42	*658
			Just downstream State Route 741	*662
			Just upstream of upstream crossing of Kyles Station-Hamilton Road	*666
			At City of Mason corporate limits	*673
		Little Muddy Creek Branch No. 1	About 1.25 miles upstream of mouth	*689
			Just downstream Bethany Road	*731
		Mulfords Run	At mouth	*674
			Just upstream of State Route 63	*689
			About 0.7 mile upstream of State Route 63	*760
		Reeders Run	Just upstream of State Route 63	*686
			Just upstream of Markey Road	*710
			Just upstream of Greentree Road	*763
			Just upstream of dam	*792
			About 0.8 mile upstream of dam	*847
		North Fork	At northern City of Lebanon corporate limits	*800
		Turtle Creek	Just upstream of Hoffman Avenue	*873
			Just downstream of State Route 122	*920
		Todd Fork	At confluence of First Creek	*653
			About 0.5 mile downstream Black Hawk Road (at Village of Morrow corporate limits).	*661
			Just upstream of State Route 123	*704
			Just upstream of Conrail (near Rochester-Osceola Road)	*722
			Just upstream of Middleboro Road	*753
			About 200 feet upstream Gum Grove Road	*782
			Just downstream of State Route 350	*794

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Pine Run	At downstream City of Mason corporate limit	*826
			Just downstream Stitt Road	*841
			Just upstream of Stitt Road	*847
			Just downstream of Mason Montgomery Road	*857
		Muddy Creek Branch, No. 2	About 2,500 feet upstream of Conrail	*818
			Just downstream of County Line Road	*874
		Lake Chetac Creek	Just upstream of Fields-Ertel Road	*832
			Just upstream of dam (about 0.3 mile upstream Fields-Ertel Road)	*855
			Just downstream of Lake Chetac dam	*862
			Just upstream of Lake Chetac dam	*874
			Just downstream of County Line Road	*890
		Polk Run	Just upstream Fields-Ertel Road	*806
			About 1,850 feet upstream of Fields-Ertel Road	*812
			Just upstream Irwin Simpson Road	*860
			Just upstream Snider Road	*896
			About 1,600 feet upstream of Snider Road	*913
		Simpson Creek	Just upstream of Columbia Road	*808
			Just downstream of Interstate 71	*829
		Bear Run	About 750 feet downstream State Route 3	*608
			Just upstream State Route 3	*621
			Just upstream Overbrook Avenue	*677
			Just upstream Hopkins Road	*726
			Just downstream of State Route 48	*766
		Muddy Creek Branch, No. 1	About 1,200 feet downstream Mason-Montgomery Road	*763
			Just upstream Mason-Montgomery Road	*780
			Just upstream Conrail	*789
			About 350 feet upstream Conrail	*790
			About 0.5 mile upstream Conrail	*821
		Muddy Creek	At City of Mason corporate limits (upstream of U.S. Route 42)	*815
			At City of Mason corporate limits (downstream of Donna Jean Boulevard).	*844
		Little Miami River	At City of Loveland corporate limits	*592
			About 1.6 miles upstream of southern county boundary	*597
			At Village of South Lebanon corporate limits	*632
			About 1.2 miles upstream of South Lebanon corporate limits	*638
			About 800 feet downstream of Village of Morrow corporate limits	*647
			About 1,000 feet upstream Mill Grove Road	*653
			About 0.9 mile downstream State Route 73	*720
			Just downstream State Route 73	*722
		Little Miami River Mill Run Channel.	Just upstream State Route 73	*724
			At divergence of Little Miami River and Little Miami River Mill Run Channel.	*725
	Maps available at Warren County Administration Building, 320 East Silver Street, Lebanon, Ohio.			
	Send comments to Mr. Robert Turner, President of County Commissioners, Warren County, Warren County Administration Building, 320 East Silver Street, Lebanon, Ohio 45036.			
Ohio	(V), Williamsburg, Clermont County.	East Fork Little Miami River	About 580 feet downstream Main Street	*804
			About 870 feet upstream 4th Street	*810
	Maps available at the Village Hall, Williamsburg, Ohio.			
	Send comments to Honorable Harry Donaworth, Mayor, Village of Williamsburg, Village Hall, Williamsburg, Ohio 45176.			
Pennsylvania	Bald Eagle, Township, Clinton County.	Bald Eagle Creek	Downstream Corporate Limits	*564
			Upstream of Conrail Bridge	*566
			Confluence of Fishing Creek	*567
			Upstream of Upstream crossing of U.S. Route 220	*569
			Upstream Corporate Limits	*571
		West Branch Susquehanna River	Upstream of Conrail Bridge	*577
			Downstream Corporate Limits of Colebrook Township	*585
			Upstream Corporate Limits of Bald Eagle Township	*587
		Sugar Run	Downstream Corporate Limits	*622
			Upstream of first Private Drive crossing Sugar Run, 7,300' upstream of Corporate Limits.	*793
			Upstream of fourth Private Drive crossing Sugar Run, 8,750' above Corporate Limits.	*846
			2,250' upstream of fourth Private Drive crossing Sugar Run	*928
		Fishing Creek	Confluence with Bald Eagle Creek	*567
			Upstream of Country Club Bridge	*567
			Downstream of U.S. Route 220	*568
	Maps available at the Bald Eagle Township Building, R.D. 2, Mill Hall, Pennsylvania.			
	Send comments to Mr. Robert G. Wagner, Chairman of the Board of Supervisors of Bald Eagle, R.D. 2, Mill Hall, Pennsylvania 17751.			
Pennsylvania	Brecknock, Township, Lancaster County.	Tributary 2	Upstream of Beam Road Bridge	*373
			Approximately 2,000' upstream of Beam Road Bridge	*383
			Approximately 3,000' upstream of Beam Road Bridge	*391
	Maps available at the Brecknock Township Building.			
	Send comments to Mr. Harold C. Shank, Chairman of the Brecknock Board of Supervisors, c/o Mrs. Shirley Gettle, R.D. 1, Denver, Pennsylvania 17517.			
Pennsylvania	East Cocalico, Township, Lancaster County.	Cocalico Creek	Upstream side of Wabash Road	*364
			Upstream side of Cocalico Road	*370
			Upstream side of Stevens Road Road	*374
			Upstream Corporate Limits	*383
		Stony Run	Downstream side of Cocalico Road	*369
			Downstream side of East Church Street	*382
			Downstream side of Bunker Road	*393

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Kurtz Road	*404
			Upstream side of Denver Road	*410
			Downstream site of Pennsylvania Turnpike	*426
	Maps available at the East Cocalico Township Building.			
	Send comments to Mr. Leroy Witmer, Chairman of the East Cocalico Board of Supervisors, R.D. 2, Stevens, Pennsylvania 17578.			
Pennsylvania	Foster, Township, Luzerne County.	Sandy Run	Approximately 1.25 miles upstream from confluence with Lehigh River	*1,159
			Legislative Route 40118 Upstream	*1,204
			Private Road Upstream	*1,245
		Pond Creek	Lake Drive (extended) Downstream	*1,357
			Hickory Hill Drive Upstream	*1,371
			Upstream of Gravel Road (extended)	*1,406
			Woodhaven Road Downstream	*1,427
			State Route 940 Downstream	*1,436
	Maps available at the Foster Township Building, 1000 Wyoming Avenue, Freeland, Pennsylvania.			
	Send comments to Mr. Albert Dias, Chairman of the Foster Board of Supervisors, 1,000 Wyoming Avenue, Freeland, Pennsylvania 18224.			
Pennsylvania	Hazle, Township, Luzerne County.	Black Creek	Downstream State Route 93	*1,458
			Confluence of Tributary to Black Creek	*1,463
			Confluence of Lattimer Creek	*1,491
			Upstream State Route 309	*1,498
			Upstream State Route 940	*1,504
		Lattimer Creek	Confluence with Black Creek	*1,491
			Upstream 28th Street	*1,502
			Upstream State Route 309	*1,530
			Upstream 32nd Street	*1,553
			Downstream Township Route 326	*1,580
			Upstream Township Route 326	*1,587
	Maps available at the Hazle Municipal Building, 23rd and Peace Streets.			
	Send comments to Mr. Joseph Belusko, Chairman of the Hazle Board of Supervisors, Municipal Building, 23rd and Peace Streets, Hazleton, Pennsylvania 18201.			
Pennsylvania	Maidencreek, Township, Berks County.	Willow Creek	Downstream Corporate Limits	*295
			U. S. Route 222	*299
			State Route 73 (downstream)	*312
			Private Lane 2,600 feet upstream of State Route 73 (upstream)	*325
			3,500 feet upstream of State Route 73 (Limit of Detailed Study)	*326
	Maps available at the Maidencreek Township Building.			
	Send comments to Mr. Wilson H. Reeser, Chairman of the Maidencreek Board of Supervisors, P.O. Box 835, Blandon, Pennsylvania 19510.			
Pennsylvania	Moreland, Township, Lycoming County.	Little Muncy Creek	Corporate Limits of Muncy Creek/Moreland Townships	*593
			Upstream of Glen Davis Road Bridge	*597
			Upstream of State Route 442 Bridge	*614
			Laurel Run confluence	*619
			Approximately 7,000' downstream of Legislative Route 41075 Bridge	*629
			Upstream of Legislative Route 41075 Bridge	*642
			German Run confluence	*656
			Approximately 2,000' downstream of East Arch Rider Road Bridge	*669
			Upstream of East Arch Ridger Road Bridge	*679
			Approximately 3,000' upstream of East Arch Rider Road Bridge	*691
			Approximately 4,500' upstream of East Arch Rider Road Bridge	*702
			Corporate Limits of Franklin/Moreland Townships	*712
		Laurel Run	Confluence with Little Muncy Creek	*619
			Upstream of Legislative Route 453 Bridge	*623
			Approximately 1,400' upstream of Legislative Route 453 Bridge	*631
			Upstream of Hollywood Road Bridge Downstream Crossing	*644
			Upstream of Hollywood Road Bridge Upstream Crossing	*655
			Approximately 1,200' downstream of Bill Sones Road Bridge	*668
			Upstream of Bill Sones Road Bridge	*678
			Approximately 2,000' upstream of Bill Sones Road Bridge	*696
			Approximately 1,400' downstream of Baylor Road Bridge	*713
			Upstream of Baylor Road Bridge	*723
			Upstream of Houseknecht Road Bridge	*740
			Approximately 1,000' upstream of Houseknecht Road Bridge	*753
			Approximately 2,400' upstream of Houseknecht Road Bridge	*769
			Corporate Limits of Franklin/Moreland Townships	*783
		German Run	Confluence with Little Muncy Creek	*656
			1,000' downstream of East Arch Rider Road Bridge	*672
			Upstream of East Arch Rider Road Bridge	*684
			Approximately 400' downstream of Legislative Route 41076 Bridge	*697
			Upstream of Legislative Route 41076 Bridge	*707
		Tributary No. 1	Confluence with German Run	*686
			Upstream of Legislative Route 41076 Bridge	*701
			1,200' upstream of Legislative Route 41076 Bridge	*719
			Approximately 1,900' upstream of Legislative Route 41076 Bridge	*730
	Maps available at the residence of Mr. Snyder, Chairman, R. D. 1, Muncy, Pennsylvania.			
	Send comments to Mr. Jessie K. Snyder, Chairman of the Board of Supervisors of Moreland, Box 145, R.D. 1, Muncy, Pennsylvania 17756.			
Pennsylvania	North East, Borough, Erie County.	Sixteen-mile Creek	Downstream Corporate Limits	*758
			South Lake Street Upstream	*792
			Upstream Corporate Limits	*810

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Baker Creek	Downstream Corporate Limits	*739
			North Mill Street Upstream	*772
			South Pearl Street Upstream	*790
			Vine Street Downstream	*798
			Upstream Corporate Limits	*817
	Maps available at the Borough Office, 58 E. Main Street, North East, Pennsylvania.			
	Send comments to Mr. John Cunningham, Council President of North East, 58 East Main Street, North East, Pennsylvania 16428.			
Pennsylvania	North East, Township, Erie County.	Sixteenmile Creek	Approximately 480' upstream of confluence with Lake Erie	*580
			State Route 5 (Upstream)	*597
			Confluence of Baker Creek	*696
			State Route 20 (Upstream)	*736
			Washington Street (Upstream)	*848
			Approximately 1,450' upstream of Private Road (Extended)	*897
		Baker Creek	Confluence with Sixteenmile Creek	*696
			Upstream Corporate Limits	*739
	Maps available at the Township Building, 10300 West Main Street, North East, Pennsylvania.			
	Send comments to Mr. Roy D. Thomson, Chairman of the North East Board of Supervisors, 10108 Sidehill Road, North East, Pennsylvania 16428.			
Pennsylvania	Perry, Township, Berks County	Tributary No. 2	Downstream Corporate Limits	*331
			Private Lane 1,700 feet upstream from Corporate Limits (Upstream)	*350
			Main Street (Upstream)	*356
			Culvert at Legislative Route 160 (Downstream)	*368
			Culvert at Township Route 733 (Upstream)	*374
			Upstream Corporate Limits	*386
	Maps available at the Perry Township Building.			
	Send comments to Mr. Richard D. Kline, Chairman of the Perry Board of Supervisors, 681 Ridge Road, Shoemakersville, Pennsylvania 19555.			
Pennsylvania	Slatington, Borough, Lehigh County.	Lehigh River	Downstream Corporate Limits	*358
			Upstream side of Main Street Bridge	*363
			4,000' upstream of Main Street Bridge	*368
			Upstream Corporate Limits	*372
		Trout Creek	Confluence with Lehigh River	*362
			400' upstream of the South Walnut Street Bridge	*367
			800' upstream of the South Walnut Street Bridge	*372
			450' upstream of the Main Street Bridge	*378
	Maps available at the Borough Building, 125 South Walnut Street, Slatington, Pennsylvania.			
	Send comments to Mr. Thomas M. Davies, Council President of Slatington, 125 South Walnut Street, Slatington, Pennsylvania 18080.			
Pennsylvania	West Cocalico, Township, Lancaster County.	Cocalico Creek	Downstream Corporate Limits	*392
			Approximately 200' upstream of Long Land Road	*394
		Little Cocalico Creek	Downstream Corporate Limits	*422
			Upstream side of Creamery Road	*436
			Upstream side of Swamp Church Road	*450
			Downstream side of Resh Road	*470
			Approximately 1,000' upstream of Resh Road	*475
	Maps available at the West Cocalico Township Building.			
	Send comments to Mr. Ellis Martzall, Chairman of the West Cocalico Board of Supervisors, R. D. 1, Reinholds, Pennsylvania 17569.			
Texas	City of Commerce, Hunt County	South Sulfur River Tributary	At the south corporate limits	*499
			Approximately 40 feet upstream of FM Highway 513	*503
	Maps available at City Hall, 1119 Alamo, Commerce, Texas 75428.			
	Send comments to Mayor Thomas Young, or Mr. Morris Howard, City Manager, City Hall, 1119 Alamo, Commerce, Texas 75428.			
Texas	City of Huntsville, Walker County	Town Branch	Just upstream of Farm to Market Road 2812	*297
			Just upstream of Seventh Street	*324
			Just downstream of Avenue I	*359
		Tributary A	Just upstream of Tenth Street	*329
			Just upstream of U.S. Highway 30	*338
		Horse Branch	Approximately 100 feet upstream of Farm to Market Route 2821	*295
			Just upstream of Roan Ferry Road	*337
		Tributary B	Just downstream of Roan Ferry Road	*328
	Maps available at City Hall, City Engineers Office, 1212 Avenue M, Huntsville, Texas 77340.			
	Send comment to Mayor Morris Waller, or Mr. John Joerns, City Engineer, City Hall, 1212 Avenue M, Huntsville, Texas 77340.			
Texas	City of Snyder, Scurry County	Deep Creek	Just upstream of 30th Street	*2,314
			Just upstream of 25th Street (U.S. Highway 180)	*2,320
			Just downstream of 21st Street	*2,321
		Stream SN-2	Just upstream of College Avenue (State Highway 350)	*2,316
		Dry Run	Just downstream of 25th Street (U.S. Highways 180 and 84)	*2,318
			Just upstream of 13th Street	*2,331
		South Fork	Just upstream of Avenue 2	*2,322
			Just upstream of 25th Street (U.S. Highway 180)	*2,335
		Stream SN-1	Just upstream of Dam	*2,313
			Just upstream of College Avenue (State Highway 350)	*2,321
		Stream SN-2	Just upstream of 37th Street	*2,321
			Just downstream of Panhandle and Santa Fe Railroad	*2,323
	Maps available at City Hall, 1925 24th Street, Snyder, Texas 79549.			
	Send comment to Mayor John Fagin or Mr. John Gayle, City Manager, P.O. Drawer, Snyder, Texas 79549.			

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Williston, Town, Chittenden County.	Winooski River	Downstream Corporate Limits	*220
			Downstream of State Route 2A	*225
			Upstream of State Route 2A	*231
			Upstream of Green Mountain Power Dam	*285
			Upstream of downstream crossing of Central Vermont Railroad	*290
			Upstream of North Williston Road	*295
			Upstream of upstream crossing of Central Vermont Railroad	*299
			Upstream Corporate Limits	*300
	Maps available at the Town Hall, Williston, Vermont.			
	Send comments to Mr. John Heins, Chairman of the Board of Selectmen of Williston, Town Hall, Box 127, Williston, Vermont 05495.			
Washington	Camas (City) Clark County	Columbia River	Intersection of river and center of State Highway 14	*31
			On Southeast 11th Avenue at approximately 200 feet east of its intersection with Southeast Polk Street.	*32
		Washougal River	600 feet upstream from center of Northeast 3rd Avenue	*32
	Maps available at City Hall, 616 N.E. 4th Avenue, Camas, Washington.			
	Send comments to the Honorable Don Christianson, Mayor, City of Camas, City Hall, P.O. Box 1055, Camas, Washington 98607.			
Washington	Cle Elum (City), Kittitas County	Yakima River	Intersection of Fourth Street and Lincoln Street	*1,914
		Crystal Creek	30 feet upstream from center of West Second Street/State Highway 903.	*1,928
	Maps available at City Hall, 301 Pennsylvania Avenue, Cle Elum, Washington.			
	Send comments to the Honorable Mike Rossetti, Mayor, City of Cle Elum, City Hall, 301 Pennsylvania Avenue, Cle Elum, Washington 98922.			
Washington	Ellensburg (City), Kittitas County	Wilson Creek	100 feet upstream from center of Private Road, east of Interstate Highway 90.	*1,483
		Right Channel Wilson Creek	Eastern most end of Industrial Way	#1.0
		Reecer Creek	Intersection of creek and center of Pott's Road	#2.0
		Currier Creek	1,100 feet south of intersection of Cascade Way Extension and Dolarway Road.	#2.0
		Whiskey Creek	200 feet upstream from intersection of creek and Fifth Avenue	*1,508
		Mercer Creek	100 feet upstream from center of Railroad Avenue	*1,506
			Intersection of creek and center of Helena Avenue	#1.0
	Maps available at City Hall, 420 North Pearl, Ellensburg, Washington.			
	Send comments to the Honorable Janiece Cook, Mayor, City of Ellensburg, City Hall, 420 North Pearl, Ellensburg, Washington 98926.			
Washington	South Cle Elum (City), Kittitas County.	Yakima River	Intersection of Washington Street and Fifth Street	*1,916
	Maps available at City Hall, 6th Street, South Cle Elum, Washington.			
	Send comments to the Honorable George Schoen, Mayor, City of South Cle Elum, City Hall, 6th Street, South Cle Elum, Washington, 98943.			
Wisconsin	(Uninc.), Winnebago County	Arrowhead	Approximately 1,000 feet upstream of County Highway M	*750
			Approximately 600 feet downstream of State Highway 110	*755
		Eight Mile Creek	Just downstream of Elo Road	*822
			Approximately 1,400 feet downstream of Burr Oaks Road	*824
			Just upstream of Chicago, Milwaukee, Saint Paul and Pacific Railroad.	*836
			Just upstream of Knott Road	*842
			About 1.0 mile upstream of Knott Road	*845
		Fox River	Just downstream of City of Omro eastern corporate limit	*751
			Just upstream of the City of Omro western corporate limit	*753
			Just downstream of the western county boundary	*756
		Mud Creek	Mouth at Little Lake Butte Des Morts	*743
			Just downstream of County Highway BB	*743
		Mud Creek Tributary	Just downstream of northern county boundary	*743
		Rat River	Mouth at Wolf River	*750
	Just downstream of County Highway MM			*753
		Rush Creek	Mouth at Fox River	*753
			Just upstream County Highway E	*755
			Approximately 2,800 feet upstream of Senn Road	*762
			Just downstream of State Highway 116	*776
		Sawyer Creek	Just upstream of State Highway 41	*758
			Approximately 1,500 feet upstream of State Highway 41	*759
			Just upstream of County Highway E	*767
			Just upstream 9th Avenue	*773
			Just upstream of Oakwood Road	*779
			Just upstream County Highway K	*800
			Approximately 6,300 feet upstream of County Highway K	*812
		Wolf River	Mouth at Lake Poygan	*750
			Just downstream of northern county boundary	*754
		Vandyne Creek	Mouth at Lake Winnebago	*749
			Just upstream Howlett Road	*757
			At upstream county boundary	*776
		Unnamed Tributary at Willow Harbor.	At mouth of Lake Winnebago	*749
			Just upstream of Koelpine Road	*750
			Just upstream of East Black Wolf Point Road	*761

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
		Unnamed Tributary on Little Lake Butte Des Morts.	Just downstream of U.S. Highway 41	*743
			Approximately 1,800 feet upstream of U.S. Highway 41	*747
			Just downstream of Cold Springs Road	*763
		Lake Winnebago	At the southern county boundary	*749
			At the eastern county boundary	*750
		Lake Winne Conne	Shoreline in Winnebago County	*750
		Lake Poygan	Shoreline in Winnebago County	*750
		Lake Butte Des Morts	Shoreline in Winnebago County	*750
		Little Lake Butte Des Morts	Shoreline in Winnebago County	*743
		Neenah Slough	About 0.6 mile downstream of County Highway 6	*745
			About 1.8 miles upstream of County Highway 6	*746

Maps available at Winnebago County Courthouse, P.O. Box 2808, Oshkosh, Wisconsin.

Send comments to Mr. Robert M. Hunter, Chairman of the Planning and Zoning Committee, Winnebago County Courthouse, P.O. Box 2808, Oshkosh, Wisconsin 54901.

(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. 80-14950 Filed 5-15-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Devil's River Minnow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of critical habitat.

SUMMARY: The Service reproposes Critical Habitat for the Devil's River minnow (*Dionda diaboli*), a native fish of Texas. The threatened status and Critical Habitat were originally proposed for this species on August 15, 1978 (43 FR 36117–36120). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–12384) because of the procedural and substantive changes in law made by the Endangered Species Act Amendments of 1978. This proposed rule conforms with these requirements.

DATES: Comments from the public must be received by July 15, 1980. Comments from the Governor of Texas must be received by August 14, 1980. A public meeting on this proposal will be held on June 12, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia 22201. A public meeting will be held at 7:00 p.m. in the Del Rio Civic Center located at 1915 av. F in Del Rio, Texas.

FOR FURTHER INFORMATION CONTACT: For further information on the original proposal, as well as this supplement, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Devil's River minnow was proposed as Threatened with Critical Habitat on August 15, 1978. Subsequently, Congress passed the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat. The present rulemaking will bring the Critical Habitat proposal into compliance with the amendments.

The Devil's River minnow was described in 1956 and is presently known to inhabit the free flowing portion of Devil's River and San Felipe Creek in Val Verde County, Texas. Adults of this species are typically 2 inches in length and are normally found inhabiting the clear, fast flowing waters of channel or semi-riffle habitat. Research has indicated that the Devil's River minnow is somewhat flexible in its habitat preferences which permits the species to subsist in flood-prone desert streams. Little other information is known about the biology of the species.

Populations of the Devil's River minnow have recently been eliminated by dam construction, diversion of surface waters, removal of aquatic vegetation, and excessive pumping of groundwater. Many of these activities continue to threaten the remaining populations of the Devil's River minnow.

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states: "General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

The Devil's River minnor historically was known only from the Devil's River, San Felipe Creek, and Las Moras Creek in Val Verde and Kinney Counties, Texas. Recently, the aquatic habitats of this region have been radically modified for flood control, agricultural, and recreational purposes. These activities have altered the natural free flowing desert stream environments resulting in the rapid and significant decline of the Devil's River minnow.

The findings from recent survey work

and available literature are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Devil's River minnow, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The decline of the Devil's River minnow, occurring primarily in the last 20 years, can be directly attributed to habitat modifications. The population of the Devil's River minnow inhabiting the lower portion of the Devil's River was eliminated and its habitat destroyed in 1968 by the backwaters of the Amistad Reservoir. The population in the headwaters of Devil's River was extirpated by the desiccation of spring and stream flow resulting from groundwater removal. The original headwater springs, near Juno, Texas, and five of the six Pecan Springs, the current headwater springs, are now dry. In addition, the population of minnows existing in the Las Moras Creek habitat was destroyed by the diversion of surface water and the chaining of aquatic vegetation done in order to maintain the Fort Clark Resort swimming pool.

The extant Devil's River minnow population at San Felipe Creek is threatened by the implementation of flood control measures without concern for the species survival and the encroachment of urbanization. Populations remaining in the free flowing portion of Devil's River will be subjected to the further dwindling of stream discharge as groundwater pumping continues. Given current trends in the usage and manipulation of water resources and natural drainage systems, the loss of essential Devil's River minnow habitat is likely to accelerate.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* Laws concerning nongame species in Texas do not provide for habitat protection of these species. Furthermore without the constraints afforded by the Endangered Species Act, as amended, vulnerable species may be placed in jeopardy of extinction or become extinct due to Federal actions.

5. *Other natural or man-made factors affecting its continued existence.* Not applicable.

Critical Habitat

The Act defines "Critical Habitat" to include (a) areas within the geographical area occupied by the species at the time that species is listed which are essential to the conservation of the species and (b) which may require special management considerations or protection; and specific areas outside the geographic area occupied by the species at the time, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Sections 4(f)(4) and 4(b)(4) of the Act require, to the maximum extent prudent, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or those Federal actions which may be impacted by such designation. Activities which may impact the areas are identified below for this species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

The primary land use adjacent to the proposed Critical Habitat is sheep and cattle ranching. These activities are not known to adversely affect the Devil's River minnow. However, any future excessive groundwater pumping or surface water diversion in the vicinity of the Critical Habitat for agricultural or other purposes could be detrimental to this species by limiting flows in the Devil's River. A portion of the proposed San Felipe Creek Critical Habitat lies within the city limits of Del Rio and may be affected by urbanization that would modify the natural stream channel and by pollution including litter.

The Soil Conservation Service has proposed, under the authority of Public Law 83–566, the San Felipe Creek Watershed Project, which includes the construction of one single-purpose floodwater retarding structure on San Felipe Creek. A permit is also required from the U.S. Army Corps of Engineers before this project is implemented. If the floodwater retarding dam is built as currently designed, the Devil's River minnow is likely to be adversely affected and the proposed Critical Habitat will be altered. Therefore, this rulemaking would require the Soil Conservation Service and the U.S. Army Corps of Engineers to enter into Section 7 consultation and the San Felipe Creek Watershed Project may need to be modified in order to minimize any potential impacts to the Devil's River minnow or its proposed Critical Habitat. After appropriate consultation the Service anticipates that the watershed project may be allowed to proceed; however, significant modifications may be recommended, possibly resulting in the delay of the project and an increase in its costs.

In addition, any future action or development of the Del Rio City water works, the city park, or highway and railroad bridges over San Felipe Creek that involve Federal permits or funding may be subject to Section 7 provisions. The Service expects that such future projects could proceed after appropriate consultation and adequate precautions are taken to protect the Devil's River minnow from adverse impacts.

The proposed Critical Habitat for the Devil's River minnow is as follows: The Devil's River from the backwaters of Amistad Reservoir upstream to Texas Highway 163 crossing approximately 1 mile east of Pecan Springs. Pecan Springs and its outflow downstream to its junction with Devil's River. San Felipe Springs and outflow spring runs in Del Rio, Texas, from U.S. Highway 277 upstream to the headwater springs of San Felipe Creek. The Critical Habitat areas are within Val Verde County, Texas.

The Service is required to consider economic and other impacts of specifying a particular area as Critical Habitat and has prepared a draft impact analysis. The Service is notifying Federal agencies that may have jurisdication over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action.

The Service's impact analysis will form the basis for the Service's decision as to whether or not to exclude any area from Critical Habitat for the Devil's River minnow.

Effect of this Proposal if Published as a Final Rule

Section 7(a) of the Act provides:

"(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and Threatened species listed pursuant to Section 4 of this Act. (2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to

jeopardize the continued existence of any Endangered species or Threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant Subsection (h) of this section. – – –"

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry are not likely to jeopardize the continued existence of the Devil's River minnow, but also insure that their actions are not likely to result in the destruction or adverse modification of Critical Habitats which have been designated by the Secretary.

Public Comments Solicited

The Director intends that rules finally adopted will be as accurate and effective as possible in the conservation of the Devil's River minnow. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject areas;

(5) The probable impacts on such activities if the area is designated as Critical Habitat; and

(6) The foreseeable economic and other impacts of the Critical Habitat designation on Federally funded or authorized projects.

Public Meeting

The Service hereby announces that public meetings will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meeting is set out below:

Place	Date	Time	Subject
1. Del Rio, Texas, Del Rio Civic Center.	June 12, 1980.	7:00 p.m.....	Devil's River minnow.

National Environmental Policy Act

A draft Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Jim Bednarz, under contract to the Fish and Wildlife Service, Regional Office, Albuquerque, New Mexico.

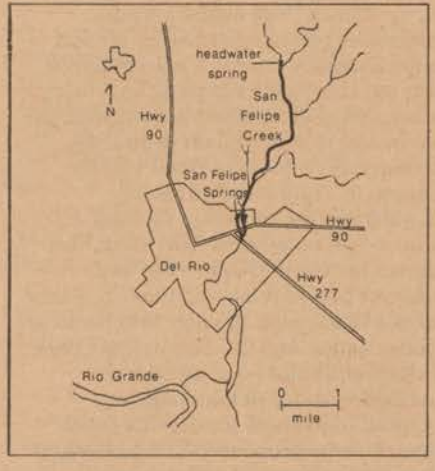
Regulations Promulgation

Accordingly, it is hereby proposed to amend 50 CFR 17.95(e), Fishes, be amended by adding the following Critical Habitat after that of the Slender chub:

Devil's River Minnow

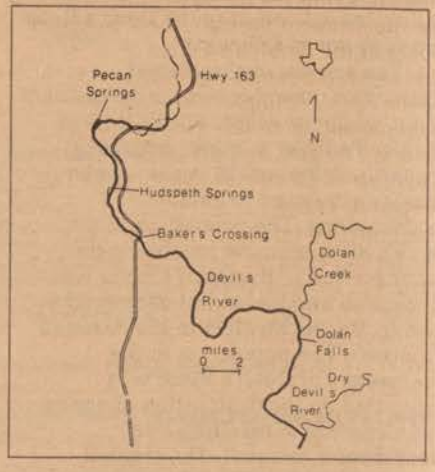
(Dionda diaboli)

Texas, Val Verde County. Devil's River from the backwaters of Amistad Reservoir, below the confluence of Dry Devil's River, upstream to Texas Highway 163, Crossing approximately 1 mile east of Pecan Springs. Pecan Springs and its outflow downstream to its junction with the Devil's River. San Felipe Springs and spring runs in Del Rio, Texas, from U.S. Highway 277 upstream to the headwater spring of San Felipe Creek approximately 2.5 miles north northeast of U.S. Highway 277 crossing.



Devil's River Minnow

Val Verde Co., Tex.



Note.—The Department of the Interior has determined that this proposal is not significant and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: May 12, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-15183 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Leon Springs Pupfish; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of critical habitat.

SUMMARY: The Service reproposes Critical Habitat for the Leon Springs pupfish (*Cyprinodon bovinus*), a native Texas fish. The Endangered status and Critical Habitat were originally proposed for this species on August 15, 1978 (43 FR 36117–36120). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382–12384) because of the procedural and substantive changes in law made by the Endangered Species Act Amendments of 1978. This proposed rule conforms with the new requirements.

DATES: Comments from the public must be received by July 15, 1980. Comments from the Governor of Texas must be received by August 14, 1980. A public meeting on this proposal will be held in Fort Stockton, Texas on June 13, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the

Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia. A public meeting on this proposal will be held at 7:00 p.m. at the Fort Stockton Chamber of Commerce Building in Fort Stockton, Texas.

FOR FURTHER INFORMATION CONTACT:

For further information on the original proposal, as well as this supplement, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife, Washington, D.C. (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Leon Springs pupfish was proposed as Endangered with Critical Habitat on August 15, 1978. Subsequently, Congress passed the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat. The present rulemaking will bring the Critical Habitat proposal into compliance with the amendments.

The Leon Springs pupfish was discovered in 1851 from Leon Springs, approximately 8 miles west of Fort Stockton, Texas. Since that time, Leon Springs has been radically modified (diverted, dammed, and poisoned) and ceased flowing in 1958 due to excessive groundwater removal. The pupfish disappeared from this locality prior to 1938 and was thought to be extinct. In 1965 the species was rediscovered by W. L. Minckley and W. E. Barber from Diamond Y Spring, located approximately 9 miles north of Fort Stockton, Texas.

The species is a small (1.5 inches in length) robust fish varying in body color from dusky gray to iridescent blue. Sexes can be readily distinguished by shape, color, and lateral markings. The Leon Springs pupfish inhabits lighly saline habitat preferring quiet waters near the edges of shallow pools with a minimal growth of vegetation. Male pupfish guard small territories in shallow waters, where the females are attracted by courtship behaviors, spawning takes place, and eggs are deposited. Pupfish do much of their feeding from the bottom mud or from vegetation consuming invertebrates, detritus, diatoms, and vascular plants. The population of Leon Springs pupfish existing in Diamond Y Spring and its outflow stream seems to be in good condition with summer densities reaching more than 3 fish per square yard in shallow open habitats.

Much of the original habitat of this species was destroyed by diversion of water for irrigation, impoundment construction, and the desiccation of spring flows caused by excessive pumping of the underground aquifer. Currently, the single remaining pupfish habitat is threatened by oil pollution, diminishing spring flows, and the release of harmful exotic fishes.

Section 4(a) of the Act (16 U.S.C. 1531 et seq.) states: "General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence."

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

The Leon Springs pupfish was historically known only from Leon Springs, Leon Creek, and Diamond Y Spring, located west and north of Fort Stockton, Texas. The diversion of spring waters for irrigation and the excessive removal of ground water was responsible for the drying of Leon Springs and the upper portion of Leon Creek. Presently, this species is limited to Diamond Y Spring and its outflow into Leon Creek, approximately a 4 mile stretch of permanent aquatic habitat, which is threatened by several habitat and environmental disturbances.

The findings from recent studies and available literature are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to the Leon Springs pupfish, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The present habitat of the Leon Springs pupfish is surrounded by an active oil and gas field. A refinery is located approximately 500 yards upstream of the main spring head that supplies permanent water to the pupfish habitat. In the past oil spills have occurred in this area and have caused considerable fish mortality. Although oil companies have taken actions to minimize leakage of petroleum and waste products into Diamond Y Spring and Leon Creek, the potential for substantial oil spills still exist.

The pumping of groundwater in Pecos County, Texas, has resulted in the desiccation of several springs and has reduced the discharge from Diamond Y and associated springs supporting Leon Creek. If underground water supplies continue to be removed at excessive rates or are otherwise altered, the wild Leon Springs pupfish population and its essential natural habitat could be destroyed.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* State laws concerning endangered species of Texas do not provide mechanisms to encourage habitat protection. Listing the Leon Springs pupfish would require Federal agencies to review their actions prior to the commitment of resources to assure that their proposals would either conserve listed species or are not likely to jeopardize the continued existence of listed species or both.

5. *Other natural or man-made factors affecting its continued existence.* The sheepshead minnow (*Cyprinodon variegatus*), which is closely related to the Leon Springs pupfish, was released into Leon Creek in 1974. This introduction resulted in the widespread hybridization between *Cyprinodon variegatus* and *Cyprinodon bovinus*, threatening the genetic purity of the Leon Springs pupfish. A carefully supervised fish poisoning program and intensive selective seining efforts successfully removed all exotic sheepshead minnows and hybrids from Diamond Y spring and Leon Creek by August of 1978. Although the present Leon Springs pupfish population seems to be genetically pure, many areas of its habitat are readily accessible and still vulnerable to the release of harmful exotics.

Critical Habitat

The Act defines "Critical Habitat" to include (a) areas within the geographical area occupied by the species at the time that species is listed which are essential to the conservation of the species and (b) which may require special management considerations or protection; and specific areas outside the geographic area occupied by the species at the time, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Sections 4(b)(4) and 4(f)(4) of the Act require, to the maximum extent prudent that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or those Federal actions which may be impacted by such designation. Such activities are identified below for this species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat Designation only affects Federal agency activities, through Section 7 of the Act.

The petroleum production operations in the vicinity of Diamond Y Spring and Leon Creek could potentially affect the Leon Springs pupfish through an accidental oil spill or indirect modification of the underground water supply. These potential adverse impacts can be eliminated or minimized by implementing appropriate preventive measures. Oil companies involved have been receptive to recommendations concerning the protection of the Leon Springs pupfish habitat and the Service plans to encourage continued cooperation.

The land surrounding Diamond Y Spring and Leon Creek is also used for cattle grazing. However, the saline water from the springs is unsuitable for livestock consumption and the Leon Springs pupfish habitat is rarely disturbed by cattle. Any excessive groundwater pumping in the vicinity of the proposed Critical Habitat for agriculture or other purposes could be detrimental to the pupfish by reducing or eliminating spring flow.

No Federal agency has jurisdiction in the proposed Critical Habitat area, nor should any current or proposed Federal project affect the extant Leon Springs pupfish population.

Federal agencies (U.S. Department of Energy and Environmental Protection Agency) regulating the petroleum industry would be required to enter into Section 7 consultation if an action they license or authorize might affect the Critical Habitat. At this time the petroleum companies are not planning to construct new gas pipelines or other developments that would require Federal permits.

The proposed Critical Habitat for the Leon Springs pupfish is as follows: Diamond Y Spring and its outflow stream, Leon Creek; from the head of Diamond Y Spring downstream in Leon Creek to a point 1 mile northeast of the Texas Highway 18 crossing, approximately 10 miles north of Fort Stockton, Texas. This watercourse is located in Sections 506, 507, 508, 509, 552, and 553 of the Garcia, Montez, and Duran Land Grant in Pecos County, Texas.

The Service is required to consider economic and other impacts of specifying a particular area as Critical Habitat and has prepared a draft impact analysis. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of preparing a final rule, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Leon Springs pupfish.

Effect of This Proposal if Published as a Final Rule

Section 7(a) of the Act provides:

"(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and Threatened species listed pursuant to Section 4 of this Act. (2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any Endangered species or Threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant Subsection (h) of this section.* * *".

Provisions for Interagency Cooperation are codified at 50 CFR Part 402. If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the Leon Springs pupfish, but also insure that their actions are not likely to result in the destruction or adverse modification of these Critical Habitats which have been determined by the Secretary.

Public Comments Solicited

The Director intends that rules finally adopted will be as accurate and effective as possible in the conservation of the Leon Springs pupfish. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal.

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject areas;

(5) The probable impacts on such activities if the area is designated as Critical Habitat; and

(6) The foreseeeable economic and other impacts of the Critical Habitat designation on Federally funded or authorized projects.

Public Meeting

The Service hereby announces that public meetings will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal. Specific information relating to the public meetings is set out below:

Place	Date	Time	Subject
1. Fort Stockton, Texas Chamber of Commerce Building.	June 13, 1980.	7:00 p.m.....	Leon Springs pupfish.

National Environmental Policy Act

A draft Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1069.

The primary author of this rule is Jim Bednarz, under contract to the Fish and

Wildlife Service, Regional Office, Albuquerque, New Mexico.

Regulations Promulgation

Accordingly, it is hereby proposed to amend 50 CFR 17.95(e), Fishes, by adding the following Critical Habitat after that of the yellowfin madtom.

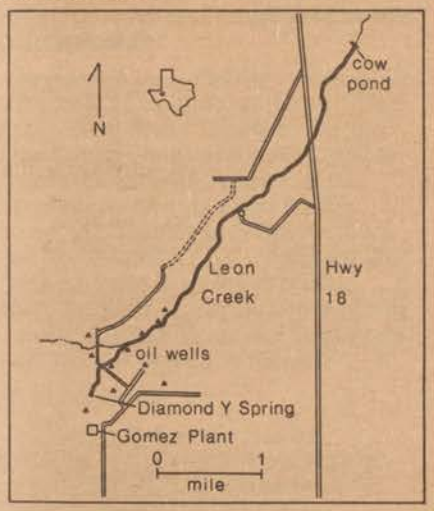
Leon Springs Pupfish

(Cyprinodon bovinus)

Texas, Pecos County, Diamond Y Spring and its outflow stream, Leon Creek; from the head of Diamond Y Spring downstream in Leon Creek to a point 1 mile northeast of the Texas Highway 18 crossing, approximately 10 miles north of Fort Stockton.

Leon Springs Pupfish

Pecos Co., Tex.



Note.—The Department of the Interior has determined that this proposal is not significant and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: May 12, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-15162 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 23

Information Sought on Proposal by Australia To Include the Black-Throated Finch in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Request for information.

SUMMARY: The Convention is a 59-nation treaty controlling import and export of species listed in three appendices. The Commonwealth of Australia has proposed that the black-throated or parson finch, *Poephila cincta cincta,* be included in Appendix II of the Convention. Such inclusion would help protect the subspecies from over-exploitation through international trade by requiring export permits or other documents authorizing such trade under the terms of the Convention. This proposal is being considered under the postal procedure provided by the Convention. The Service requests information on this subspecies in order to transmit comments to the Secretariat for the Convention by June 2, 1980.

DATE: All information and comments received by May 26, 1980 will be considered.

ADDRESS: Please address correspondence to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 536, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (202) 653-5948.

SUPPLEMENTARY INFORMATION: Postal procedures for amending the list of wildlife and plant species included in Appendices I and II are provided in Article XV of the Convention (T.I.A.S. 8249). Under this article, any Party may propose an amendment for consideration between meetings of the Parties. In response, any Party may transmit comments, information and data to the Secretariat to the Convention within 60 days of the date when the Secretariat communicated its recommendations on such a proposal to the Parties. The Secretariat will then communicate the replies received together with its own recommendations to the Parties as soon as possible. If the Secretariat receives no objection within 30 days of communicating the replies and recommendations, the proposal is adopted and enters into effect 90 days later. If any Party objects during the 30-day period, the proposal is put to a vote. The proposal is then adopted by a two-thirds majority of Parties casting an affirmative or negative vote, provided that at least one-half of all Parties cast a vote or indicate their abstention.

The Commonwealth of Australia submitted a proposal for consideration under the postal procedure to include the black-throated or parson finch (*Poephila cincta cincta*) in Appendix II. (In the trade, this species is known as the parson finch, and this subspecies is recognized as different from the black-rumped parson finch, *P.c. atropygialis.*) The Secretariat sent the proposal together with its own recommendations to the Parties on April 3, 1980. This material was received by the Office of the Scientific Authority on April 15, 1980. The closing date for receipt of comments and information by the Secretariat is June 2, 1980.

Australia provided the information summarized below in support of its proposal:

P. c. cincta has a coastal distribution in eastern Australia from Townsville, northern Queensland south to the Richmond River, northern New South Wales (Macdonald, 1973). It is uncommon over most of its range although perhaps locally common (Zann, 1976). The habitat it occupies includes forests and woodlands with thick ground cover and open water (Macdonald, 1973). In coastal situations it frequents open pandanus plains (Immelman, 1965.)

This is a popular aviary bird in Australia. There are no data on numbers in captivity. Data on legal international trade show that four specimens of this species were exported during the period 1971 to mid-1978. No data exist on illegal trade; however, illegal trade in this species is suspected to exist. Unregulated collecting for the avicultural trade would be a threat to the survival of this species.

P. c. cincta is a protected species throughout its range in Queensland and New South Wales. It is endemic to Australia. Survival of this race is threatened by loss of suitable habitat through agricultural clearing, predation by introduced cats and competition from introduced finches.

The race *P. c. cincta* is very similar to the more northern and relatively abundant race *P. c. atropygialis. P. c. cincta* can be identified by a pure white rump as opposed to black in *atropygialis.* The two races of *Poephila cincta* are recognized as distinct birds in the vicultural trade. Because of its popularity as an aviary bird, there is an additional threat from trade in this species. This is sufficient justification to warrant inclusion on Appendix II of the rarer and therefore more keenly sought after finch *P. c. cincta.*

This proposal is re-submitted for consideration by Parties to CITES following its withdrawl by the Australian delegation at the Costa Rica meeting pending further justification on the substantiality of listing a subspecies on Appendix II to CITES.

References

Immelman, K. (1965). Australian Finches. Angus and Robertson, Sydney.

Macdonald, J.D. (1973). Birds of Australia. A.H. and A.W. Reed, Sydney.
Zann, R. in Frith ed. (1976). Readers Digest Complete Book of Australian Birds. Readers Digest Services, Sydney.

The Service requests any information that might be useful in developing a resonse to the Secretariat. Please transmit any such information to the Service on or before the date given above. The Service plans to publish future notices in the **Federal Register** concerning its response to the Secretariat, the replies from other Parties, and subsequent actions concerning this proposal, in order to provide further opportunities for public participation.

This notice was prepared by Dr. Richard L. Jachowski, Office of the Scientific Authority.

Dated: May 9, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-15128 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 45, No. 97
Friday, May 16, 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.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Pay Order 80-1; Rates of Pay for Certain Officers and Employees of the Judicial Branch

Pursuant to the authority vested in me as Director of the Administrative Office of the United States Courts by the laws of the United States of America, and in accordance with the decision of the United States District Court for the District of Columbia in *Foley* v. *Carter*, Civil No. 79-3063 (D.D.C., judgment filed March 24, 1980), I hereby ascertain, adjust, fix, and/or provide notice of pay rates for certain officers and employees of the Judicial Branch as follows:

1-1. *Rates of Pay*

1-101. *Pay Rates Adjusted by Operation of Law.* (a) The per annum pay rates for officials whose rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 1.

(b) The per annum pay rates for officials whose rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 2.

1-102. *Pay Rates Fixed by Administrative Action.* (a) The maximum per annum pay rates for officials whose maximum rates the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 3.

(b) The maximum per annum pay rates for officials whose maximum rates are linked to rates which the Executive Salary Cost-of-Living Adjustment Act adjusts are set forth in Table 4.

(c) The maximum pay rates for officials whose maximum rates may be adjusted pursuant to section 5307 of title 5, United States Code, are set forth in Table 5.

(d) The per annum pay rates for officials whose rates are fixed in accordance with the Judicial Salary Plan are set forth in Table 6.

1-103. *The General Schedule.* (a) The per annum pay rates for officials of the Judicial Branch whose rates are fixed in accordance with subchapter III of chapter 53 of title 5, United States Code, are set forth in Table 7.

(b) Table 7 is the General Schedule as adjusted by the President on October 9, 1979. Exec. Order No. 12165, 44 FR 58671. Inasmuch as the appropriations limitations in section 101(c) of H.R.J. Res. 412, Pub. L. No. 96-86, 93 Stat. 656, 657 (1979), do not apply to the Judicial Branch, the footnotes which reflect new maximum freeze limitations on payable rates that the President added to the General Schedule on March 12, 1980, Exec. Order No. 12200, 45 Fed. Reg. 16443, also are inapplicable to officials of the Judicial Branch.

1-2. *General Provisions*

1-201. *Incorporation of Tables.* Each of the tables referenced above is attached hereto and made a part hereof.

1.202. *Effective Dates.* All adjustments of pay rates in the attached tables are effective as of the beginning of the first applicable pay period commencing on or after October 1, 1979. Implementing adjustments as a consequence of adjustments to maximum rates in the attached tables shall be effective in accordance with the action of the entity possessing pay-fixing responsibility.

1-203. *Determination of Adjustments.* Certain adjustments in section 1-101 and 1-102 depend on the overall percentage of the adjustment in the rates of pay under the General Schedule. According to the President's report to the Congress of the United States of March 13, 1980, that figure is 7.02 percent. 16 Weekly Comp. of Pres. Doc. 468 (March 17, 1980).

1-204. *Pending Litigation.* The availability of the Fiscal Year 1980 appropriations to meet the full adjustments of approximately 12.9 percent for certain officials on regular paydays for the duration of the fiscal year is dependent on further order in *Foley v. Carter* if the President takes an appeal.

Done at Washington, D.C., this 12th day of May 1980.

William E. Foley,
Director.

Table 1.—*Per Annum Pay Rates for Officials Whose Rates the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Rate	Basic authority	Adjustment authority
Chief Justice of the United States	$84,700	28 U.S.C. 5 (1976)	28 U.S.C. 461 (1976)
Associate Justices of the Supreme Court of the United States.	81,300	28 U.S.C. 5 (1976)	Do.
Judges, United States Courts of Appeals	65,000	28 U.S.C. 44(d) (1976)	Do.
Judges, United States Court of Claims	65,000	28 U.S.C. 173 (1976)	Do.
Judges, United States Court of Customs and Patent Appeals.	65,000	28 U.S.C. 213 (1976)	Do.
Judges, United States District Courts	61,500	28 U.S.C. 135 (1976)	Do.
Judges, United States Customs Court	61,500	28 U.S.C. 252 (1976)	Do.
Commissioners (Trial Judges), United States Court of Claims.	54,800	28 U.S.C. 792(b) (1976)	Do.
Bankruptcy Judges (formerly Referees in Bankruptcy) (Full-time).	53,500	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, sections 404(d), 411, 92 Stat. 2549, 2684, 2688.	

NOTE.—The rates in this table exclude any October 1977 adjustment.

Table 2.—*Per Annum Pay Rates For Officials Whose Rates are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Rate	Authority
District Judge, United States District Court for the District of the Canal Zone	$61,500	3 P.C.C. 5(b).
Judges, District Court of the Virgin Islands	61,500	48 U.S.C. 1614(a) (1976).
Judge, District Court of Guam	61,500	48 U.S.C. 1424b(a) (1976).
Judge, District Court for the Northern Mariana Islands	61,500	48 U.S.C. 1694(b)(1) (Supp. II 1978).
Director, Administrative Office of the United States Courts	61,500	28 U.S.C. 603 (1976).
Director, Federal Judicial Center	61,500	28 U.S.C. 626 (1976).
Deputy Director, Administrative Office of the United States Courts	53,600	28 U.S.C. 603 (1976).

NOTE.—The rates to which the rates in this table are linked exclude any October 1977 adjustment.

Table 3.—*Pay Fixed by Administrative Action; Maximum Per Annum Pay Rates for Officials Whose Maximum Rates the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Rates Which the Judicial Conference Fixes

Official	Maximum rate	Authority	Adjustment authority
Bankruptcy Judges (formerly Referees in Bankruptcy) (Part-time).	$26,800	Act of Nov. 6, 1978, Pub. L. No. 95-598, title IV, sections 404(d), 411, 92 Stat. 2549, 2684, 2688.	28 U.S.C. 461 (1976).

NOTE.—In accordance with the September 1974 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for part-time bankruptcy judges and 5 U.S.C. § 5307 (1976), the pay rate for each part-time bankruptcy judge is adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100) equal to 7.02 percent of his pay rate in effect on September 30, 1979. However, his pay rate shall not exceed $26,800 as a consequence of this adjustment. These adjustments are effective October 1, 1979.

Table 4.—*Pay Fixed by Administrative Action; Maximum Per Annum Pay Rates for Officials Whose Maximum Rates Are Linked to Rates Which the Executive Salary Cost-of-Living Adjustment Act Adjusts*

Official	Maximum rate	Authority
Rates Which the Chief Justice Fixes		
Administrative Assistant to the Chief Justice of the United States	$61,500	28 U.S.C. 677(a) (1976).
Rates Which the Judicial Conference Fixes		
Magistrates (Full-Time)	[1] $53,500	28 U.S.C. 634(a) (1976).[1]
Magistrates (Part-Time)	[1] 26,750	28 U.S.C. 634(a) (1976).[1]
Rates Which the Judicial Councils Fix		
Circuit Executives	$53,600	28 U.S.C. 332(f) (1976).
Federal Public Defenders	([3])	18 U.S.C. 3006A (h) (2) (A) 1976.[2]

[1] Section 232 of the Act of Nov. 6, 1978, Pub. L. No. 95-598, title II, 92 Stat. 2549, 2665, which amends 28 U.S.C. 634(a) (1976), will *not* become effective until April 1, 1984, in accordance with section 402(b) of the Act. In accordance with the March 1980 resolution of the Judicial Conference of the United States concerning cost-of-living adjustments for magistrates and 5 U.S.C. 5307 (1976), the pay rates for magistrates are adjusted as follows

Full-time magistrates	Sept. 30, 1979 rate	Adjusted rate
Level I	$48,500	$51,900
Level II	42,500	45,500
Yosemite National Park	32,000	34,250

Full-time magistrates	Sept. 30, 1979 rate	Adjusted rate
Level 1	$24,250	$25,950.
All others	Less than $24,250	No change.

These adjustments are effective as of the beginning of the first pay period commencing on or after October 1, 1979.

[2] The pay rates of certain United States attorneys are adjusted pursuant to the Federal Pay Comparability Act of 1970, *as amended*, 5 U.S.C. 5305 *et seq.* (1976).

[3] "[C]ompensation received by the United States attorney for the district where representation is furnished * * *."

NOTES.—1. The rates to which the rates in this table are linked exclude any October 1977 adjustment. 2. The actual pay rates of officials included in this table are not subject to automatic adjustment. The authority possessing pay-fixing responsibility must act to adjust actual pay rates. The adjustments may be retroactive to the beginning of the first pay period commencing on or after October 1, 1979, when such adjustments are made pursuant to 5 U.S.C. 5307 (1976).

Table 5.—*Pay Fixed by Administrative Action; Maximum Pay Rates for Officials Whose Maximum Rates May Be Adjusted Pursuant to 5 U.S.C.5307 (1976)*

Rates Which the District Courts Fix

Official	Maximum rate	Basic authority	Adjustment authority
Jury Commissioner (per day)	$66.56	28 U.S.C. 1863(b)(1) (1976)	5 U.S.C. 5307 (1976).

NOTE.—*The actual pay rates for officials included in this table are not subject to automatic adjustment. The authority possessing pay-fixing responsibility must act to adjust actual pay rates. The adjustments may be retroactive to the beginning of the first pay period commencing on or after October 1, 1979, when such adjustments are made pursuant to 5 U.S.C. 5307 (1976).*

Table 6.—The Judicial Salary Plan

	1	2	3	4	5	6	7	8	9	10
JSP:										
1	$7,210	$7,450	$7,690	$7,930	$8,170	$8,410	$8,650	$8,890	$8,902	$9,126
2	8,128	8,399	8,670	8,902	9,002	9,267	9,532	9,797	10,062	10,327
3	8,952	9,250	9,548	9,846	10,144	10,442	11,740	11,038	11,336	11,634
4	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064
5	11,243	11,618	11,993	12,368	12,743	13,118	13,493	13,868	14,243	14,618
6	12,531	12,949	13,367	13,785	14,203	14,621	15,039	15,457	15,875	16,293
7	13,925	14,389	14,853	15,317	15,781	16,245	16,709	17,173	17,637	18,101
8	15,423	15,937	16,451	16,965	17,479	17,993	18,507	19,021	19,535	20,049
9	17,035	17,603	18,171	18,739	19,307	19,875	20,443	21,011	21,579	22,147
10	18,760	19,385	20,010	20,635	21,260	21,885	22,510	23,135	23,760	24,385
11	20,611	21,298	21,985	22,672	23,359	24,046	24,733	25,420	26,107	26,794
12	24,703	25,526	26,349	27,172	27,995	28,818	29,641	30,464	31,287	32,110
13	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
14	34,713	35,870	37,027	38,184	39,341	40,498	41,655	42,812	43,969	45,126
15	40,832	42,193	43,554	44,915	46,276	47,637	48,998	50,359	51,720	53,081
16	47,889	49,485	51,081	52,677	53,600	53,600	53,600	53,600	53,600	
17	53,600	53,600	53,600	53,600	53,600					
18	53,600									

NOTES.—1. Notwithstanding the rates in this table, the basic pay of clerks of court is limited to a rate which is $2,000 less than the maximum rate for circuit executives. 2. Effective May 19, 1980, and notwithstanding the rates in this table, the basic pay of probation officers is limited to a rate which is $2,000 less than the maximum rate for circuit executives.

Table 7.—*The General Schedule*

	1	2	3	4	5	6	7	8	9	10
GS:										
1	$7,210	$7,450	$7,690	$7,930	$8,170	$8,410	$8,650	$8,890	$8,902	$9,126
2	8,128	8,399	8,670	8,902	9,002	9,267	9,532	9,797	10,062	10,327
3	8,952	9,250	9,548	9,846	10,144	10,442	10,740	11,038	11,336	11,634
4	10,049	10,384	10,719	11,054	11,389	11,724	12,059	12,394	12,729	13,064
5	11,243	11,618	11,993	12,368	12,743	13,118	13,493	13,868	14,243	14,618
6	12,531	12,949	13,367	13,785	14,203	14,621	15,039	15,457	15,875	16,293
7	13,925	14,389	14,853	15,317	15,781	16,245	16,709	17,173	17,637	18,101
8	15,423	15,937	16,451	16,965	17,479	17,993	18,507	19,021	19,535	20,049
9	17,035	17,603	18,171	18,739	19,307	19,875	20,443	21,011	21,579	22,147
10	18,760	19,385	20,010	20,635	21,260	21,885	22,510	23,135	23,760	24,385
11	20,611	21,298	21,985	22,672	23,359	24,046	24,733	25,420	26,107	26,794
12	24,703	25,526	26,349	27,172	27,995	28,818	29,641	30,464	31,287	32,110
13	29,375	30,354	31,333	32,312	33,291	34,270	35,249	36,228	37,207	38,186
14	34,713	35,870	37,027	38,184	39,341	40,498	41,655	42,812	43,969	45,126
15	40,832	42,193	43,554	44,915	46,276	47,637	48,998	50,359	51,720	53,081
16	47,889	49,485	51,081	52,677	[1]54,273	[1]55,869	[1]57,465	[1]59,061	[1]60,657	
17	[1]56,099	[1]57,969	[1]59,839	[1]61,709	[1]63,579					
18	[1]65,750									

[1]Basic pay is limited by Section 5308 of Title 5 of the United States Code to the rate for level V of the Executive Schedule which is $53,600.

[FR Doc. 80-15045 Filed 5-15-80; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 1 p.m., on Thursday, May 29, 1980.

The purpose of the meeting is to consider the findings of the subcommittee which was appointed by the Chairperson following the May 1–2 meeting of the Committee. The subcommittee was formed to study the feasibility of providing a minimum of one sale per week during 4-day sales weeks to each operating market, to propose alternative submarketing areas, and determine the need for additional sets of federal graders.

Additionally, matters to be discussed include changes which may be needed to improve equitability and/or effectiveness of the regulations issued under the grower designation plan, pursuant to The Tobacco Inspection Act, 7 U.S.C. 511–511q and other matters as specified in 7 CFR, Part 29, Subpart G, Section 29.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairperson. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. T. A. VonGarlem, Director,

Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, 300 12th Street, S.W., Washington, D.C. 20250 (202)447-2567.

Dated: May 13, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-15180 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Cherokee National Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

Land and Resource Management Plan, Cherokee National Forest; Carter, Cocke, Greene, Johnson, McMinn, Monroe, Polk, Sullivan, Unicoi, Washington Counties, Tennessee and Ashe County, North Carolina. Intent to Prepare an Environmental Impact Statement.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Cherokee National Forest.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary's regulations promulgated pursuant to the National Forest Management Act of 1976. The resulting plan will provide for the multiple use and sustained yield of goods and services from the Cherokee National Forest.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection and resource use activities. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of resource outputs and expenditure levels. In formulating these alternatives, the following criteria will be met:

(1) Each alternative will be capable of being achieved;

(2) A no-action alternative will be formulated, that is the most likely condition expected to exist in the future if current management direction would continue unchanged;

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative;

(4) Each identified major public issue and management concern will be addressed in one or more alternatives; and

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative.

Each alternative will state at least:

(1) The condition and uses that will result from long-term application;

(2) The goods and services to be produced, and the timing and flow of these outputs;

(3) Resource management standards and guidelines; and

(4) The purposes of the management direction proposed.

As an early step in the planning process, Federal, State, and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in a scoping process which includes: (a) identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not significant, or which have been covered by prior environmental review. To accomplish this scoping effort, the Cherokee National Forest will send out information packets in May 1980. The packets will be sent to and comments solicited from Federal, State, and local agencies, organizations, and individuals who may be interested or have expressed an interest in National Forest Planning. The comment period will be 45 days from the date of this notice.

Written comments should be sent to: Mr. Marvin K. Lauritsen, Cherokee National Forest, 2321 North Ocoee Street, N.W., Cleveland, Tennessee 37311. The commerical telephone number is 615-476-5528.

The draft environmental impact statement and plan will be available by November 1982 for a 90-day comment period. The final environmental impact statement and plan is scheduled for completion in July 1983.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for approval of the environmental impact statement and plan.

For further information about the planning project, or the availability of the environmental impact statement or other documents relevant to the planning process, contact: Bobby Larkey, Forest Interdisciplinary Team Leader, Cherokee National Forest. (Phone: 615-476-5528.)

Dated: May 8, 1980.

James S. Sabin, Jr.,

Acting Regional Forester.

[FR Doc. 80-15107 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Big Rivers Electric Corp.; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration as lead Federal agency has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan guarantee for Big Rivers Electric Corporation (Big River's), P.O. Box 24, Henderson, Kentucky 42420. The U.S. Environmental Protection Agency, Region IV; U.S. Army Corps of Engineers, Louisville District; U.S. Department of the Interior (U.S. Fish & Wildlife Service) and Kentucky Department of Natural Resources and Environmental Protection have acted as cooperating agencies during the NEPA process.

The loan guarantee would allow Big Rivers to secure funds required for the construction of a proposed steam-electric generating station near Matanzas, Ohio County, Kentucky. The project consists of two 440 MW (gross) coal-fired generating units scheduled for operation mid-1984 and beginning of 1986 respectively, and ancillary facilities. Proposed electric transmission associated with the project involves (1) a 345 KV single circuit (operated initially at 161 KV) from the Reid Station to the Wilson Station to the Coleman Station, and (2) a 161 KV single circuit from the existing Providence Substation to the Wilson Station to the existing Hardisburg Substation. The project will provide a reliable source of electrical power to fill existing and projected future needs of Big Rivers' member distribution cooperatives.

The U.S. Environmental Protection Agency (EPA) is proposing to give approval to construct the facility under the regulations for prevention of significant deterioration of air quality, 40 CFR 52.21.

The U.S. Environmental Protection Agency also proposes to issue a

National Pollutant Discharge Elimination System (NPDES) Permit, NPDES and application number KY0054836. A revised draft NPDES permit is included in this Final Environmental Impact Statement.

Additional information may be secured on request submitted to Mr. Joe S. Zoller, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 5833 or at the borrower's address indicated above. Final action may be taken with respect to this matter after thirty (30) days.

Final REA action pursuant to this proposed Big Rivers project (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 2nd day of May 1980.

Robert W. Feragln,

Administrator, Rural Electrification Administration.

[FR Doc. 80-15053 Filed 5-15-80; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended May 9, 1980 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
May 5, 1980	38137	ELTEHA International (PTE) Ltd. d.b.a. ELTEHA International (USA) Ltd., c/o Harry A. Bowen, 234 Georgetown Building, 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007. Application of ELTEHA International (PTE) Ltd. d.b.a. ELTEHA International (USA) Ltd. pursuant to Section 402 of the Act and Subpart Q of the Board's Regulations requests the issuance of a foreign air carrier permit authorizing it to engage indirectly in foreign air transportation of passengers between any point or points in the United States and any point or points outside the United States and requests that the permit be issued in the name of ELTEHA International (PTE) Ltd. d.b.a. ELTEHA International (USA) Ltd. Answers may be filed by June 2, 1980.
May 6, 1980	38139	American Airlines, Inc., P.O. Box 61616, Dallas/Fort Worth Airport, Texas 75261. Application of American Airlines, Inc. pursuant to Section 401(e)(7)(B) of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity for Route 4 so as to authorize nonstop service between Phoenix, Ariz., and Seattle, Wash., by deletion of that city pair from the list of restricted markets in Appendix A to American's certificate issued by Order 79-8-81, August 15, 1979. Conforming Applications and Answers are due May 20, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-15132 Filed 5-15-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363 and 37687]

Former Large Irregular Air Service Investigation, Action Air Cargo Corp.; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 17, 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 administrative law judge.

Dated at Washington, D.C., May 12, 1980.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 80-15133 Filed 5-15-80; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Harrisburg Hearing; Domestic Violence

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that public hearings of the U.S. Commission on Civil Rights will begin on June 17, 1980 in Room 107 of the College Center at Harrisburg Area Community College, 3300 Cameron Street Road, Harrisburg, Pennsylvania. An executive session not open to the public may be convened at any appropriate time before or during the hearings.

The purpose of the hearings is to collect information within the jurisdiction of the Commission, particularly concerning the response of the legal system to the needs of women victims of domestic violence.

The Commission is an independent bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Dated at Washington, D.C., May 14, 1980.

Arthur S. Flemming,

Chairman.

[FR Doc. 80-15230 Filed 5-15-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Chatham Dress Company, Inc., 13–15 Walnut Street, Salem, New Jersey 08079, a producer of women's dresses, suits, pants, jackets, skirts and shorts (accepted April 24, 1980); (2) Forrest City Machine Works, Inc., P.O. Box 984, Forrest City, Arkansas 72335, a producer of farm machinery (accepted April 24, 1980); (3) Halmode Apparel, Inc., 728 Wertz Road, N.E., Roanoke, Virginia 24012, a producer of women's dresses, pantsuits and robes (accepted April 24, 1980); (4) Deer Park Baking Company, Egg Harbor Road, Hammonton, New Jersey 08037, a producer of cookies (accepted April 25, 1980); (5) Eden Toys, Inc., 112 West 34th Street, Room 2208, New York, New York 10001, a producer of stuffed toys (accepted April 25, 1980); (6) Trio Sportswear of Dallas, Inc., 542 Highway 121, Lewisville, Texas 75067, a producer of women's dresses, slacks, blouses, skirts and jackets (accepted April 25, 1980); (7) Alpine Designs, Inc., 1745 South Acoma Street, Denver, Colorado 80223, a producer of sports jackets, vests and coveralls (accepted April 28, 1980); (8) Washburn Wire Company, 300 Bourne Avenue, East Providence, Rhode Island 02916, a producer of steel ingots, billets, rods and wire products (accepted April 29, 1980); (9) Prairie Manufacturing Company, 106 Washington Avenue, East Prairie, Missouri 63845, a producer of men's pants and uniforms (accepted April 29, 1980); (10) Hardware and Industrial Tool Company, Inc., 2607 River Road, Cinnaminson, New Jersey 08077, a producer of hand and garden tools (accepted May 1, 1980); (11) Trail Greenhouses, Route 209, Accord, New York 12404, a producer of potted plants (accepted May 5, 1980); (12) Maverick Mining Corporation, Drawer II, Grundy, Virginia 24614, a producer of coal (accepted May 5, 1980); (13) Venus Creations, Inc., 1350 Broadway, New York, New York 10018, a producer of women's dresses, tops and loungewear (accepted May 5, 1980); (14) Kelly Slax, Inc., 1185 Avenue of the Americas, New York, New York 10036, a producer of men's pants and shorts (accepted May 6, 1980); (15) Allomatic Industries, Inc., 30–30 60th Street, Woodside, New York 11377, a producer of automotive parts (accepted May 6, 1980); and (16) Stylish Sportswear Company, Inc., 611 Broadway, New York, New York 10012, a producer of women's slacks and tops (accepted May 7, 1980).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (P.L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business May 26, 1980.

Jack W. Osburn, Jr.,

Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 80–15080 Filed 5–15–80; 8:45 am]

BILLING CODE 3510–24–M

Minority Business Development Agency

Gary, Indiana; Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 12 month period beginning October 1, 1980, within the corporate limits of Gary, Indiana. The cost of the project is estimated to be $115,000 and the Project Number is 05–60–21103–00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide the services of a Business Development Center (BDC) to minority businesspersons and firms.

Eligibility Requirements: There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: Chicago Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 55 East Monroe Street, Suite 1440, Chicago, IL 60603.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of September 1, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: May 12, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80–15140 Filed 5–15–80; 8:45 am]

BILLING CODE 3510–21–M

Honolulu, Hawaii; Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its

program to operate one project for a 12 month period beginning August 1, 1980, in (1) primary area—Honolulu, Hawaii; (2) secondary area—Hilo, Hawaii. The grantee shall establish two offices to service the minority businesses in these two geographic areas. The cost of the project is estimated to be $320,000 and the Project Number is 09–10–50520–00.

Funding Instrument. It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide the services of a Business Development Center (BDC) to minority business persons and firms.

Elegibility Requirements. There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials. An application kit for this project may be requested by writing to the following address: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Ave., San Francisco, CA 94102.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process. All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date. Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 17, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

Dated: May 12, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80–15139 Filed 5–15–80; 8:45 am]

BILLING CODE 3510–21–M

National Marine Fisheries Service

Notice of Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Eleanor M. Dorsey (P247).

b. Address: New York Zoological Society, Weston Road, Lincoln, Massachusetts 01773.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Minke Whales *(Balaenoptera acutorostrata)*, 180.

4. Type of Take: Individuals within the population may be inadvertently harassed while conducting observational activities including photography and sound recordings.

5. Location of Activity: San Juan Islands, Puget Sound, and the Strait of Juan de Fuca.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above appliation are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: May 9, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80–15184 Filed 5–15–80; 8:45 am]

BILLING CODE 3510–22–M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), will meet to review status reports on development of fishery management plans (FMP's); consider foreign fishing applications, if any; and conduct other fishery management business. The public is invited to comment on any proposed changes to the FMP for Reef Fish beginning at 1:30 p.m., Tuesday, June 3, 1980, and on the FMP for Coastal Migratory Pelagic Resources (Mackerels), beginning at 8:30 a.m., Wednesday, June 4, 1980.

DATES: The meetings will convene on Tuesday, June 3, 1980, at 1:30 p.m., recovene Wednesday, June 4, 1980, at 8:30 a.m., and recovene Thursday, June 5, 1980, at 8 a.m. The meetings will adjourn at approximately 5 p.m., on all three days, and are open to the public.

ADDRESS: The meetings will take place in the Promenade Room at The Naples Beach Hotel and Golf Club, 851 Gulf Shore Boulevard North, Naples, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228–2815.

Dated: May 12, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-15185 Filed 5-15-80; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94-265), will meet to discuss background information for the Shark, Bluefish, Scup and Black Sea Bass Fishery Management Plans (FMP's), status of FMP's, foreign fishing applications, as well as other fishery management and administrative matters.

DATES: The meeting will convene at approximately 1 p.m., on June 11, 1980, and will adjourn at approximately 12 noon on June 13, 1980. The meetings are open to the public.

ADDRESS: The meetings will take place at the Sheraton Inn-Coliseum, 1215 W. Mercury Boulevard, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, North and New Streets, Dover, Delaware 19901.

Dated: May 12, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-15186 Filed 5-15-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1980 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 18, 1980.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested parties an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and servies to Procurement List 1980 November 27, 1979 (44 F.R. 67925):

Class 7530

Folder, File
7530-00-926-8982
7530-00-926-8984
7530-00-043-1194
Folder Set, File
7530-00-286-6925

SIC 0782

Grounds Maintenance/Cleanup Service, Naval Ordnance Station, Indian Head, Maryland.
Grounds Maintenance At the following locations in Washington, D.C.:
LBJ Grove
RFK Stadium
Constitution Gardens

C. W. Fletcher,

Executive Director.

[FR Doc. 80-15083 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-33-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Man-Made Fiber Textile Products From the Socialist Republic of Romania

May 13, 1980.

AGENCY: Committee for the Implementation of Textile Agreements

ACTION: Controlling women's, girls' and infants' man-made fiber coats in Category 635, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1980, at the agreed consultation level of 16,949 dozen.

(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: Under the terms of the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania, the United States Government has decided to control imports in Category 635, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated.

EFFECTIVE DATE: May 19, 1980.

FOR FURTHER INFORMATION CONTACT: M. Shirley Hargove, Trade and Industry Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 17, 1979, there was published in the **Federal Register** (44 FR 73137) a letter dated December 12, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Romania, 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 and extends through December 31, 1980. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber textile products in Category 635 during that same period at the agreed consultation level.

Accordingly, in the letter of May 13, 1980 published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption or withdrawal from warehouse for consumption, of man-made fiber textile products in Category 635, produced or manufactured in Romania in excess of 16,949 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1979. Imports in the category during the period which began on January 1, 1980 and extended through March 31, 1980 amounted to 2,760 dozen and will be charged. Imports in excess of the level of restraint established during the agreement year which began on January 1, 1979 and which amounted to 9,430 dozen are also being charged.

As the data for 1980 become available, further charges will be made to account for imports during the period which began on April 1, 1980 and extends through the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

May 13, 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 issued to you on December 12, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Romania.

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 Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; 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 19, 1980, and for the twelve-month period beginning on January 1, 1980 and extending 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 635, produced or manufactured in Romania, in excess of the following level of restraint:

Category	12-month level of restraint [1]
635	16,949 dozen.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979. Imports during the period, January-March 1980, amounted to 2,760 dozen. Charges in the amount of 9,430 dozen, representing shipments in excess of the 1979 level of restraint should also be made to the above level.

Textile products in Category 635 which have been exported to the United States prior to January 1, 1980 shall be subject to this directive.

Textile products in Category 635 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.

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).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these 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. 80-15079 Filed 5-15-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Acquisition Policy; Advisory Committee Meeting

An Aircraft Subgroup under the Defense Science Board Task Force on Acquisition Policy will meet in closed session on 18–19 June 1980 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The Aircraft Subgroup will review the management of evolving aircraft technology in the 18–19 June meeting. The Task Force on Acquisition Policy is addressing specific issues in evolving DoD policy concerning aircraft acquisition.

In accordance with 5 U.S.C. App. 1 section 10(d)(1976), it has been determined that this Defense Science Board task force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

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

May 13, 1980.

[FR Doc. 80-15044 Filed 5-15-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Annual Report Ad Hoc Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Sec. 10(a)(2)).

DATE: June 8, 1980, 6:00 p.m.; June 9, 1980, 9:00 a.m. to 4:00 p.m.

ADDRESS: National Advisory Council on Adult Education, 425 13th Street, N.W., Suite 323, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street, N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee shall be open to the public. The proposed agenda will include the Council's 1980 Annual

Report—content, format, graphics, and appendices. Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on May 12, 1980.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 80-15196 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF ENERGY

Fuel Economy of Motor Vehicles; Availability of Second Edition of the 1980 Gas Mileage Guide

The Department of Energy (DOE) hereby gives notice of the availability of a second, expanded, edition of the 1980 Gas Mileage Guide. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which, among other things, contain requirements for dealers of 1980 and later model year automobiles and light trucks to have copies of a booklet, the Gas Mileage Guide, available and on display in their showrooms and to keep an adequate stock on hand to meet public demand. In this second edition of the booklet, prospective purchasers now will be able to find the fuel economies of all the various model vehicles certified by EPA as of January 21, 1980 for sale in the United States. DOE is required by section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended by section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*), to publish and distribute this booklet. Section 600.405-77 of the EPA regulations states that dealers will be expected to make these booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The second edition of the 1980 Gas Mileage Guide is available for display and distribution by dealers in their showrooms. Any dealer who has not already received Guides from DOE or requires additional copies should request copies by writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., May 9, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-15035 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Pronto Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 8, 1980. Comments by: June 16, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of 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 8, 1980, the Office of Enforcement of the ERA executed a Consent Order with Pronto Gas Company of Abilene, 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 Pronto Gas Company wish to expeditiously resolve this matter as agreed 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 Pronto Gas Company effective as of the date of its execution by the DOE and Pronto Gas Company.

I. The Consent Order

Pronto Gas Company, with its home office located in Abilene, Texas, is a firm which engaged in the production and sale of natural gas liquids (NGL's) and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Pronto, the Office of Enforcement, ERA, and Pronto entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1, 1973 through March 31, 1977, and it included all sales of NGL's made by Pronto Gas Company (Pronto) during that period.

2. Alleged overcharges on these sales were due to Pronto not applying the provisions of 10 CFR Part 212 Subpart K, in a manner acceptable to the DOE.

3. The Consent Order does not constitute an admission by Pronto that ERA regulations have been violated.

4. The Consent Order is a settlement of the alleged overcharges which were the subject of the Notice of Probable Violation issued to Pronto on November 26, 1979.

5. Pronto agrees to refund to the DOE $20,000. The terms of the refund consist of $2,500 to be refunded on the effective date of the Consent Order, with the balance of the refundable amount to be paid in five additional installments of $3,500 payable on a monthly basis beginning 30 days after the initial payment.

6. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Pronto agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $20,000 in the manner specified in I. 5. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate

refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claims within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

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. 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 Pronto Consent Order." We will consider all comments we receive by 4:30 p.m. local time, on June 16, 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 9th day of May, 1980.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 80–15034 Filed 5–15–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP80–345]

Midwestern Gas Transmission Co.; Notice of Application

May 12, 1980.

Take notice that on May 1, 1980, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80–345 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas on an interruptible basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to sell natural gas on an interruptible basis on its southern system in accordance with the provisions of its proposed Interruptible Rate Schedule I–1. Applicant asserts that from time to time, one or more of the customers on its southern system elects not to purchase their contract entitlements while other customers on the southern system may desire to purchase natural gas in excess of their contract entitlements pursuant to the provisions of Applicant's Rate Schedule I–1. It is stated that the ability to sell such volumes of natural gas would be beneficial to Applicant and its customers by providing system flexibility.

Applicant states that interruptible sales under the proposed Rate Schedule I–1 would be made only, if in Applicant's sole opinion, it has sufficient capacity and gas supply to provide such service without detriment to its existing customers. It is further asserted that any such volumes as are available would first be offered to Applicant's southern system customers.

Applicant further proposes to amend its purchased gas adjustment clause and curtailmant provisions to provide that sales under its Rate Schedule I-1 should be curtailed or interrupted first to provide higher priority to Applicant's firm service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–15153 Filed 5–15–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP75–147]

Natural Gas Pipeline Co. of America; Notice of Petition To Amend

May 12, 1980.

Taked notice that on April 29, 1980, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75–147 a petition to amend the order of May 24, 1976,[1] as amended, issued in the instant docket pursuant to Section 7 of the Natural Gas Act so as to permit and approve the abandonment of the transportation and sale of gas produced from waste, all as more fully set forth in

[1] This proceeding was commenced before the Federal Power Commission. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it received initial deliveries from Calorific Recovery Anerobic Process, Inc. (Calorific) of methane gas manufactured through the anaerobic digestion of animal waste on April 1, 1978. Petitioner further states that it received only minimal volumes of gas between April 1, 1978, and May 1979.

It is stated that deliveries terminated in May 1979 and Petitioner states that it does not anticipate any measurable volumes in the foreseeable future.

Petitioner states that it would remove all salvable facilities and utilize them where required. Petitioner states further that all other facilities would, in part or in total, be abandoned in place or removed and scrapped.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15154 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-66, 67, and 68]

New England Power Co.; Notice of Filing

May 9, 1980.

Take notice that New England Power Company (NEP) on May 2, 1980, filed amendments to NEP's FERC Electric Tariff, Original Volume Number 1, constituting a revision in the Company's rate filing in Docket Nos. ER80-66 and 67 (hereinafter referred to as Rate W-2 (D)):

1. Schedule II-A, Fifteenth Revised Page No. 1;
2. Schedule II-A, Sixteenth Revised Page No. 2;
3. Schedule II-CD, Ninth Revised Page No. 1;
4. Schedule II-CD, Tenth Revised Page No. 2;
5. Schedule IV, Ninth Revised Page No. 4;
6. A revised billing comparison summary;
7. The amendment of the Narragansett Service Agreement and a certificate of concurrence; and
8. Revised Exhibits Nos. —— (NE 403, 407, and 408).

Also enclosed for filing are the requisite copies of amendments to NEP's presently effective demand charge for the sale of System Power Unreserved (SPU) power to various parties, constituting a revision in the Company's rate filing in Docket No. ER80-68 (hereafter referred to as SPU-revised):

1. Third Revised Page Seven to a Power Contract dated October 1, 1976, between NEP and Fitchburg Gas & Electric Light Company;
2. Third Revised Page Ten to a Power Contract dated as of May 1, 1977, between NEP and the Town of Hudson, Massachusetts;
3. Third Revised Page Five to a Power Contract dated as of September 16, 1976, between NEP and the Village of Lyndonville, Vermont;
4. Third Revised Page Five to a Power Contract dated as of November 15, 1976, between NEP and Green Mountain Power Corporation;
5. Second Revised Page No. 1-Z to Schedule II-C of NEP's FERC electric tariff, Original Volume Number 2;
6. A revised billing comparison summary; and
7. Revised Exhibits Nos. —— (NE-901 and 904).

NEP states that these SPU-revised amendments are being submitted for filing in accordance with Paragraph E of Schedule III-C of the referenced tariff and Article VI of the Power Contracts that provide for a unilateral filing by NEP in order to adjust the SPU rate on a cost of service basis.

According to NEP the W-2(D) and SPU-revised filings reflect the deletion of the costs projected for the short-term coal conversion of Salem Harbor Units 2 and 3. In addition the SPU-revised filing reflects the deletion of the costs associated with the now abandoned NEP 1 and 2 projects, as well as the deletion of long-term coal conversion costs relating to Brayton Point (including CWIP and operation and maintenance charges).

NEP states that the effect of the W-2(D) deletions will be to reduce the energy charge from 18.30 mills to 18.05 mills and the CD demand charge from $10.16 to $10.01. The effect of the SPU-revised deletions will be to reduce the demand charge from the presently effective rate of $62.31/KW-Yr. to $58.07/KW-Yr.

NEP requests the Commission to accept the W-2(D) filing effective as of June 1, 1980—the effective date provided by the Commission for the original W-2 filing—and to accept the SPU-revised filing effective as of January 2, 1980—the effective date provided by the Commission for the original SPU filing. NEP further requests the Commission to grant waiver of the notice requirements of §§ 35.11 and 35.17 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). ALL such protests should be filed on or before May 22, 1980. Protests will be considered by the Commission in determing the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15155 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[NO. 200]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

May 12, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-29868
2. 30-025-00000-0000
3. 108 000 000
4. Amerada Hess Corp
5. E W Walden No 7 (Dual Gas Well)
6. Eunice
7. Lea NM
8. 8.4 million cubic feet
9. April 28, 1980
10. Northern Natural Gas Co

1. 80–29869
2. 30–045–00000–0000
3. 108 000 000
4. C & E Operators Inc
5. Martinez-Carr Com No 1
6. Blanco Pictured Cliffs
7. San Juan NM
8. .0 million cubic feet
9. April 28, 1980
10. El Paso Natural Gas Co

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–29986/00202
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. W H Andrews No 3092
6. Craft Creek Field Morris Twp
7. Washington PA
8. 3.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp, Manufactures Light & Heat Co

1. 80–29987/00203
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. David Craft No 465
6. Craft Creek Field Morris Twp
7. Washington PA
8. 8.2 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp, Manufactures Light & Heat Co

1. 80–29988/00204
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. A B Warner No 19600
6. Lover Gas Field Fallowfield Twp
7. Washington PA
8. 5.3 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–29989/00205
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. Add C Stollar No 3363
6. Craft Creek Field Morris Twp
7. Washington PA
8. .6 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp, Manufactures Light & Heat Co

1. 80–29990/00206
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. Bamford Fuel No 197000
6. Bamford Station Field Fallowfield T
7. Washington PA
8. 2.9 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–29991/00207
2. 37–125–00000–0000
3. 108 000 000
4. Weir Walker
5. C H Miles No 3545
6. South Pancake Field Amwell Twp
7. Washington PA
8. 6.0 million cubic feet
9. April 25, 1980
10. Carnegie Natural Gas Co

1. 80–29992/01636
2. 37–033–20629–0003
3. 103 000 000
4. Doran & Associates Inc
5. Samuel Yoder No 1 Kg 7
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–29993/01635
2. 37–033–20679–0003
3. 103 000 000
4. Doran & Associates Inc
5. Twila M Linville #1 Kg 8
6. Upper Devonian Sand
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–29994/01638
2. 37–063–24182–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Pollock #K–L–67
6. Upper Denonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil

1. 80–29995/01639
2. 37–063–24462–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Garman #1 KL 144
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–29996/01640
2. 37–129–21279–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Walker #2 K–L–79
6. Upper Devonian Sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–29997/01643
2. 37–063–24498–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Shields #1 K–L–175
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–29998/01644
2. 37–065–21727–0003
3. 103 000 000
4. Doran & Associates Inc
5. Harold Himes #1 KB1
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980
10.

1. 80–29999/01645
2. 37–033–20636–0003
3. 103 000 000
4. Doran & Associates Inc
5. L Silvis #1 K–S–8
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30000/01646
2. 37–033–20637–0003
3. 103 000 000
4. Doran & Associates Inc
5. G Barker #1 K–S–7
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30001/01647
2. 37–033–20638–0003
3. 103 000 000
4. Doran & Associates Inc
5. G Whitmore #1 K–S–6
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30002/01648
2. 37–033–20642–0003
3. 103 000 000
4. Doran & Associates Inc
5. C Bush #1 K–S–5
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30003/01649
2. 37–033–20641–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Bush #1 K–S–4
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30004/01650
2. 37–033–20640–0003
3. 103 000 000
4. Doran & Associates Inc
5. M Reasinger #1 K–S–3
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30005/01651
2. 37–033–20639–0003
3. 103 000 000
4. Doran & Associates Inc
5. M Spafford #1 K–S–2
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30006/01652

2. 37–033–20647–0003
3. 103 000 000
4. Doran & Associates Inc
5. C Rieg #1 K–S–1
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30007/01653
2. 37–063–24561–0003
3. 103 000 000
4. Doran & Associates Inc
5. John Markle #1 KZ 3
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30008/01654
2. 37–063–24463–0003
3. 103 000 000
4. Doran & Associates Inc
5. V Moretti #1 KL 147
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30009/01655
2. 37–063–24018–0003
3. 103 000 000
4. Doran & Associates Inc
5. V Frech #3 K–L–25
6. White
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30010/01656
2. 37–005–22091–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Richardson #1 K–L–23
6. Plumcreek
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc.

1. 80–30011/01657
2. 37–063–24017–0003
3. 103 000 000
4. Doran & Associates Inc
5. V Frech #2 K–L–24
6. White
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30012/01658
2. 37–063–24056–0003
3. 103 000 000
4. Doran & Associates Inc
5. S Zahornacky #1 KL 53
6. Burrell
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30013/01659
2. 37063–24181–0003
3. 103 000 000
4. Doran & Associates Inc
5. T Haydon #1 KL 54
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30014/01660
2. 37–005–22166–0003
3. 103 000 000
4. Doran & Associates Inc
5. R Kaufman #1 KL 55
6. Plum Creek
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30015/01661
2. 37–005–22149–0003
3. 103 000 000
4. Doran & Associates Inc
5. R Conn #1 KL 57
6. Plum Creek
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30016/01662
2. 37–005–22158–0003
3. 103 000 000
4. Doran & Associates Inc
5. R Kaufman #2 KL 58
6. Plum Creek
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30017/01663
2. 37–063–23897–0003
3. 103 000 000
4. Doran & Associates Inc
5. A G Halldin #1 K–W 1
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30018/01665
2. 37–063–23931–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Miller #1 KL 21
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30019/01666
2. 37–063–23971–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Patterson #1 KL 20
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30020/01667
2. 37–063–23932–0003
3. 103 000 000
4. Doran & Associates Inc
5. James H Thompson #2 KL 19
6. Armstrong
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30021/01668
2. 37–063–23942–0003
3. 103 000 000
4. Doran & Associates
5. C Smeltzer #1 KL 16
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30022/01669
2. 37–063–23937–0003
3. 103 000 000
4. Doran & Associates Inc
5. B Smeltzer #1 KL 15
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30023/01671
2. 37063–23954–0003
3. 103 000 000
4. Doran & Associates Inc
5. Indiana Investment Co #10 KL #18
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30024/01674
2. 37–063–24218–0003
3. 103 000 000
4. Doran & Associates Inc
5. J H Neal #1 K–H–14
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30025/01675
2. 37–063–24219–0003
3. 103 000 000
4. Doran & Associates Inc
5. J H Neal #2 K–H–15
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30026/01676
2. 37–063–24306–0003
3. 103 000 000
4. Doran & Associates Inc
5. William K Patterson #1 K–H–16
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30027/01677
2. 37–033–20649–0003
3. 103 000 000
4. Doran & Associates Inc
5. O McManus #1 KG 1
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30028/01678
2. 37–033–20627–0003
3. 103 000 000
4. Doran & Associates Inc
5. B Brunett #1 KG 3

6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30029/01679
2. 37–033–20676–0003
3. 103 000 000
4. Doran & Associates Inc
5. S Bennett #1 KG 4
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Condolidated Gas Supply Corp

1. 80–30030/01680
2. 37–033–20677–0003
3. 103 000 000
4. Doran & Associates Inc
5. F Bizousky #1 KG 5
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30031/01681
2. 37–033–20678–0003
3. 103 000 000
4. Doran & Associates Inc
5. F Bizousky #2 KG 6
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30032/01683
2. 37–063–24400–0003
3. 103 000 000
4. Doran & Associates Inc
5. R Bonarrigo #2 KL 139
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30033/01685
2. 37–063–24461–0003
3. 103 000 000
4. Doran & Associates Inc
5. G Kalanavich #1 KL 143
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30034/01686
2. 37–063–24189–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Abel #3 K–L–64
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30035/01687
2. 37–063–24188–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Abel #2 KL 61
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30036/01688
2. 37–129–21300–0003
3. 103 000 000
4. Doran & Associates Inc
5. D Shaw #2 KL 136
6. Upper Devonian Sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30037/01689
2. 37–063–24309–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Kwisnek #2 K–L–93
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30038/01690
2. 37–129–21331–0003
3. 103 000 000
4. Doran & Associates Inc
5. J McCauley #2 K–L–95
6. Upper Devonian Sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30039/01691
2. 37–063–24066–0003
3. 103 000 000
4. Doran & Associates Inc
5. A G Halldin #2 K–H–11
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30040/01692
2. 37–063–24011–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Helman #2 KH 8
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30041/01693
2. 37–063–24010–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Helman #1 KH 7
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30042/01705
2. 37–063–24304–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Herman Neal #4 KD 4
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30043/01706
2. 37–063–24303–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Herman Neal #3 KD 3
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30044/01707
2. 37–005–22109–0003
3. 103 000 000
4. Doran & Associates Inc
5. Eugene Stockdale #1 KD 1
6. Upper Devonian Sands
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30045/01708
2. 37–065–21794–0003
3. 103 000 000
4. Doran & Associates Inc
5. Calvin L Horm #1 KB 10
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30046/01709
2. 37–065–21787–0003
3. 103 000 000
4. Doran & Associates Inc
5. Vincent G Alsbaugh #1 KB 9
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30047/01710
2. 37–065–21782–0003
3. 103 000 000
4. Doran & Associates Inc
5. Andrew M Wheeler #2 KB 6
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30048/01711
2. 37–065–21762–0003
3. 103 000 000
4. Doran & Associates Inc
5. Clara Kerner #1 KB 4
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30049/01712
2. 37–065–21757–0003
3. 103 000 000
4. Doran & Associates Inc
5. Harry Snell Jr #1 KB3
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30050/01713
2. 37–065–21730–0003
3. 103 000 000
4. Doran & Associates Inc
5. Iva A Foust #1 KB 2
6. Upper Devonian Sands
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980

1. 80–30051/01715
2. 37–063–23875–0003
3. 103 000 000
4. Doran & Associates Inc
5. E Cunkelman #3 KL 12

6. Black Lick
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30052/01716
2. 37–063–23874–0003
3. 103 000 000
4. Doran & Associates Inc
5. E Cunkelman #2 KL 11
6. Black Lick
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30053/01717
2. 37–063–23873–0003
3. 103 000 000
4. Doran & Associates Inc
5. E Cunkelman No 1 KL 10
6. Black Lick
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30054/01718
2. 37–063–23736–0003
3. 103 000 000
4. Doran & Associates Inc
5. B Palmer Jr No 1 KL 9
6. Rayne
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30055/01720
2. 37–063–23743–0003
3. 103 000 000
4. Doran & Associates Inc
5. R Palmer No 1 KL 7
6. Rayne
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30056/01721
2. 37–065–21456–0003
3. 103 000 000
4. Doran & Associates Inc
5. D Rimer No 1 KL 6
6. Henderson
7. Jefferson PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30057/01722
2. 37–063–23668–0003
3. 103 000 000
4. Doran & Associates Inc
5. E Rohackeck No 2 KL 2
6. Washington
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30058/01723
2. 37–063–23667–0003
3. 103 000 000
4. Doran & Associates Inc
5. F Rohacheck No 1 KL 1
6. Armstong
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30059/01724
2. 37–063–24044–3000
3. 103 000 000
4. Doran & Associates Inc
5. J Kimmel No 1 KL 36
6. Armstrong
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30060/01725
2. 37–005–2245–0003
3. 103 000 000
4. Doran & Associates Inc
5. P Marcoline No 1 KL 146
6. Upper Devonian Sands
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30061/01726
2. 37–005–22224–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Mcelhattan No 1 KL 145
6. Upper Devonian Sands
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30062/01727
2. 37–063–24183–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Pollock No 2 KL 73
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30063/01728
2. 37–063–24184–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Pollock No 3 KL 76
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30064/01729
2. 37–063–24369–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Steele No 1 KL 83
6. Upper Devonia Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30065/01730
2. 37–129–21299–0003
3. 103 000 000
4. Doran & Associates Inc
5. D Shaw No 1 KL 87
6. Upper Devonian Sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30066/01731
2. 37–063–24252–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Kwisnek No 1 KL 90
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30067/01732
2. 37–063–24187–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Abel No 1 KL 56
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30068/01765
2. 37–005–22144–0003
3. 103 000 000
4. Doran & Associates Inc
5. W Hill No 1 KL 52
6. Cowanshannock
7. Armstrong PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30069/01766
2. 37–063–24251–0003
3. 103 000 000
4. Doran & Associates Inc
5. N Streams No 1 KL 99
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30070/01768
2. 37–063–24168–0003
3. 103 000 000
4. Doran & Associates Inc
5. J McCauley No 3 KL 101
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. The Peoples Natural Gas Co

1. 80–30071/01769
2. 37–063–24316–0003
3. 103 000 000
4. Doran & Associates Inc
5. Mears Coal Co # 1 KL 103
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30072/01779
2. 37–063–24339–0003
3. 103 000 000
4. Doran & Associates Inc
5. W McCauley No 2 KL 113
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30073/01874
2. 37–005–22076–0003
3. 108 000 000
4. Keystone Energy Resources
5. William F. Kespelher 127 A Farm–1
6. William F. Kespelher 127 A Farm–1
7. Armstrong, PA
8. 7.2 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30074/01875
2. 37–063–22062–0003
3. 108 000 000
4. Keystone Energy Resources
5. R P Olson Farm
6. Russell P Olson 100 Acre Farm
7. Indiana, PA
8. 8.3 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30075/01876
2. 37–063–24093–0003
3. 108 000 000
4. Keystone Energy Resources
5. Elmer Gates—3
6. Elmer Gates 53 Acre Farm
7. Indiana, PA
8. 16.9 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30076/01877
2. 37–063–24042–0003
3. 108 000 000
4. Keystone Energy Resources
5. Elmer Gates—2
6. Elmer Gates 53 Acre Farm
7. Indiana, PA
8. 16.9 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30077/01878
2. 37–063–24041–0003
3. 108 000 000
4. Keystone Energy Resources
5. Elmer Gates—1
6. Elmert Gates 53 A Farm
7. Indiana, PA
8. 16.9 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30078/01879
2. 37–063–22673–0003
3. 108 000 000
4. Keystone Energy Resources
5. Hastings 42 A Farm
6. John W Hastings 42 A Farm
7. Indiana, PA
8. 14.3 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30079/01880
2. 37–063–23671–0003
3. 108 000 000
4. Keystone Energy Resources
5. J W Hastings No. 2 H–4
6. J W Hastings and R P Olson Farm
7. Indiana, PA
8. 20.9 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30080/01881
2. 37–063–24144–0003
3. 108 000 000
4. Keystone Energy Resources
5. Marion & Ruby Keith—2
6. Marion & Ruby Keith 122 Acre Farm
7. Indiana, PA
8. 6.2 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30081/01882
2. 37–063–23975–0003
3. 108 000 000
4. Keystone Energy Resources
5. Marion & Ruby Keith—1
6. Marion & Ruby Keith—122 A Farm
7. Indiana, PA
8. 6.2 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30082/01883
2. 37–063–24175–0003
3. 108 000 000
4. Keystone Energy Resources
5. Glenn O Gahagan No. 1
6. Glenn O Gahagan (102 Acre) Farm
7. Indiana, PA
8. 10.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30083/01884
2. 37–063–24176–0003
3. 108 000 000
4. Keystone Energy Resources
5. Glenn O Gahagan No. 2
6. Glenn O Gahagan (102 acre) farm
7. Indiana, PA
8. 10.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30084/01885
2. 37–063–23584–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson No. 1 H–1
6. J W Hastings and R P Olson Farm
7. Indiana, PA
8. 20.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30085/01886
2. 37–063–23603–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson No. 1 G–1
6. J W Hastings and R P Olson Farm
7. Indiana, PA
8. 20.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30086/01887
2. 37–063–23604–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson No. 1 G–5
6. J W Hastings and R P Olson Farm
7. Indiana, PA
8. 20.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30087/01888
2. 37–063–23595–0003
3. 108 000 000
4. Keystone Energy Resources
5. Olson No. 1 G–2
6. J W Hastings and R P Olson Farm
7. Indiana, PA
8. 20.4 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30088/01898
2. 37–049–20684–0003
3. 102 000 000
4. Envirogas Inc
5. William Skopow No. 1
6. North East
7. Erie, PA
8. 18.0 million cubic feet
9. April 25, 1980
10. National Fuel Gas Supply Corp

1. 80–30089/01924
2. 37–063–22226–0000
3. 108 000 000
4. Union Drilling Inc
5. James Edwards Jr 534
6. South Mahoning Township
7. Indiana, PA
8. 8.3 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30090/01925
2. 37–063–22450–0000
3. 108 000 000
4. Union Drilling Inc
5. Charles W Wallace 535
6. South Mahoning Township
7. Indiana, PA
8. 12.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30091/01926
2. 37–063–22451–0000
3. 108 000 000
4. Union Drilling Inc
5. Glenn Elliott No. 2 536
6. South Mahoning Township
7. Indiana, PA
8. 6.1 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30092/01927
2. 37–063–22526–0000
3. 108 000 000
4. Union Drilling Inc
5. Robert Mitchell 537
6. Center Township
7. Indiana, PA
8. 3.7 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30093/01928
2. 37–063–22522–0003
3. 108 000 000
4. Union Drilling Inc
5. Ann E Robinson 538
6. Center township
7. Indiana, PA
8. 2.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30094/01929
2. 37–063–22585–0000
3. 108 000 000
4. Union Drilling Inc
5. Wendell J Griffith 539
6. South Mahoning Township
7. Indiana, PA
8. 8.1 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30095/01930
2. 37–063–22586–0000
3. 108 000 000
4. Union Drilling Inc
5. Wendell J Griffith No. 2 540
6. South Mahoning Township
7. Indiana, PA
8. 7.1 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30096/01931
2. 37–063–22657–0003
3. 108 000 000
4. Union Drilling Inc
5. A Flickinger 541

6. Center Township
7. Indiana, PA
8. 5.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30097/01932
2. 37–063–22658–0000
3. 108 000 000
4. Union Drilling Inc
5. W B George 542
6. Center Township
7. Indiana, PA
8. 7.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30098/01933
2. 37–063–22746–0000
3. 108 000 000
4. Union Drilling Inc
5. W S Abrahams 543
6. Center Township
7. Indiana, PA
8. 2.3 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30099/01934
2. 37–063–22761–0000
3. 108 000 000
4. Union Drilling Inc
5. D Kinkead 544
6. Center Township
7. Indiana, PA
8. 1.6 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30100/01935
2. 37–063–22768–0000
3. 108 000 000
4. Union Drilling Inc
5. Gaylord Parkins 545
6. South Mahoning Thownship
7. Indiana, PA
8. 5.4 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30101/01936
2. 37–063–22769–0000
3. 108 000 000
4. Union Drilling Inc
5. Mellon Lester Thomas 546
6. South Mahoning Township
7. Indiana, PA
8. 6.3 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30102/01937
2. 37–063–22825–0000
3. 108 000 000
4. Union Drilling Inc
5. Robert O Fisher No. 2 547
6. South Mahoning Township
7. Indiana, PA
8. 5.4 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30103/01938
2. 37–063–22796–0000
3. 108 000 000
4. Union Drilling Inc
5. Elsie I Edwards No. 2 548
6. South Mahoning Township
7. Indiana, PA
8. 12.2 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30104/01939
2. 37–063–22919–0000
3. 108 000 000
4. Union Drilling Inc
5. Charles S Botsford 549
6. East Mahoning Township
7. Indiana, PA
8. 12.9 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30105/01940
2. 37–063–22877–0000
3. 108 000 000
4. Union Drilling Inc
5. Richard L Bash 550
6. Rayne Township
7. Indiana, PA
8. 20.1 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30106/01941
2. 37–063–22917–0000
3. 108 000 000
4. Union Drilling Inc
5. C Raymond Glasser 552
6. Rayne Township
7. Indiana, PA
8. 3.8 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30107/01942
2. 37–063–23015–0003
3. 108 000 000
4. Union Drilling Inc
5. Harold R Brocius 553
6. Rayne Township
7. Indiana, PA
8. 4.4 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30108/1943
2. 37–063–23044–0000
3. 108 000 000
4. Union Drilling Inc
5. D Kinkead Tract No. 340 Well No. 2
6. Rochester & Pittsburgh Coal Co
7. Indiana, PA
8. .0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30109/1944
2. 37–063–23045–0003
3. 108 000 000
4. Union Drilling Inc
5. D Snyder No. 1 558
6. Center township
7. Indiana, PA
8. 7.6 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30110/1945
2. 37–063–23202–0003
3. 108 000 000
4. Union Drilling Inc
5. C Raymond Glasser No. 2 560
6. Rayne township
7. Indiana, PA
8. 8.9 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30111/1946
2. 37–063–23046–0003
3. 108 000 000
4. Union Drilling Inc
5. A Flickinger No. 2 561
6. Center Township
7. Indiana, PA
8. 1.5 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30112/2190
2. 37–005–22069–0003
3. 103 000 000
4. Doran & Associates Inc
5. Connie Bowser No. 1 KI 8
6. Upper Devonian Sands
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Equitable Gas Co

1. 80–30113/3182
2. 37–063–22878–0000
3. 108 000 000
4. Union Drilling Inc
5. Richard L Bash No. 2 551
6. Rayne Township
7. Indiana, PA
8. 17.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30114/3337
2. 37–049–20687–0003
3. 102 000 000
4. Envirogas Inc
5. John Kozlowski No. 1
6. Erie Deep
7. Erie, PA
8. 18.0 million cubic feet
9. April 25, 1980
10. National Fuel Gas Supply Corp

1. 80–30115/3799
2. 37–049–20720–0003
3. 102 000 000
4. Envirogas Inc
5. L Morton No. 2
6. Wildcat
7. Erie, PA
8. 18.0 million cubic feet
9. April 25, 1980
10. National Fuel Gas Supply Corp

1. 80–30116/3918
2. 37–049–20787–0003
3. 102 000 000
4. Envirogas Inc
5. Edmond M Timon No. 1
6. Erie Deep
7. Erie, PA
8. 18.0 million cubic feet
9. April 25, 1980
10. National Fuel Gas Supply Corp

1. 80–30117/4018
2. 37–059–00000–0000
3. 108 000 000
4. Eagle Gas Co
5. Worley—Chalfant No. 1
6. Wayne Township
7. Greene, PA
8. 1.8 million cubic feet
9. April 25, 1980
10. Eagle Gas Co

1. 80–30118/4019
2. 37–059–00000–0000
3. 108 000 000
4. Eagle Gas Co
5. Ross Well
6. Wayne Township
7. Greene, PA
8. 2.4 million cubic feet
9. April 25, 1980
10. Eagle Gas Co

1. 80–30119/4020
2. 37–059–00000–0000
3. 108 000 000
4. Eagle Gas Co
5. E W Maple Well
6. Wayne Township
7. Greene, PA
8. 3.6 million cubic feet
9. April 25, 1980
10. Eagle Gas Co

1. 80–30120/4299
2. 37–063–24553–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Kwisnek No. 5 K–L–217
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30121/4300
2. 37–063–24618–0003
3. 103 000 000
4. Doran & Associates Inc
5. C Smeltzer No. 1 K–L–240
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Energy Service Co

1. 80–30122/4301
2. 37–129–21398–0003
3. 103 000 000
4. Doran & Associates Inc
5. C Seanor No. 4 K–L–214
6. Upper Devonian Sands
7. Westmoreland, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30123/4302
2. 37–063–24410–0003
3. 103 000 000
4. Doran & Associates Inc
5. H Wood No. 2 KL130
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30124/4303
2. 37–005–22089–0003
3. 103 000 000
4. Doran & Associates Inc
5. Cora Cochran No. 1 KE 2
6. Plumcreek
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30125/4304
2. 37–005–22294–0003
3. 103 000 000
4. Doran & Associates Inc
5. S Bennett No. 1 K–L–181
6. Upper Devonian Sands
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Energy Service Co

1. 80–30126/4305
2. 37–005–22090–0003
3. 103 000 000
4. Doran & Associates Inc
5. Cora Cochran No. 2 KE 3
6. Plumcreek
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30127/4306
2. 37–005–22107–0003
3. 103 000 000
4. Doran & Associates Inc
5. D Iseman No. 1 KE 4
6. Plumcreek
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30128/4307
2. 37–005–22108–0003
3. 103 000 000
4. Doran & Associates Inc
5. D Iseman No. 2 KE5
6. Plumcreek
7. Armstrong, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Gas Sales Inc

1. 80–30129/4308
2. 37–063–24617–0003
3. 103 000 000
4. Doran & Associates Inc
5. E Lingenfelter No. 1 K–L–222
6. Upper Devonian Sands
7. Indiana, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30130/4309
2. 37–065–21829–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Organ IV No. 2 K–L–198
6. Upper Devonian Sands
7. Jefferson, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30131/4310
2. 37–129–21464–0003
3. 103 000 000
4. Doran & Associates Inc
5. C Clark #1 K–R–4
6. Upper Devonian Sands
7. Westmoreland, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30132/4311
2. 37–129–21530–0003
3. 103 000 000
4. Doran & Associates Inc
5. L Beatty No. 2 K–R–7
6. Upper Devonian Sands
7. Westmoreland, PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30133/4312
2. 37–129–21461–0003
3. 103 000 000
4. Doran & Associates Inc
5. N Gundy #1 K–L–241
6. Upper Devonian Sands
7. Westmoreland PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Industrial Energy Service Co

1. 80–30134/4329
2. 37–033–20869–0003
3. 103 000 000
4. Doran & Associates Inc
5. Leslie Clouser #1 KC 28
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30135/4330
2. 37–033–20863–0003
3. 103 000 000
4. Doran & Associates Inc
5. T L Borchert #1 KC 26
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30136/4331
2. 37–033–20878–0003
3. 103 000 000
4. Doran & Associates Inc
5. B Hollopeter Unit #1 KC 23
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30137/4332
2. 37–033–21889–0003
3. 103 000 000
4. Doran & Associates Inc
5. Clair Zimmerman #1 KC 8
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30138/4333
2. 37–033–20831–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Bracken #1 KL108
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30139/4334
2. 37–033–20868–0003
3. 103 000 000
4. Doran & Associates Inc
5. J Bracken #2 KL109
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. T W Phillips Gas & Oil Co

1. 80–30140/4335
2. 37–033–20866–0003
3. 103 000 000
4. Doran & Associates Inc
5. Lulu E Seyler #1 KC 20
6. Upper Devonian Sands
7. Clearfield PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80–30141/295
2. 37–063–23577–0003
3. 103 000 000
4. Castle Gas Co Inc
5. G Groff #1 (C–397) Ind–23577

6. White Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30142/296
2. 37-063-24157-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-488) Ind-24157
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30143/297
2. 37-063-23910-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-449) Ind-23910
6. White Township
7. Indiana PA
8. .0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30144/298
2. 37-063-24156-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-489) Ind-24156
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30145/299
2. 37-063-23972-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-454) Ind-23972
6. Center Twp
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30146/300
2. 37-063-24073-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-471) Ind-24073
6. White Twp
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30147/301
2. 37-063-24074-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-472) Ind-24074
6. Center Twp
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30148/302
2. 37-063-24107-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-481) Ind-24107
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30149/303
2. 37-063-24108-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-482) Ind-24108
6. Center Twp
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30150/305
2. 37-063-24158-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-487) Ind-24158
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30151/306
2. 37-063-24518-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-527) Ind-24518
6. Rayne Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30152/307
2. 37-063-24495-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-529) Ind-24495
6. Rayne Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30153/308
2. 37-063-24380-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-43) Ind-24380
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30154/309
2. 37-063-24381-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-432) Ind-24381
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30155/311
2. 37-063-24378-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-433) Ind-24378
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30156/312
2. 37-063-24497-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-531) Ind-24497
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30157/313
2. 37-063-24526-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-532) Ind-24526
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30158/314
2. 37-063-24291-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-512) Ind-24291
6. Washington Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30159/315
2. 37-063-24297-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-513) Ind-24297
6. Washington Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30160/316
2. 37-063-24377-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-426) Ind-23809
6. Washington Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30161/317
2. 37-063-24192-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-503) Ind-24192
6. Washington Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30162/319
2. 37-063-23820-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-435) Ind-23820
6. White Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30163/320
2. 37-063-24382-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-389) Ind-24382
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30164/321
2. 37-063-24193-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-501) Ind-24193
6. White Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30165/322
2. 37-063-24194-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-502) Ind-24194
6. White Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30166/324
2. 37-063-24374-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-428) Ind-24374
6. Rayne Township
7. Indiana, PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30167/326
2. 37-063-23821-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-439) Ind-23821
6. Rayne Township
7. Indiana, PA
8. 22.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30168/327
2. 37-063-23824-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-441) Ind-23824
6. White Township
7. Indiana, PA
8. 22.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30169/330
2. 37-063-23728-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Harvey Lewis #1 (C-421) Ind-23728
6. White Township
7. Indiana, PA
8. 33.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30170/331
2. 37-063-23729-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Harvey Lewis #2 (C-422) Ind-23729
6. White Township
7. Indiana, PA
8. 33.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30171/332
2. 37-063-23825-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Harvey Lewis #3 (C-434) Ind-23825
6. White Township
7. Indiana, PA
8. 33.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30172/333
2. 37-063-23721-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Sarah Watterson #1 (C-414) Ind-23721
6. White Township
7. Indiana, PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30173/334
2. 37-063-23752-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Sarah Watterson #2 (C0415) IND-2375
6. White Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30174/335
2. 37-063-23738-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Sarah Watterson #3 (C-411) IND-23738
6. White Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30175/336
2. 37-063-23916-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co #1 (C-448) IND-23916
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30176/337
2. 37-063-23968-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co #1 (C-451) IND-23968
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30177/338
2. 37-063-23974-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-452) IND-23974
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30178/339
2. 37-063-23908-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-445) IND-23908
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30179/340
2. 37-063-23973-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-453) IND-23973
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30180/341
2. 37-063-23883-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-442) IND-23883
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30181/342
2. 37-063-23884-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-443) IND-23884
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30182/343
2. 37-063-23909-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-444) IND-23909
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30183/344
2. 37-063-23913-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-450) IND-23913
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30184/345
2. 37-063-23911-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-446) IND-23911
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30185/346
2. 37-063-23912-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-447) IND-23912
6. White Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30186/347
2. 37-063-23578-0003
3. 103 000 000

4. Castle Gas Co Inc
5. G Groff #2 (C–398) IND–23579
6. White Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30187/348
2. 37–063–23610–0003
3. 103 000 000
4. Castle Gas Co Inc
5. G Groff #3 (C–403) IND–23610
6. White Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30188/349
2. 37–063–23627–0003
3. 103 000 000
4. Castle Gas Co Inc
5. D Leasure #1 (C–410) IND–23627
6. Rayne Twp
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30189/350
2. 37–063–23756–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–388) IND–23756
6. Rayne Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30190/351
2. 37–063–23619–0003
3. 103 000 000
4. Castle Gas Co Inc
5. C McHenry #1 (C–412) IND–23619
6. Rayne Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30191/352
2. 37–063–23620–0003
3. 103 000 000
4. Castle Gas Co Inc
5. C McHenry #2 (C–413) IND–23620
6. Rayne Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30192/353
2. 37–063–23822–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–440) IND–23822
6. White Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80–30193/354
2. 37–063–23679–0003
3. 103 000 000
4. Castle Gas Co Inc
5. J & S McKee No. 4 (C–417) IND–23679
6. White Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30194/356
2. 37–063–23621–0003
3. 103 000 000
4. Castle Gas Co Inc
5. P F Rhoads No. 1 (C–404) IND–23621
6. Rayne Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30195/357
2. 37–063–23570–0003
3. 103 000 000
4. Castle Gas Co Inc
5. William Wolf No. 1 (C–343) IND–23570
6. Rayne Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30196/358
2. 37–063–24195–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–498) IND–24195
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30197/359
2. 37–063–24197–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–499) IND–24197
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30198/360
2. 37–063–24196–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–500) IND–24196
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30199/361
2. 37–063–24200–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–497) IND–24200
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30200/362
2. 37–063–24161–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–493) IND–24161
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30201/363
2. 37–063–24162–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–492) IND–24162
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30200/364
2. 37–063–24111–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–483) IND–24111
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30203/365
2. 37–063–24110–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–485) IND–24110
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30204/366
2. 37–063–24198–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–496) IND–24198
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30205/367
2. 37–063–24199–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C–495) IND–24199
6. Center Township
7. Indiana PA
8. 25.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80–30206/368
2. 37–063–23956–0003
3. 103 000 000
4. Castle Gas Co Inc
5. J Doyle No. 1 (C–455) IND–23956
6. East Mahoning Township
7. Indiana PA
8. 44.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30207/369
2. 37–063–23957–0003
3. 103 000 000
4. Castle Gas Co Inc
5. J Doyle No. 2 (C–456) IND–23957
6. East Mahoning Township
7. Indiana PA
8. 44.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80–30208/370
2. 37–063–24071–0003
3. 103 000 000
4. Castle Gas Co Inc
5. R D Henry No. 3 (C–473) IND–24071
6. East Mahoning Township
7. Indiana PA

8. 16.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30209/373
2. 37-063-24089-0003
3. 103 000 000
4. Castle Gas Co Inc
5. H C McClure No. 1 (C-474) IND-24079
6. East Mahoning Township
7. Indiana PA
8. 16.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30210/375
2. 37-063-23958-0003
3. 103 000 000
4. Castle Gas Co Inc
5. W R Smith No. 6 (C-457) IND-23958
6. East Mahoning Township
7. Indiana PA
8. 18.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30211/376
2. 37-063-23983-0003
3. 103 000 000
4. Castle Gas Co Inc
5. H F Williams No. 1 (C-167) IND-23983
6. Armstrong Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30212/433
2. 37-063-21158-0003
3. 108 000 000
4. Pennergy 1975 Drilling Program
5. William P Mills Farm 1
6. Henderson Township
7. Jefferson PA
8. 6.0 million cubic feet
9. April 25, 1980
10. Consolidated Gas Supply Corp

1. 80-30213/717
2. 37-063-24072-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Leslie J Hilty No. 3 (C-113) IND-24072
6. Armstrong Township
7. Indiana PA
8. 27.0 million cubic feet
9. April 25, 1980
10. T W Phillips

1. 80-30214/718
2. 37-063-23726-0003
3. 103 000 000
4. Castle Gas Co Inc
5. T Mack No. 2 (C-420) IND-23726
6. Young Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. T W Phillips

1. 80-30215/719
2. 37-063-23740-0003
3. 103 000 000
4. Castle Gas Co Inc
5. J Mack No. 1 (C-419) IND-23740
6. Young Township
7. Indiana PA
8. 14.0 million cubic feet
9. April 25, 1980
10. T W Phillips

1. 80-30216/720
2. 37-063-23747-0003
3. 103 000 000
4. Castle Gas Co Inc
5. C B Kinter No. 1 (C-424) IND-23747
6. Green Township
7. Indiana PA
8. 2.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30217/1673
2. 37-063-24012-0003
3. 103 000 000
4. Doran & Associates Inc
5. L Helman No. 1 K-H-13
6. Upper Devonian Sands
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30218/1719
2. 37-063-23735-0003
3. 103 000 000
4. Doran & Associates Inc
5. F Musser No. 1 KL 8
6. Rayne
7. Indiana PA
8. 30.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30219/3940
2. 37-063-24754-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-559) IND-24754
6. Center Township
7. Indiana PA
8. 75.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30220/3942
2. 37-063-24795-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-603) IND-24795
6. Center Township
7. Indiana PA
8. 75.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30221/3943
2. 37-063-24753-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-558) IND-24753
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30222/3944
2. 37-063-24752-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-557) IND-24752
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30223/3945
2. 37-063-24839-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-607) IND-24839
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30224/3946
2. 37-063-24910-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-605) IND-24910
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30225/3947
2. 37-063-24838-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-606) IND-24838
6. Center Township
7. Indiana PA
8. 75.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30226/4350
2. 37-063-24911-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-566) IND-24911
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30227/4351
2. 37-063-24988-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-544) IND-24988
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30228/4352
2. 37-063-24613-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-543) IND-24613
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30229/4353
2. 37-063-24936-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-549) IND-24936
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30230/4354
2. 37-063-24614-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-541) IND-24614
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30231/4355

2. 37-063-24748-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-560) IND-24748
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30232/4356
2. 37-063-24837-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-542) IND-24837
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Transmission Corp

1. 80-30233/4357
2. 37-063-24709-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-562) IND-24709
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30234/4358
2. 37-063-24648-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-540) IND-24648
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30235/4359
2. 37-063-24273-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-508) IND-24273
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30236/4360
2. 37-063-24272-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-507) IND-24272
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30237/4361
2. 37-063-24591-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-536) IND-24591
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30238/4362
2. 37-063-24592-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-537) IND-24592
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30239/4364
2. 37-063-24594-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-539) IND-24594
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30240/4364
2. 37-063-24912-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-567) IND-24912
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30241/4365
2. 37-063-24937-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-561) IND-24937
6. Center Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30242/4367
2. 37-063-24274-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-509) IND-24274
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30243/4368
2. 37-063-24510-0003
3. 103 000 000
4. Castle Gas Co Inc
5. V McCullough No. 1 (C-285) IND-24510
6. Young Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30244/4369
2. 37-063-24593-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-538) IND-24593
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30245/4370
2. 37-063-24603-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-535) IND-24603
6. Center Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30246/4371
2. 37-063-24678-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Clearfield Bituminous Coal (C-578) IND-24709
6. White Township
7. Indiana PA
8. 75.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30247/4372
2. 37-063-24666-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Robert Strong #3 (159-A) (C-570) IND
6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30248/4373
2. 37-063-24663-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Robert Strong #3 (133-A) (C-574) IND
6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30249/4376
2. 37-063-24291-0003
3. 103 000 000
4. Castle Gas Co Inc
5. Essie E Dible #1 (C-516) IND-24464
6. Armstrong Township
7. Indiana County PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Peoples Natural Gas Co

1. 80-30250/4378
2. 37-063-24496-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-521) IND-24496
6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30251/4379
2. 37-063-24475-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-518) IND-24475
6. White Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30252/4380
2. 37-063-24494-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R & P Coal Co (C-528) IND-24494
6. Rayne Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30253/4381
2. 37-063-24525-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-523) Ind-24525

6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30254/4382
2. 37-063-24785-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-517) Ind-24785
6. White Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30255/4383
2. 37-063-24493-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-526) Ind-24493
6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30256/4387
2. 37-063-24503-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-524) Ind-24503
6. White Township
7. Indiana PA
8. 65.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30257/4388
2. 37-063-24559-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-525) Ind-24559
6. Rayne Township
7. Indiana PA
8. 70.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

1. 80-30258/4390
2. 37-063-24690-0003
3. 103 000 000
4. Castle Gas Co Inc
5. R&P Coal Co (C-534) Ind-24690
6. Center Township
7. Indiana PA
8. 60.0 million cubic feet
9. April 25, 1980
10. Columbia Gas Trans Corp

Tennessee Oil and Gas Board Division of Geology

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-29841/A-304
2. 41-151-20197-0000
3. 102 000 000
4. Petroleum Development Corp
5. Clayton Newport No. 2
6. Low Gap-Reuben Hollow
7. Scott TN
8. 48.2 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29842/A-305
2. 41-151-20202-0000
3. 102 000 000
4. Petroleum Development Corp
5. Clayton Newport No. 3
6. Low Gap-Reuben Hollow
7. Scott TN
8. 4.7 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29843/A-303
2. 41-151-20206-0000
3. 102 000 000
4. Petroleum Development Corp
5. Clayton Newport No. 4
6. Low Gap-Reuben Hollow
7. Scott TN
8. 11.7 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29844/A-301
2. 41-151-20168-0000
3. 102 000 000
4. Petroleum Development Corp
5. Clayton Newport No. 1
6. Low Gap-Reuben Hollow
7. Scott TN
8. 2.0 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29845/A-302
2. 41-151-20212-0000
3. 102 000 000
4. Petroleum Development Corp
5. Clayton Newport No. 5
6. Low Gap-Reuben Hollow
7. Scott TN
8. 5.5 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29846/A-330
2. 41-129-20248-0000
3. 108 000 000
4. Dixie Oil Co-Petro Develop Corp
5. G C Pemberton No. 10
6. Union Hill Southwest
7. Morgan TN
8. 15.6 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29847/A-322
2. 41-129-20197-0000
3. 108 000 000
4. Dixie Oil Co-Petro Develop Corp
5. G C Pemberton No. 9
6. Union Hill Southwest
7. Morgan TN
8. 15.6 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29848/A-331
2. 41-129-20194-0000
3. 108 000 000
4. Dixie Oil Co-Petro Develop Corp
5. G C Pemberton No. 8
6. Union Hill Southwest
7. Morgan TN
8. 15.6 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29849/A-306
2. 41-151-00000-0000
3. 108 000 000 Denied
4. Paul Steffanson
5. Kelley Terry Bromley No. 1
6. Oneida West
7. Scott TN
8. 12.0 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29850/A-307
2. 41-151-00000-0000
3. 108 000 000 Denied
4. Bali Exploration Ltd
5. Kelley Terry No. 1
6. Oneida West
7. Scott TN
8. 10.0 million cubic feet
9. April 25, 1980
10. Intrastate Energy Corp

1. 80-29851/A-297
2. 41-129-20496-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. C Ziegler No. 2
6. Douglas Branch
7. Morgan TN
8. 10.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29852/A-299
2. 41-129-20508-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. D Robbins No. 1
6. Douglas Branch
7. Morgan TN
8. 10.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29853/A-300
2. 41-129-20518-0000
3. 102 000 000
4. Cumberland Oil Producing Co Inc
5. B Peltz No. 2
6. Douglas Branch
7. Morgan TN
8. 10.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29854/A-308
2. 41-129-10042-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. Plateau Properties No. 2 (Markham)
6. Frankfort NE
7. Morgan TN
8. 10.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29855/A-309
2. 41-129-20131-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. Plateau Properties No. 3 (Harrison)
6. Frankfort NE
7. Morgan TN
8. 15.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29856/A-310
2. 41-129-20091-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. Plateau Properties No. 2 (Harrison)
6. Frankfort NE

7. Morga N
8. 15.0 m n cubic feet
9. April 25 1980
10. East Tennessee Natural Gas Co

1. 80-29857/A-311
2. 41-129-20378-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. C Potter et al Unit No. 1
6. Frankfort NE
7. Morgan TN
8. 6.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29858/A-312
2. 41-129-10043-0000
3. 108 000 000
4. Cumberland Oil Producing Co Inc
5. Plateau Properties No. 2A (Markham)
6. Frankfort NE
7. Morgan TN
8. 10.0 million cubic feet
9. April 25, 1980
10. East Tennessee Natural Gas Co

1. 80-29859/A-313
2. 41-129-20433-0000
3. 102 000 000
4. Dixie Oil Co
5. Hugh D Faust III No. 1
6.
7. Morgan TN
8. 4.9 million cubic feet
9. April 25, 1980
10.

1. 80-29860/A-314
2. 41-151-20500-0000
3. 102 000 000
4. Dixie Oil Co
5. Hiwassee-Draughn No 1
6. Hurricane Ridge
7. Scott TN
8. 18.0 million cubic feet
9. April 25, 1980
10.

1. 80-29861/A-315
2. 41-049-20421-0000
3. 102 000 000
4. Dixie Oil Co
5. Bruno Gernt Estates No 4
6. Stockton S W
7. Fentress TN
8. 1.0 million cubic feet
9. April 25, 1980
10.

1. 80-29862/A-316
2. 41-049-20376-0000
3. 102 000 000
4. Dixie Oil Co
5. Gernt-Freels No 1
6. Stockton S W
7. Fentress TN
8. 3.8 million cubic feet
9. April 25, 1980
10.

1. 80-29863/A-317
2. 41-049-20337-0000
3. 102 000 000
4. Dixie Oil Co
5. Charles Gernt No 1
6. Stockton S W
7. Fentress TN
8. 4.1 million cubic feet
9. April 25, 1980
10.

1. 80-29864/A-319
2. 41-049-20380-0000
3. 102 000 000
4. Tennessee Energy Corp
5. Ernest and Bobby Mullins No 1
6.
7. Fentress TN
8. 19.3 million cubic feet
9. April 25, 1980
10.

1. 80-29865/A-320
2. 41-049-20409-0000
3. 102 000 000
4. Tennessee Energy Corp
5. Ernest and Bobby Mullins No 2
6. Unnamed
7. Fentress TN
8. 27.7 million cubic feet
9. April 25, 1980
10.

1. 80-29866/A-335
2. 41-133-20095-0000
3. 102 000 000
4. Lloyd Copeland
5. Malcolm Hill 1
6. Flat Creek Field
7. Overton TN
8. 7.6 million cubic feet
9. April 25, 1980
10. Energy Resources Corp

1. 80-29867/A-336
2. 41-133-20096-0000
3. 102 000 000
4. Lloyd Copeland
5. Malcolm Hill 2
6. Flat Creek
7. Overton TN
8. 3.6 million cubic feet
9. April 25, 1980
10. Energy Resources Corp

Utah Division of Oil, Gas and Mining

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block no.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-29871/K-105-2
2. 43-047-30621-0000
3. 102 000 000
4. Coseka Resources (USA) Ltd
5. Pine Springs Unit 2X-16-14-22
6.
7. Uintah UT
8. 678.2 million cubic feet
9. April 28, 1980
10. Mesa Pipeline Co

1. 80-29872/K-122-1
2. 43-013-30480-0000
3. 102 000 000
4. Pacific Transmission Supply Co
5. Pts 33-36 Argyle Unit State
6. Wildcat
7. Duchesne UT
8. .0 million cubic feet
9. April 28, 1980
10.

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field, or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-29873
2. 47-021-02196-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Cain #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29874
2. 47-021-02197-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Cain #2
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29875
2. 47-021-02198-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Jarvis-Shiflet #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29876
2. 47-021-02200-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Jarvis #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29877
2. 47-021-02201-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Despard 1000 #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29878
2. 47-021-02202-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Despard 1000 #2
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80-29879
2. 47-021-02143-0000
3. 108 000 000
4. Grace Petroleum Corp
5. Coberly #1
6. Center

7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29880
2. 47–021–02184–0000
3. 108 000 000
4. Grace Petroleum Corp
5. C S Despard #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29881
2. 47–011–02445–0000
3. 108 000 000
4. Henry B Wehrle Jr
5. Marvin Adkins No 1
6. McComas District
7. Cabell WV
8. 8.5 million cubic feet
9. April 28, 1980
10. Columbia Gas Trans Corp

1. 80–29882
2. 47–079–20073–0000
3. 108 000 000
4. Douglas Gas Co
5. Laymond Milton #1 (Lick Crk Gas Co)
6. Putnam Co or Teays Valley
7. Putnam WV
8. 1.1 million cubic feet
9. April 28, 1980
10. Pennzoil Co

1. 80–29883
2. 47–079–02157–0000
3. 108 000 000
4. Charles Gas Co
5. Oscar Johnson Farm #1
6. Teays Valley or Hurricane
7. Putnam WV
8. 4.0 million cubic feet
9. April 28, 1980
10. Pennzoil Co

1. 80–29884
2. 47–103–00901–0000
3. 108 000 000
4. Pennzoil Co
5. McCoy Heirs #5
6. Greene District
7. Wetzel WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29885
2. 47–085–03281–0000
3. 108 000 000
4. William Grambling
5. Lena Conrad #1
6. Murphy District
7. Ritchie WV
8. 2.6 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29886
2. 47–087–00897–0000
3. 108 000 000
4. Peter Nydam
5. Nydam Bros #1 Lease
6. Canoe
7. Roane WV
8. 2.1 million cubic feet
9. April 28, 1980
10. Columbia Gas Trans Corp

1. 80–29887
2. 47–021–01049–0000
3. 108 000 000
4. Violet Kaufman
5. E Tucker #2
6. Dekalb District
7. Gilmer WV
8. 8.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29888
2. 47–005–01275–0000
3. 108 000 000
4. Trace Fork Gas Co
5. Trace Fork Gas Co #2
6. Washington District
7. Boone WV
8. .2 million cubic feet
9. April 28, 1980
10. Pennzoil Co

1. 80–29889
2. 47–001–00555–0000
3. 108 000 000
4. Reliance Oil Corp
5. E E Lantz 1
6. E E Lantz et al
7. Barbour WV
8. 2.0 million cubic feet
9. April 28, 1980
10. Columbia Gas Trans Corp

1. 80–29890
2. 47–007–01201–0000
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Feeney No 1
6. Heaters
7. Braxton WV
8. 30.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29891
2. 47–097–01839–0000
3. 103 000 000
4. Chesterfield Corp
5. McCutchen Spaur #1
6.
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Trans Corp

1. 80–29892
2. 47–097–01838–0000
3. 103 000 000
4. Chesterfield Corp
5. Childers #1–UPS–1838
6.
7. Upshur County WV
8. 3.2 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29893
2. 47–021–02185–0000
3. 108 000 000
4. Grace Petroleum Corp
5. C S Despard #2
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29894
2. 47–021–02186–0000
3. 108 000 000
4. Grace Petroleum Corp
5. Furr B #1
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29895
2. 47–021–02187–0000
3. 108 000 000
4. Grace Petroleum Corp
5. Furr B #2
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29896
2. 47–021–02188–0000
3. 108 000 000
4. Grace Petroleum Corp
5. Furr F #3
6. Center
7. Gilmer WV
8. .0 million cubic feet
9. April 28, 1980
10. Carnegie Natural Gas Co

1. 80–29897
2. 47–099–21597–0000
3. 108 000 000
4. Franklin Adkins
5. Williamson #1
6. Lincoln District
7. Wayne WV
8. 13.9 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29898
2. 47–099–21608–0000
3. 108 000 000
4. Franklin Adkins
5. Porter #1
6. Lincoln Dist
7. Wayne WV
8. 11.6 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29899
2. 47–041–01188–0000
3. 108 000 000
4. Donald S Garvin
5. Tully No 2
6. Aspinall-Finster
7. Lewis WV
8. 1.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29900
2. 47–067–00165–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #12
6. Twenty-Mile Creek
7. Nicholas WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29901
2. 47–087–03130–F000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #17
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29902

2. 47–001–00775–0000
3. 108 000 000
4. United Operating Co
5. Roy Everson Bar–775
6. Tygart River
7. Barbour WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29903
2. 47–001–00773–0000
3. 108 000 000
4. United Operating Co
5. Kenneth Thorn #2 Bar–773
6. Tygart River
7. Barbour WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29904
2. 47–001–00758–0000
3. 108 000 000
4. United Operating Co
5. Kenneth Thorn #1 Bar–758
6. Tygart River
7. Barbour WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29905
2. 47–001–00753–0000
3. 108 000 000
4. United Operating Co
5. Darl Heatherly Bar–753
6. Tygart River
7. Barbour WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29906
2. 47–067–00231–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #13
6. Twenty-Mile Creek
7. Nicholas WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29907
2. 47–001–00583–0000
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Boyd A Everson 11492
6. West Virginia Other A–85772
7. Barbour WV
8. 18.0 million cubic feet
9. April 28, 1980
10. General System Purchasers

1. 80–29908
2. 47–039–02541–0000
3. 108 000 000
4. Spartan Gas Co
5. Kanawha Hocking Coal & Coke 6–S–164
6. Malden
7. Kanawha WV
8. 9.0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29909
2. 47–039–02534–0000
3. 108 000 000
4. Spartan Gas Co
5. Amherst Coal Co 6–S–163
6. Campbells Creek
7. Kanawha WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29910
2. 47–039–02531–0000
3. 108 000 000
4. Spartan Gas Co
5. Amherst Coal Co 5–S–162
6. Cabin Creek
7. Kanawha WV
8. 6.1 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29911
2. 47–099–21594–0000
3. 108 000 000
4. Franklin Adkins
5. Meade #1
6. Lincoln District
7. Wayne WV
8. 13.9 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29912
2. 47–067–00112–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #2
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29913
2. 47–067–00111–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #1
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29914
2. 47–067–00127–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #8
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29915
2. 47–067–00126–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #3
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29916
2. 47–067–00136–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #9
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29917
2. 47–067–00162–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #11
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29918
2. 47–007–00859–0000
3. 108 000 000
4. Donald S Garvin
5. Shock No 1
6. Heaters
7. Braxton, WV
8. 1.0 million cubic feet
9. April 28, 1980
10. Bazzle Gas Co

1. 80–29919
2. 47–067–00265–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #14
6. Twenty-Mile Creek
7. Nicholas, WV
8. 11.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29920
2. 47–067–00121–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #5
6. Twenty-Mile Creek
7. Nicholas, WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29921
2. 47–067–00274–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #17
6. Twenty-Mile Creek
7. Nicholas, WV
8. .0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29922
2. 47–067–00272–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #15
6. Twenty-Mile Creek
7. Nicholas, WV
8. .0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29923
2. 47–001–00634–0000
3. 108 000 000
4. Patrick Petroleum Corp (MI)
5. Union National Bank No 1 WV 88860
6. Grasslands
7. Barbour, WV
8. 6.3 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29924
2. 47–039–22023–0000
3. 108 000 000
4. Spartan Gas Co
5. C C Dickinson Trust 2–S–122
6. Malden

7. Kanawha, WV
8. 8.3 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29925
2. 47–039–22056–0000
3. 108 000 000
4. Spartan Gas Co
5. C C Dickinson Trust 3–S–126
6. Malden
7. Kanawha, WV
8. 10.5 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29926
2. 47–039–02495–0000
3. 108 000 000
4. Spartan Gas Co
5. Amherst Coal Co 4–S–159
6. Cabin Creek
7. Kanawha, WV
8. 17.6 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29927
2. 47–039–02201–0000
3. 108 000 000
4. Spartan Gas Co
5. C C Dickinson Trust 1–S–121
6. Malden
7. Kanawha, WV
8. 8.6 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp

1. 80–29928
2. 47–067–00277–0000
3. 108 000 000
4. Micoa Inc
5. Elk River #16
6. Twenty-Mile Creek
7. Nicholas, WV
8. .0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co

1. 80–29929
2. 47–103–01030–0000
3. 108 000 000
4. Pennzoil Co
5. Ezra Mason #1
6. Proctor
7. Wetzel, WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29930
2. 47–103–01033–0000
3. 108 000 000
4. Pennzoil Co
5. A C Moore No 3
6. Center
7. Wetzel, WV
8. 20.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29931
2. 47–103–01053–0000
3. 108 000 000
4. Pennzoil Co
5. Bishop Pennick #1
6. Grant
7. Wetzel, WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29932
2. 47–103–01078–0000
3. 108 000 000
4. Pennzoil Co
5. Patrick Odea #1
6. Clay
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29933
2. 47–103–01080–0000
3. 108 000 000
4. Pennzoil Co
5. W D Pool #1
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29934
2. 47–103–01082–0000
3. 108 000 000
4. Pennzoil Co
5. T J J Postlethwait #2
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29935
2. 47–103–01031–0000
3. 108 000 000
4. Pennzoil Co
5. B B Postlethwait 2
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29936
2. 47–103–01103–0000
3. 108 000 000
4. Pennzoil Co
5. J R Shreve #15
6. Grant
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29937
2. 47–103–01116–0000
3. 108 000 000
4. Pennzoil Co
5. Henry Sole #1
6. Clay
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29938
2. 47–103–01117–0000
3. 108 000 000
4. Pennzoil Co
5. John Sole No 2
6. Clay
7. Wetzel WV
8. 2.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29939
2. 47–103–01118–0000
3. 108 000 000
4. Pennzoil Co
5. John Sole #3
6. Clay
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29940
2. 47–103–01119–0000
3. 108 000 000
4. Pennzoil Co
5. John Sole No 4
6. Clay
7. Wetzel WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29941
2. 47–103–01120–0000
3. 108 000 000
4. Pennzoil Co
5. G W Sole No 3
6. Clay
7. Wetzel WV
8. 2.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29942
2. 47–103–01135–0000
3. 108 000 000
4. Pennzoil Co
5. T M Stone #4
6. Grant
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29943
2. 47–103–00995–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #70
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29944
2. 47–103–00993–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #63
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29945
2. 47–103–00994–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #67
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29946
2. 47–103–00997–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt No 72
6. Grant
7. Wetzel WV
8. 9.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

1. 80–29947
2. 47–103–00998–0000
3. 108 000 000

4. Pennzoil Co
5. L S Hoyt #74
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29948
2. 47–103–00999–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #75
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29949
2. 47–103–00966–0000
3. 108 000 000
4. Pennzoil Co
5. E A Edgell #1
6. Proctor
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29950
2. 47–103–00971–0000
3. 108 000 000
4. Pennzoil Co
5. Alfred Efaw #1
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29951
2. 47–013–22887–0000
3. 103 000 000
4. Industrial Gas Associates
5. R Bingham No 1 Cal-2887
6. Lee District
7. Calhoun WV
8. 12.0 million cubic feet
9. April 28, 1980
10. Cabot Corp
1. 80–29952
2. 47–041–00907–0000
3. 108 000 000
4. E Davisson Hardman
5. D L Rinehart #2 (Lewis—907)
6. Jacksons Mill-Hackers Creek District
7. Lewis WV
8. 1.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29953
2. 47–041–01483–0000
3. 108 000 000
4. E Davison Hardman
5. Burnside #1 (Lewis—1483)
6. Denson-Kinokoloo Freemans Creek
7. Lewis WV
8. 1.9 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29954
2. 47–041–00834–0000
3. 108 000 000
4. Oil Producers Inc
5. Watson Lew—834
6. Canoe Run
7. Lewis WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29955
2. 47–041–00942–0000
3. 108 000 000
4. Oil Producers Inc
5. Keegan Lew—942
6. Rush Run
7. Lewis WV
8. 4.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co
1. 80–29956
2. 47–041–00953–0000
3. 108 000 000
4. Oil Producers Inc
5. McClain Lew—953
6. Canoe Run
7. Lewis WV
8. 2.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29957
2. 47–097–01896–0000
3. 103 000 000
4. NRM Petroleum Corp
5. L L Moss 1–A
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29958
2. 47–097–01904–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Hicks #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29959
2. 47–097–01898–0000
3. 103 000 000
4. NRM Petroleum Corp
5. I Tomblyn #1
6. French Creek
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29960
2. 47–097–01905–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Holmes #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29961
2. 47–097–01907–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Wilmac Tree Farm #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29962
2. 47–097–01914–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Light #2
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29963
2. 47–097–01915–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Shomo 1–B
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29964
2. 47–041–02489–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Kraus #2
6. Courthouse
7. Lewis WV
8. .0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29965
2. 47–033–21239–0000
3. 103 000 000
4. Petroleum Development Corp
5. Lillie Barlett #1
6. Bridgeport
7. Harrison WV
8. 28.3 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29966
2. 47–001–11021–0000
3. 103 000 000
4. Petroleum Development Corp
5. A Corder #1
6. Clemtown
7. Barbour WV
8. 33.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29967
2. 47–001–20977–0000
3. 103 000 000
4. Petroleum Development Corp
5. J Mitchell #1
6. Clemtown
7. Barbour WV
8. 40.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29968
2. 47–001–20972–0000
3. 103 000 000
4. Petroleum Development Corp
5. F Poe #1
6. Clemtown
7. Barbour WV
8. 29.6 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29969
2. 47–033–21240–0000
3. 103 000 000
4. Petroleum Development Corp
5. L Bartlett #2
6. Bridgeport
7. Harrison WV
8. 18.4 million cubic feet

9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29970
2. 47–033–21920–0000
3. 103 000 000
4. Petroleum Development Corp
5. L Bartlett #3
6. Bridgeport
7. Harrison WV
8. 18.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29971
2. 47–033–21924–0000
3. 103 000 000
4. Petroleum Development Corp
5. Lillie Bartlett #4
6. Bridgeport
7. Harrison WV
8. 18.5 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29972
2. 47–041–00852–0000
3. 108 000 000
4. E Davisson Hardman
5. D L Rinehart #1 (Lewis-852)
6. Jacksons Mill-Hackers Creek District
7. Lewis WV
8. 6.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29973
2. 47–083–20251–0000
3. 102 000 000
4. Seneca-Upshur Petroleum Inc
5. J M Huber #54
6. Middle Fork
7. Randolph WV
8. 27.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co
1. 80–29974
2. 47–105–00455–0000
3. 108 000 000
4. Michael Pinkerton
5. Samuel Cooper #1
6. Spring Creek District
7. Wirt WV
8. .3 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29975
2. 47–085–22408–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Old Orchard O & G Co Well 2
6. Union
7. Ritchie WV
8. 1.1 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29976
2. 47–085–21865–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Ward Run Development Co #3
6. Union
7. Ritchie WV
8. 2.2 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp
1. 80–29977
2. 47–035–01232–0000
3. 108 000 000
4. Michael Pinkerton
5. G B Norman #1
6. Ravenswood District
7. Jackson WV
8. .3 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29978
2. 47–017–22331–0000
3. 103 000 000
4. Rockwell Petroleum Co
5. Schmidt #1
6. Saint Clair
7. Doddridge WV
8. .0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29979
2. 47–083–20252–0000
3. 102 000 000
4. Seneca-Upshur Petroleum Inc
5. J M Huber #55
6. Middle Fork
7. Randolph WV
8. 12.0 million cubic feet
9. April 28, 1980
10. Equitable Gas Co
1. 80–29980
2. 47–079–20052–0000
3. 108 000 000
4. Union Development & Gas Co
5. G L Paul #1
6. Teays Valley Hurricane
7. Putnam WV
8. .0 million cubic feet
9. April 28, 1980
10. Pennzoil Co
1. 80–29981
2. 47–017–00954–0000
3. 108 000 000
4. E Davisson Hardman
5. Orrahood #1 (AKA #6)—(Doddridge 954)
6. Big Isaac-Greenbrier Dist
7. Doddridge WV
8. 2.6 million cubic feet
9. April 28, 1980
10. Pennzoil Co
1. 80–29982
2. 47–091–00178–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Tomblyn #2
6. Flemington
7. Taylor WV
8. .0 million cubic feet
9. April 28, 1980
10. Petro-Lewis Corp
1. 80–29983
2. 47–099–01669–0000
3. 103 000 000
4. D & D Gas Co
5. Olin W Kearns # K–1
6. Lincoln District
7. Wayne WV
8. 20.0 million cubic feet
9. April 28, 1980
10. Columbia Gas Transmission Corp
1. 80–29984
2. 47–041–00684–0000
3. 108 000 000
4. Oil Producers Inc
5. Berry Lew–684
6. Canoe Run
7. Lewis WV
8. 3.5 million cubic feet
9. April 28, 1980
10. Equitable Gas Co
1. 80–29985
2. 47–001–21027–0000
3. 103 000 000
4. Petroleum Development Corp
5. M McKeen #1
6. Clemtown
7. Barbour WV
8. 77.0 million cubic feet
9. April 28, 1980
10. Consolidated Gas Supply Corp

Osage Agency, Bureau of Indian Affairs, Osage County, Okla.

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–29870
2. 35–113–00000–0000–0
3. 108 000 000
4. John Q McCabe
5. Hunter #1A
6. Pond Creek
7. Osage Ok
8. 12.0 million cubic feet
9. April 28, 1980
10. Ajax Oil & Gas Corp Inc

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 2, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–15156 Filed 5–15–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–352]

Northern Natural Gas Co.; Application

May 12, 1980.

Take notice that on May 5, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80–352 an application pursuant to Section 7(b) of the Natural Gas Act for

permission and approval to abandon certain gas measuring facilities located in Gaines County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that at the request of Mr. M. G. Hoover, a right-of-way grantor, Applicant installed a sales measuring station to accommodate the delivery and sale of natural gas to Mr. Hoover for irrigation engine fuel. It is stated that initially service was provided to Mr. Hoover through Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). Subsequently, it is stated, Peoples sold and transferred to West Texas Gas, Inc. certain distribution system properties and services including that of Mr. Hoover.

Applicant asserts that Mr. Hoover has requested removal of the sales measuring facilities located in Section 106, Block G, WT RR Survey, Gaines County, Texas, through which he had been receiving service. Therefore, Applicant proposes to abandon and remove such sales measuring facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishng to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15157 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER78-494]

Pennsylvania Electric Co.; Filing

May 13, 1980

The filing company submits the following:

Take notice that on April 11, 1980, Pennsylvania Electric Company (Penelec) submitted for filing a compliance report pursuant to the Commission's order of March 4, 1980 in the above styled proceeding.

Penelec's compliance report consists of a summary of refunds made in compliance with the Commission's order in Docket No. 78-494, and a copy of each individual Compliance Report as furnished to the affected wholesale customers.

A copy of this report has been sent to the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15158 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3133]

Public Service Co. of New Hampshire and Union Water Power Co.; Application for Preliminary Permit

May 12, 1980.

Take notice that Public Service Company of New Hampshire and Union Water Power Company (Applicants) filed on April 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3133 to be known as the Errol Dam Project located on the Androscoggin River in Coos County, New Hampshire and Oxford County, Maine. Correspondence with the Applicant should be directed to: Mr. Henry J. Ellis, Vice-President, Public Service Company of New Hampshire, P.O. Box 330, 1000 Elm Street, Manchester, New Hampshire 03105 and Mr. Charles E. Monty, Vice-President, Union Water Power Company, Edison Drive, Augusta, Maine 04336.

Project Description—The proposed project would consist of: (1) an existing 25-foot high, 205-foot long, timber and concrete crib dam having 7 spillway gates and 5 sluice gates; (2) a reservoir (Umbagog Lake) with a maximum storage capacity of 72,300 acre-feet; (3) a forebay canal extending 160 feet from two sluice gates at the east abutment of the dams to the powerhouse; (4) a new powerhouse with a single generator/turbine unit with a rated capacity of 7,500 kW; (5) a short tailrace channel; (6) a 1,500-foot long 34.5/19.9-kV transmission line and substation; and (7) appurtenant facilities. The proposed project would generate up to 19,100,000 kWh annually saving the equivalent of 31,400 barrels of oil or 8,800 tons of coal.

Purpose of Project—Energy generated at the project would be used by Public Service Company of New Hampshire for sale to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be up to $270,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application

for preliminary permit. (A copy of the application may be obtained directly from the Applicants). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 21, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 19, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c). (*as amended* 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d). (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests.

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15159 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 80-2-40 (PGA 80-1a)]

Raton Natural Gas Co.; Change in Rates

May 12, 1980.

Take notice that Raton Natural Gas Company (Raton), on May 5, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Alternate Twenty-first Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is April 1, 1980.

Raton states that the instant notice of change in rates is occasioned solely for increase in the cost of gas purchased from Colorado Interstate Gas Company (CIG), and is being filed pursuant to the Commission's order issued April 2, 1980 in this docket. The tracking of CIG gas cost increase results in decrease in Demand rate from $1.97 to $1.93 and increase in Commodity rate from 206.77¢ to 221.81¢ per MCF. The annual revenue increase, by reason of the tracking, amounts to $156.857.

Any person desiring to be heard or to protest said filing should file a petitio to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10). All such petitions or protests should be filed on or before May 23, 1980. protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15160 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-353]

Southwest Gas Corp.; Application

May 12, 1980.

Take notice that on May 5, 1980, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vagas, Nevada 89114, filed in Docket No. CP80-353 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of new tap facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a high pressure tap on its Eagle Picher No. 2 lateral near Lovelock, Nevada, and two high pressure taps on its Elko lateral located near Winnemucca, Nevada. It is stated that the Eagle Picher tap would enable Applicant to deliver gas to four residential customers in Pershing County, Nevada, and the Elko taps would enable Applicant to deliver gas to one residential customer each in Humboldt County, Nevada. It is asserted that actual sale of gas would be made pursuant to Applicant's existing authorization from the Public Service Commission of Nevada.

Applicant states that the volumes to be delivered would be solely for Priority 1 use as follows:

(In thousand cubic feet)

	Eagle picher tap	Elko tap No. 1	Elko tap No. 2
Annual usage	363	112	112
Peak usage	4	1.5	1.5
Average day usage	1	.3	.3

Applicant estimates the cost of the Eagle Picher facilities would be approximately $1,385, and the cost of the Elko facilities would be approximately $900 each. Such cost, it is stated, would be financed by an advance made to Applicant by the customer or developer of each of the respective locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15161 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP68-204]

Sugar Bowl Gas Corp.; Surrender of Exemption

May 12, 1980.

Take notice that on May 2, 1980, Sugar Bowl Gas Corporation (Sugar Bowl), 1200 Milam, Houston, Texas 77002, filed in Docket No. CP68-204 a notice of surrender of its exemption under Section 1(c) of the Natural Gas Act, all as more fully set forth in the notice which is on file with the Commission and open to public inspection.

Sugar Bowl states that it previously owned and operated a six-inch pipeline located in St. Mary Parish, Louisiana, which pipeline commenced at the Chico B delivery point on the pipeline of Michigan Wisconsin Pipe Line Company (Mich-Wisc) and was used to transport natural gas received from Mich-Wisc pursuant to an exchange of gas authorized by order issued May 3, 1968, in Docket Nos. CP69-203 and CP69-204 for consumption at the Teche Station generating plant of Central Louisiana Electric Company (CLECO), which plant is located at Baldwin, Louisiana. Because all gas so received by the six-inch pipeline from Mich-Wisc is used by CLECO in its Teche Station generating plant and thus is wholly consumed within the State of Louisiana, Sugar Bowl states that it was, by that same order, granted a Section 1(c) exemption from the provisions of the Natural Gas Act.

Sugar Bowl states further that it has now transferred the six-inch pipeline to an affiliated company, West Lake Arthur Distribution Company (WLADC), which has filed for an exemption for its operation of the line pursuant to Section 1(c) of the Natural Gas Act and Section 152.1, *et seq.* of the Commission's Regulations.

With the transfer of the six-inch pipeline to WLADC, Sugar Bowl states that: (1) it no longer has any operations under which it receives volumes of gas transported and/or sold in interstate commerce; (2) its "Hinshaw exemption," when issued, was required because of its operation of the six-inch pipeline now owned by WLADC; and (3), the "Hinshaw exemption" then affected, and now affects, no other operations of Sugar Bowl.

Sugar Bowl, therefore, proposes to surrender its exemption previously granted it in the above-referenced docket pursuant to Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said notice should on or before June 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15162 Filed 5-15-80; 8:45 am]

BILLING CODE 6550-85-M

[Docket No. TA80-2-56 (PGA 80-3a)]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

May 12, 1980.

Take notice that on May 7, 1980, Valero Interstate Transmission Company (BITCO) filed to correct the numerical designation of its purchased gas cost adjustment filed April 30, 1980, for its sale to Natural Gas Pipeline Company of America under Rate Schedule No. 1. The correct supplement number is Original Supplement No. 29 to Rate Schedule No.1; the April 30, 1980, filing was mistakenly designated Supplement No. 28. It is stated that there is no other change to the filed purchased gas cost adjustment.

The proposed effective date for Original Supplement No. 29 is June 1, 1980. VITCO states that copies of this filing have been served to the only customer served under Rate Schedule No. 1, Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb

Secretary.

[FR Doc. 80-15163 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. OR79-1, et al.; OR78-1]

Williams Pipe Line Co. and Trans Alaska Pipeline System; Order Scheduling a Consolidated Oral Argument and Prescribing Procedures Therefor

May 9, 1980.

I.

Consolidated oral argument will be heard in these proceedings in Hearing Room A of the Commission's offices at 825 North Capitol Street, Northeast, Washington, D.C. 20426 on Monday, June 30, 1980, at 10 o'clock in the forenoon of that day.[1]

II.

The argument will be divided into two parts. Part I, to be heard on June 30, will give counsel an opportunity to state their views on the general principles that should guide the Commission in its oil pipeline ratemaking work and on the inferences that ought to be drawn from the record made in the first phase of *Williams Pipe Line Company*, Docket No. OR79-1, *et al.*

Part II, to be heard on Tuesday, July 1, will deal with the application of those principles to the first phase of the *Trans Alaska Pipeline System* proceeding and with the merits of the administrative law judge's initial decision therein.

III.

Six hours will be allotted to each part of the argument for a total of twelve hours.

IV.

The questions presented are important, difficult, and novel. Hence

[1] The adjective "consolidated" refers only to the argument. The cases themselves have not been consolidated.

the amount of time set aside for this argument is unusually generous. This should not be misconstrued. Counsel should not deem themselves constrained to fill all twelve hours. Nor should they consider themselves obliged to cover in detail each of the many points presented.

Counsel are asked to:

(A) Concentrate on the issues they deem crucial; and

(B) Collaborate in advance of the argument with others whose positions on the issues (or on some of the issues) are the same as or akin to theirs with a view to avoiding needless repetition, enhancing the effectiveness of their several presentations, and saving time.

V.

Counsel should not waste time rearguing *Farmers Union Central Exchange* v. *Federal Energy Regulatory Commission*, 584 F.2d 408, *cert. denied*, 439 U.S. 995. They should treat that decision as binding on the Commission and should address themselves to its implications rather than to its correctness.

Counsel are also asked to assume that the Commission has a wide discretion in this area and that it has considerable freedom to innovate. Accordingly, the argument should focus on policy rather than on doctrine.[2] The key questions on which the Commission seeks enlightenment from counsel are:

(i) What useful social function can oil pipeline regulation serve in today's world?

(ii) What goals should the Commission set for itself in this field?

(iii) What regulatory methodology is best suited to the attainment of those goals?

(iv) Whom does oil pipeline rate regulation protect? From what?

(v) Suppose that oil pipeline rates were much lower than they now are. Would the ultimate consumer of gasoline and fuel oil benefit? If he did benefit, would the benefits be substantial?

(vi) Conversely, suppose that oil pipeline rates were much higher than they now are. Would the increase necessarily be passed along to the consumer? If it were passed through, would the impact on end product prices be substantial?

(vii) Assume that vigorous regulatory action were taken to lower oil pipeline rate levels. What impact would that have on the Nation's energy security?

(viii) Conversely, assume that oil pipeline rates were almost wholly unconstrained and that they were determined in the main by the carriers' assessment of their own self-interest. What effect would this have on the Nation's energy security?

VI.

Parties who wish to argue should notify the Commission's Secretary of that desire on or before June 4, 1980. Such notification, which must be in writing, should state:

(A) Whether leave to argue is desired only in Part I of the argument, only in Part II, or in both parts; and

(B) The amount of time requested—those who wish to argue in both parts should state their time requests separately.

VII.

The Secretary is authorized to divide time among counsel in whatever manner he deems appropriate. His determinations in this regard shall be conclusive. No appeal therefrom will be entertained.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15164 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[2] This does not mean the Commission is oblivious to the legal questions presented. It is well aware of them. And it has not prejudged them. It believes however that those questions are best dealt with in briefs and that oral argument is unlikely to illumine them.

[Docket No. ER80-378]

Arizona Public Service Co., Filing

May 13, 1980.

Take notice that Arizona Public Service Company (APS) on May 6, 1980, tendered for filing supplement to the Wholesale Power Supply Agreement Tribe of Indiana (NTUA), FPC Rate Schedule No. 6.

APS indicates that this supplement provides for delivery of part of NTUA's entitlement from the Four Corners Power Plant to be delivered, in lieu of its normal delivery point there at, to the Colorado River Storage Project of the United States delivery point at the 230 kv interconnection in the Four Corners Switchyard.

APS states that this filing does not provide for any change in rate.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before June 2, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15141 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-373]

Arkansas Power & Light Co.; Filing

May 13, 1980.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L), on May 6, 1980, tendered for filing new Power Coordination, Interchange and Transmission Service Agreements with Arkansas Electric Cooperative Corporation, City of Conway, Arkansas, City Water and Light Plant of the City of Jonesboro, Arkansas, and City of West Memphis, Arkansas. These agreements, which have all been executed by the parties, provide rates and charges and contractual arrangements between AP&L and each of the four other systems necessitated by those systems' purchases of individual ownership interests in AP&L's coal-fired White Bluff Unit No. 1. AP&L, which expects to receive lower revenues from the four systems after the effectiveness of these agreements, proposes that the agreements be made effective as of July 15, 1980, which is the expected date of commercial operation of White Bluff Unit No. 1.

Copies of the filing were served upon Arkansas Electric Cooperative Corporation, Conway, Jonesboro and West Memphis. Copies were also served upon the Arkansas Public Service Commission, Louisiana Public Service Commission, and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 3, 1980. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15192 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-374]

Central Illinois Public Service Co.; Filing

May 13, 1980.

The filing Company submits the following:

Take notice that on May 7, 1980, Central Illinois Public Service Company tendered for filing a proposed new Wholesale Electric Service Agreement with the City of Metropolis. The agreement is proposed to become effective April 14, 1980, and supersedes the previous agreement with the City of Metropolis dated January 26, 1970.

Rate Schedule W-2, under which the City of Metropolis will be billed, was previously filed with the Commission and approved in Docket No. ER78-80 to become effective on January 2, 1978, subject to refund.

A copy of the filing was sent to the City of Metropolis. The new agreement will be filed with the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before June 3, 1980. Protestants will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15143 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-89]

Central Illinois Public Service Co.; Compliance Filing

May 13, 1980.

The filing company submits the following:

Take notice that on March 25, 1980, Central Illinois Public Service Company (CIPSCO) submitted for filing a letter which it contends is its Compliance Filing in the above referenced docket.

CIPSCO contends that Opinion No. 76 (issued February 21, 1980) does not require the Company to file a revised cost of service, revised rates, or revised tariff sheets.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15144 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-335]

Colorado Interstate Gas Co.; Petition To Amend

May 12, 1980.

Take notice that on May 1, 1980, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-335 a petition to amend the order issued June 21, 1977,[1] in the instant docket pursuant to Section 7(b) of the Natural Gas Act so as to permit Petitioner to maintain four minor measuring and related facilities which facilities said order authorized Applicant to abandon, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order issued June 21, 1977, granted Applicant permission and approval to abandon 13 minor measurement and related facilities formerly used in connection with gas sales and exchange arrangements.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner proposes herein to maintain four of the measurement and related facilities as follows:

1. Rolla Sales Meter Station, Morton County, Kansas;
2. Hickock Sales Meter Station, Grant County, Kansas;
3. Michigan Wisconsin Sales Meter Station, Beaver County, Oklahoma; and,
4. NNG-Hugoton (HFC No. 2) Sales Meter Station, Kearny County, Kansas.

Petitioner asserts that subsequent to the issuance of the order of June 21, 1977, it has negotiated, or is in the process of negotiating, gas transportation and exchange agreements with other pipeline companies which involve, or may involve, the four above-referenced measurement facilities. Accordingly, Petitioner proposes to maintain said facilities in service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 4, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15145 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. RP76-94, et al.]

Columbia Gas Transmission Corp.; Filing of Pipeline Refund Reports and Refund Plans

May 12, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before may 28, 1980. Copies of the

respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket number	Type filing
May 2, 1980....	Columbia Gas Transmission Corp.	RP76-94.....	Report.
May 2, 1980....	Mississippi River Transmission Corp.	TA80-1-25.....	Report.
November 21, 1979.	Panhandle Eastern Pipe Line Co.	RP78-62.....	Plan.

[FR Doc. 80-15146 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES76-7]

Empire State Power Resources, Inc.; Withdrawal of Application

May 13, 1980.

The filing company submits the following:

Take notice that on April 30, 1980, a Notice of Withdrawal of the joint application of Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric and Gas Corporation, and Orange and Rockland Utilities, Inc., was submitted for filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15147 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-112]

Jersey Central Power & Light Co.; Filing

May 13, 1980.

The filing company submits the following:

Take notice that on April 17, 1980, Jersey Central Power & Light Company (JCP) submitted for filing a compliance report in accordance with the settlement agreement approved by the Commission in the above-referenced proceeding.

JCP submits that the terms of the settlement agreement have been complied with, and refunds made, as of April 1, 1980.

A copy of this filing has been furnished to the affected customers and to the New Jersey Board of Public Utility Commissioners.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before June 6, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15148 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 199]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued May 12, 1980

The Federal Energy Regulatory Commission received notices from the Jurisdictional Agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-29242/K-79-0943
2. 15-175-00000-0000
3. 108 000 000
4. Graham-Michaelis Corp
5. Sutton #1
6. Hugoton Field
7. Seward KS
8. 17.1 Million Cubic Feet
9. April 25, 1980
10. Northern Natural Gas Co.

1. 80-29243/K-79-0946
2. 15-081-00000-0000
3. 108 000 000
4. Graham-Michaelis Corp
5. Reimelt #1
6. Hugoton Field
7. Haskell KS
8. 20.0 Million Cubic Feet
9. April 25, 1980
10. Northern Natural Gas Co.

1. 80-29244/K-79-0942
2. 15-175-00000-0000
3. 108 000 000
4. Graham-Michaelis Corp
5. Woodward #1
6. Hugoton Field
7. Seward KS
8. 10.0 Million Cubic Feet
9. April 25, 1980
10. Northern Natural Gas Co.

1. 80-29245/K-79-0937
2. 15-093-00000-0000
3. 108 000 000
4. Graham-Michaelis Corp
5. Wright #1
6. Hugoton Field
7. Kearney KS
8. 12.0 Million Cubic Feet
9. April 25, 1980
10. Northern Natural Gas Co.

Mississippi Oil and Gas Board

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-29246/K-28-8015
2. 23-091-20069-0000
3. 102 000 000
4. Exxon corp
5. Hub Gas Unit 12 No 1
6. Hub
7. Marion MS
8. 365.0 Million Cubic Feet
9. April 25, 1980
10. Southern Natural Gas Co

1. 80-29247/31-80-420
2. 23-091-20082-0000
3. 107 000 000
4. First Energy Corp
5. Gloster Jacob Well No 1
6. Columbia
7. Marion MS
8. 1642.0 Million Cubic Feet
9. April 25, 1980
10.

1. 80-29248/32-80-361
2. 23-029-20014-0000
3. 102 000 000
4. Kilroy Co of Texas Inc
5. R D Sanders No 1
6. Glancy
7. Copiah MS
8. 800.0 Million Cubic Feet
9. April 25, 1980
10. Mississippi Power & Light Co

1. 80-29249/66-79-423
2. 23-091-20049-0000
3. 102 000 000
4. First Energy Corp

5. Charles A Pittman No 1
6. Columbia
7. Marion MS
8. 127.5 Million Cubic Feet
9. April 25, 1980
10.

1. 80-29250/21-80-420
2. 23-065-20139-0000
3. 107 000 000
4. Systems Fuels Inc
5. Otho McNease 25-16 No 1
6. Holiday Creek Field
7. Jefferson Davis Counms
8. 214.0 Million Cubic Feet
9. April 25, 1980
10. System Fuels Inc

1. 80-29251/25-80-418
2. 23-065-20137-0000
3. 107 000 000
4. Marion Corp
5. W H Langston Estate et al
6. Greens Creek
7. Jefferson Davis MS
8. 1095.0 Million Cubic Feet
9. April 25, 1980
10.

Oklahoma Corporation Commission

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-29177/02872
2. 35-005-20307-0000
3. 108 000 000
4. Damson Oil Corp
5. Jones 2
6. South Bloomington
7. Greer OK
8. 1.0 million cubic feet
9. April 25, 1980
10. El Paso Natural Gas Co

1. 80-29178/02866
2. 35-055-20365-0000
3. 108 000 000
4. Damson Oil Corp
5. Graumann 1-27
6. South Bloomington
7. Greer OK
8. 21.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80-29179/02868
2. 35-055-20364-0000
3. 108 000 000
4. Damson Oil Corp
5. Kimbell 1-26
6. South Bloomington
7. Greer OK
8. 6.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80-29180/02858
2. 35-055-20356-0000
3. 108 000 000
4. Damson Oil Corp
5. Burcham 1-2
6. South Bloomington
7. Greer OK
8. 7.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80-29181/02894
2. 35-055-20121-0000
3. 108 000 000
4. Damson Oil Corp
5. Pruett 1
6. South Bloomington
7. Greer OK
8. 4.0 million cubic feet
9. April 25, 1980
10. El Paso Natural Gas Co

1. 80-29182/02609
2. 35-095-00000-0000
3. 108 000 000
4. Mobil Oil Corp
5. Ward-Raines #2
6. Aylesworth
7. Marshall OK
8. 4.4 million cubic feet
9. April 25, 1980
10. Aminoil USA Inc

1. 80-29183/02610
2. 35-075-00000-0000
3. 108 000 000
4. Mobil Oil Corp
5. W M Spicer #1-Viola
6. Aylesworth
7. Marshall OK
8. 10.0 million cubic feet
9. April 25, 1980
10. Aminoil USA Inc

1. 80-29184/03139
2. 35-059-20751-0000
3. 103 000 000
4. Union Texas Petroleum
5. J Andrews No 2
6. Gate Lake SW/4 Sec 36 T29N R26W
7. Harper OK
8. 255.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80-29185/03138
2. 35-093-21419-0000
3. 103 000 000
4. Hamm Production Co
5. Loomis #1
6. Ringwood Field
7. Major County OK
8. 43.2 million cubic feet
9. April 25, 1980
10. Oklahoma Natural Gas Pioneer Gas Products

1. 80-29186/02805
2. 35-095-20178-0000
3. 103 000 000
4. The Quintin Little Co
5. Carrie Lou Little #1-18
6. Cumberland
7. Marshall OK
8. 365.0 million cubic feet
9. April 25, 1980
10.

1. 80-29187/02804
2. 35-095-20177-0000
3. 103 000 000
4. The Quintin Little Co
5. Carrie Lou Little #1-17
6. Cumberland
7. Marshall OK
8. 365.0 million cubic feet
9. April 25, 1980
10.

1. 80-29188/02608
2. 35-095-00000-0000
3. 108 000 000
4. Mobil Oil Corp
5. Ward-Hendricks #1
6. Aylesworth
7. Marshall OK
8. 3.0 million cubic feet
9. April 25, 1980
10. Aminoil USA Inc

1. 80-29189/03306
2. 35-081-20795-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Higdon #1
6. North Agra
7. Lincoln OK
8. 136.9 million cubic feet
9. April 25, 1980
10. Colorado Gas Compression Inc

1. 80-29190/03190
2. 35-093-21609-0000
3. 103 000 000
4. Universal Resources Corp
5. Cornelson #1-5
6. Ringwood
7. Major OK
8. 100.0 million cubic feet
9. April 25, 1980
10.

1. 80-29191/03142
2. 35-011-20927-0000
3. 103 000 000
4. Coquina Oil Corp
5. Compton #1-8
6. Unallocated Gas Pool
7. Blaine OK
8. 250.0 million cubic feet
9. April 25, 1980
10.

1. 80-29192/03159
2. 35-081-20740-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Bonebrake #1
6. North Agra
7. Lincoln OK
8. 95.3 million cubic feet
9. April 25, 1980
10. Colorado Gas Compression Inc

1. 80-29193/03328
2. 35-019-21858-0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Jimy #1
6. Tussy
7. Carter OK
8. 63.1 million cubic feet
9. April 25, 1980
10. Cities Service Gas Co

1. 80-29194/00967
2. 35-007-21339-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. H A Dunn #5
6. Clear Lake West
7. Beaver OK
8. 36.5 million cubic feet
9. April 25, 1980
10. El Paso Natural Gas Co

1. 80-29195/02470
2. 35-017-20797-0000
3. 103 000 000
4. Walker & Withrow Inc
5. Clyde Krshka #7-1
6. Yukon

7. Canadian OK
8. 150.0 million cubic feet
9. April 25, 1980
10. Delhi

1. 80–29196/03329
2. 35–019–21883–0000
3. 103 000 000
4. Oklahoma Petroleum Management Corp
5. Jimy #3
6. Tussy
7. Carter OK
8. 255.5 million cubic feet
9. April 25, 1980
10. Cities Service Gas Co

1. 80–29197/02472
2. 35–017–20789–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Briscoe #5–1
6. Yukon
7. Canadian OK
8. 40.0 million cubic feet
9. April 25, 1980
10. Delhi

1. 80–29198/02471
2. 35–017–20796–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Albert Krshka #7–1
6. Yukon
7. Canadian OK
8. 90.0 million cubic feet
9. April 25, 1980
10. Delhi

1. 80–29199/02480
2. 35–017–21071–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Burris #12–1
6. Yukon
7. Canadian OK
8. 140.0 million cubic feet
9. April 25, 1980
10. Continental Oil

1. 80–29200/02483
2. 35–017–20778–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Doyle #19–1
6. N W Richland
7. Canadian OK
8. 20.0 million cubic feet
9. April 25, 1980
10. Delhi

1. 80–29201/03070
2. 35–051–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Elmer S Pooler B #1
6. Chickasha
7. Grady OK
8. 6.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29202/03067
2. 35–051–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Elmer S Pooler B #2
6. Chickasha
7. Grady OK
8. 2.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29203/03017
2. 35–047–00000–0000
3. 108 000 000
4. Wilmar Oil Inc
5. Parker #1
6. E Hennessey
7. Garfield OK
8. 4.5 million cubic feet
9. April 25, 1980
10. Exxon Co USA

1. 80–29204/03048
2. 35–051–20683–0000
3. 102 000 000
4. F Howard Walsh Jr
5. Humphrey #1
6. None (Wildcat–3 MI SE of Chickasha)
7. Grady OK
8. 150.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29205/02626
2. 35–137–00000–0000
3. 108 000 000 Denied
4. Mobil Oil Corp
5. J L Martin #11
6. Sho Vel Tum
7. Stephens OK
8. 1.0 million cubic feet
9. April 25, 1980
10. Aminoil USA Inc

1. 80–29206/02627
2. 35–137–00000–0000
3. 108 000 000 Denied
4. Mobil Oil Corp
5. J L Martin #7
6. Sho Vel Tum
7. Stephens OK
8. 1.0 million cubic feet
9. April 25, 1980
10. Aminoil USA Inc

1. 80–29207/02961
2. 35–059–20689–0000
3. 103 000 000
4. Shell Oil Co
5. Taft 2–22
6. Mocane Laverne
7. Harper OK
8. 600.0 million cubic feet
9. April 25, 1980
10. Michigan Wisconsin Pipeline Co

1. 80–29208/02552
2. 35–003–2607–0000
3. 102 000 000
4. Buttes Resources Co
5. Leamon #1
6. East Dacoma Prospect
7. Alfalfa OK
8. 365.0 million cubic feet
9. April 25, 1980
10. Panhandle Eastern Pipeline Co

1. 80–29209/02956
2. 35–003–20667–0000
3. 103 000 000
4. F C D Ltd
5. Reimer 1–13
6. North Ringwood
7. Alfalfa OK
8. 400.0 million cubic feet
9. April 25, 1980
10. Union Texas Petroleum

1. 80–29210/02734
2. 35–129–20249–0000
3. 108 000 000
4. Dyco Petroleum Corp
5. Swope No 1
6. Reydon Sotheast
7. Roger Mills OK
8. 10.0 million cubic feet
9. April 25, 1980
10. El Paso Natural Gas Co

1. 80–29211/03027
2. 35–017–21118–0000
3. 103 000 000
4. NFC Petroleum Corp
5. Boyd No 1–14
6. Richland
7. Canadian OK
8. 200.0 million cubic feet
9. April 25, 1980
10. Conoco Inc

1. 80–29212/03008
2. 35–009–20280–0000
3. 103 000 000
4. Union Oil Co of California
5. Mayfield Unit #1–10
6. N E Mayfield
7. Beckham OK
8. 300.0 million cubic feet
9. April 25, 1980
10. El Paso Natural Gas Co

1. 80–29213/02977
2. 35–011–20739–0000
3. 103 000 000
4. Petro-Lewis Corp
5. Alfred 12–1
6. Sooner Trend
7. Blaine OK
8. 25.0 million cubic feet
9. April 25, 1980
10. Cities Service Gas Co

1. 80–29214/02975
2. 35–073–22061–0000
3. 103 000 000
4. Petro-Lewis Corp
5. Castonquay 1
6. S W Altona
7. Kingfisher OK
8. .0 million cubic feet
9. April 25, 1980
10. Partnership Properties Co

1. 80–29215/02834
2. 35–121–00000–0000
3. 108 000 000
4. Great Basins Petroleum Co
5. Silva 2–A
6. Fish Creek Field
7. Pittsburg OK
8. 6.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29216/03175
2. 35–081–20716–0000
3. 102 000 000
4. Baruch-Foster Corp
5. Myrick #1
6. Ravendale
7. Lincoln OK
8. 365.0 million cubic feet
9. April 25, 1980
10. Cities Service Gas Co

1. 80–29217/03173
2. 35–119–20952–0000
3. 102 000 000
4. Baruch-Foster Corp
5. J E Tull #1
6. Ravendale
7. Payne OK
8. 500.0 million cubic feet
9. April 25, 1980
10. Cities Service Gas Co

1. 80–29218/03072

2. 35–051–20767–0000
3. 102 000 000
4. F Howard Walsh Jr
5. Deal #1
6. None (Wildcat–2 Mi Se of Chickasha)
7. Grady OK
8. 50.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29219/02481
2. 35–017–20844–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Davis #1–1
6. Yukon
7. Canadian OK
8. 40.0 million cubic feet
9. April 25, 1980
10. Delhi Gas Pipeline Corp

1. 80–29220/02477
2. 35–017–20834–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Kirkegard #7–1
6. Yukon
7. Canadian OK
8. 150.0 million cubic feet
9. April 25, 1980
10. Delhi Gas Pipeline Corp

1. 80–29221/00716
2. 35–045–20649–0000
3. 102 000 000
4. Natural Gas Anadarko Inc
5. McFarland #1–6
6. Laverne
7. Ellis OK
8. 200.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29222/02491
2. 35–017–20717–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Alice Baker #13–1
6. N W Richland 13
7. Canadian OK
8. 40.0 million cubic feet
9. April 25, 1980
10. Public Service Co

1. 80–29223/02489
2. 35–017–20772–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Brown-McClure #13–1
6. N W Richland 13
7. Canadian OK
8. 20.0 million cubic feet
9. April 25, 1980
10. Public Service Co

1. 80–29224/03407
2. 35–045–20724–0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Kelln #23–1
6.
7. Ellis OK
8. 150.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29225/02954
2. 35–093–20916–0000
3. 108 000 000
4. Dyco Petroleum Corp
5. Hannigan No 1
6. Northeast Cedardale
7. Major OK
8. 18.0 million cubic feet
9. April 25, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–29226/03406
2. 35–153–20950–0000
3. 103 000 000
4. William M Fuller
5. Faye Cullen Unit No 1
6. Sharon West
7. Woodward OK
8. 300.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29227/03081
2. 35–139–21134–0000
3. 103 000 000
4. Southland Royalty Co
5. Swaim 1–29
6. N Hooker
7. Texas OK
8. 70.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29228/03076
2. 35–073–22152–0000
3. 103 000 000
4. Vulcan Energy Corp
5. Hartman #1
6. Kingfisher NW
7. Kingfisher OK
8. 120.0 million cubic feet
9. April 25, 1980
10. Phillips Petroleum Co

1. 80–29229/03084
2. 35–037–00000–0000
3. 103 000 000
4. Seagull Operating Co Inc
5. Greer No 1
6. Polly Anna
7. Creek OK
8. 140.0 million cubic feet
9. April 25, 1980
10. Phillips Petroleum Co

1. 80–29230/03400
2. 35–061–20278–0000
3. 103 000 000
4. Hanna Oil and Gas Co
5. Wagnon Wheel #1
6. Kinta
7. Haskell OK
8. 200.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

1. 80–29231/03082
2. 35–007–21648–0000
3. 103 000 000
4. American Petrofina Co of Texas
5. Hennigh State No 1
6. Mocane-Laverne
7. Beaver OK
8. 290.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29232/03079
2. 35–139–21156–0000
3. 103 000 000
4. Southland Royalty Co
5. Wall 1–32 (Chester)
6. Caple
7. Texas OK
8. 250.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29233/03080
2. 35–131–21156–0000
3. 103 000 000
4. Southland Royalty Company
5. Wall 1–32 (Morrow)
6. Caple
7. Texas OK
8. 300.0 million cubic feet
9. April 25, 1980
10. Northern Natural Gas Co

1. 80–29234/03089
2. 35–105–21721–0000
3. 103 000 000
4. Urban Energy Co
5. Reed Estate No 3
6. Nowata-Claggett (Miss)
7. Nowata OK
8. 90.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc

1. 80–29235/03091
2. 35–105–21534–0000
3. 103 000 000
4. Urban Energy Co
5. W H Temple No 5
6. Nowata-Claggett (Miss)
7. Nowata OK
8. 90.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc

1. 80–29236/02963
2. 35–013–20047–0000
3. 103 000 000
4. R L Burns Corp
5. State of Oklahoma No 2
6. Southeast Aylesworth
7. Bryan Ok
8. 194.0 million cubic feet
9. April 25, 1980
10. Pioneer Gas Products Co

1. 80–29237/03090
2. 35–105–21439–0000
3. 103 000 000
4. Urban Energy Co
5. Reed Estate No 1
Nowata-Claggett (Miss)
7. Nowata Ok
8. 90.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc

1. 80–29238/03088
2. 35–105–21009–0000
3. 103 000 000
4. Urban Energy Co
5. W H Temple No 1
6. Nowata-Claggett (Bartlesville)
7. Nowata Ok
8. 35.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc

1. 80–29239/03086
2. 35–105–21540–0000
3. 103 000 000
4. Urban Energy Co
5. W H Temple B No 1
6. Nowata-Claggett (Miss)
7. Nowata Ok
8. 90.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc

1. 80–29240/03087
2. 35–105–21674–0000
3. 103 000 000
4. Urban Energy Co
5. W H Temple B No 2
6. Nowata-Claggett (Miss)

7. Nowata Ok
8. 90.0 million cubic feet
9. April 25, 1980
10. Fuel Products Inc
1. 80–29241/02882
2. 35–055–00000–0000
3. 103 000 000
4. Damson Oil Corp
5. Williams 1–29
6. South Bloomington
7. Greer Ok
8. 45.0 million cubic feet
9. April 25, 1980
10. Arkansas Louisiana Gas Co

Texas Railroad Commission, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80–29627/11215
2. 42–105–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 65–E #2 07483
6. Noelke (SE Queen)
7. Crockett TX
8. 600.0 million cubic feet
9. April 30, 1980
10. Apache Gas Corp
1. 80–29628/11230
2. 42–317–00000–0000
3. 108 000 000
4. MGF Oil Corp
5. Tommy Fuller Well No 1
6. Spraberry Trend Area
7. Martin TX
8. 7.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co
1. 80–29629/11251
2. 42–355–31348–0000
3. 102 000 000
4. Edwin L Cox
5. N Caldwell No 2–T
6. Corpus Christi W (M–4A)
7. Nueces TX
8. 36.0 million cubic feet
9. April 30, 1980
10.
1. 80–29630/11305
2. 42–285–31322–0000
3. 102 000 000
4. The Superior Oil Co
5. B L Heathcott No 1
6. Word Edwards
7. Lavaca TX
8. 146.0 million cubic feet
9. April 30, 1980
10.
1. 80–29631/11383
2. 42–483–30606–0000
3. 102 000 000
4. Coquina Oil Corp
5. Mary Scott #2
6. Mills Ranch (Granite Wash)
7. Wheeler TX
8. 100.0 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline Co
1. 80–29632/11405
2. 42–175–00000–0000
3. 108 000 000
4. Intercoastal Operating Co
5. Swickheimer A–1
6. Fannin South (4050)
7. Goliad TX
8. 4.0 million cubic feet
9. April 30, 1980
10. Trunkline Gas Co
1. 80–29633/11428
2. 42–175–00000–0000
3. 108 000 000
4. Overly Operating Co
5. Toni Weise 03151
6. Melrose (7700)
7. Goliad TX
8. 10.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29634/11455
2. 42–179–00000–0000
3. 108 000 000
4. Deminex US Oil Co
5. J C McConnell #1 (ID #25699)
6. Panhandle West
7. Gray TX
8. 8.0 million cubic feet
9. April 30, 1980
10. Getty Oil Co
1. 80–29635/11462
2. 42–249–31014–0000
3. 103 000 000
4. Guernsey Petroleum Corp
5. Baldwin #1
6. Alfred (4800) West
7. Jim Wells TX
8. 300.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29636/11570
2. 42–135–07280–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell U #54 (21556)
6. Penwell
7. Ector TX
8. 4.5 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co
1. 80–29637/11573
2. 42–003–04638–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Univ Andrews No 70 (01270)
6. Embar (Permain)
7. Andrews TX
8. 18.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co
1. 80–29638/11583
2. 42–507–00000–0000
3. 102 000 000
4. Tejas Production Co
5. W D Glasscock Est No 1
6. Leona River W
7. Zavala TX
8. 330.0 million cubic feet
9. April 30, 1980
10. Lo-Vaca Gathering Co
1. 80–29639/11588
2. 42–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. E C Powers #3
6. Carthage Cotton Valley
7. Panola TX
8. .0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29640/11589
2. 42–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. J T Ross #2
6. Carthage Cotton Valley
7. Panola TX
8. .0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29641/11590
2. 42–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. O L Jones #4
6. Carthage Cotton Valley
7. Panola TX
8. .0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29642/11591
2. 42–365–00000–0000
3. 103 000 000
4. Getty Oil Co
5. Werner A #2
6. Carthage Cotton Valley
7. Panola TX
8. .0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co
1. 80–29643/11593
2. 42–481–31715–0000
3. 103 000 000
4. K & A Inc
5. Frank D Sorrel #1
6. Caney Creek (Frio 4100)
7. Wharton TX
8. 182.5 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline of America
1. 80–29644/11597
2. 42–495–03414–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Altman No 2 (24471)
6. Emperor (Clearfork Upper)
7. Winkler TX
8. 9.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co
1. 80–29645/11598
2. 42–495–03413–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Altman No 1 (01352)
6. Emperor (Holt)
7. Winkler TX
8. 8.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co
1. 80–29646/11605
2. 42–177–30191–0000
3. 103 000 000
4. Trans Ocean Oil Inc
5. H P Orts B #3
6. Mag (Austin Chalk)
7. Gonzales TX

8. 2.6 million cubic feet
9. April 30, 1980
10. McCaskill Gathering Co Inc

1. 80–29647/11607
2. 42–177–30430–0000
3. 103 000 000
4. Trans Ocean Oil Inc
5. H P Orts B #4
6. Mag (Austin Chalk)
7. Gonzales TX
8. 21.3 million cubic feet
9. April 30, 1980
10. McCaskill Gathering Co Inc

1. 80–29648/11620
2. 42–179–00000–0000
3. 108 000 000
4. W L Bruce Co
5. Jackson #5 RRC 00235
6. Panhandle
7. Gray TX
8. .2 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29649/11627
2. 42–233–00000–0000
3. 108 000 000
4. W L Bruce Co
5. Hunter #3 RRC 01109
6. Panhandle
7. Hutchinson TX
8. .1 million cubic feet
9. April 30, 1980
10. Phillips Petro Co

1. 80–29650/11628
2. 42–233–00000–0000
3. 108 000 000
4. W L Bruce Co
5. Hunter #6 RRC 01109
6. Panhandle
7. Hutchinson TX
8. .1 million cubic feet
9. April 30, 1980
10. Phillips Petro Co

1. 80–29651/11647
2. 42–431–00000–0000
3. 108 000 000
4. W M & AP Fuller
5. W R Davis No 3
6. Jameson Strawn
7. Sterling TX
8. 5.5 million cubic feet
9. April 30, 1980
10. Union Texas Petroleum

1. 80–29652/11655
2. 42–173–00000–0000
3. 103 000 000
4. MWJ Producing Co
5. TXL 3–#1
6. Spraberry Trend Area
7. Glasscock TX
8. 55.0 million cubic feet
9. April 30, 1980
10.

1. 80–29653/11656
2. 42–173–00000–0000
3. 103 000 000
4. MWJ Producing Co
5. TXL 25–#1
6. Spraberry Trend Area
7. Glasscock TX
8. 55.0 million cubic feet
9. April 30, 1980
10.

1. 80–29654/11658
2. 42–173–00000–0000
3. 103 000 000
4. MWJ Producing Co
5. TXL 23–#1
6. Spraberry Trend Area
7. Glasscock TX
8. 55.0 million cubic feet
9. April 30, 1980
10.

1. 80–29655/11659
2. 42–349–30780–0000
3. 102 000 000
4. McCormick Oil & Gas Corp
5. Federal Land Bank No 1
6. Cheneyboro (Cotton Valley)
7. Navarro TX
8. 109.0 million cubic feet
9. April 30, 1980
10. Lone Star Gas Co

1. 80–29656/11698
2. 42–273–00000–0000
3. 108 000 000
4. Cities Service Co
5. Womack R B –B–/BA–2/ 1–U (11887)
6. May South (B–Basal 2)
7. Kleberg TX
8. 16.0 million cubic feet
9. April 30, 1980
10. Texas Eastern Transmission co

1. 80–29657/11825
2. 42–065–00000–0000
3. 108 000 000
4. R L Tripplehorn
5. McConnell #6
6. Panhandle
7. Carson TX
8. 6.4 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29658/11849
2. 42–211–30933–0000
3. 107 000 000
4. El Paso Natural Gas Company
5. Gene Howe #5
6. Howe Ranch Hunton
7. Hemphill TX
8. 548.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29659/11030
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al TR A 345
6. Block B–21 Tubb
7. Crane TX
8. 3.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29660/11039
2. 42–175–31196–0000
3. 103 000 000
4. Raider Oil Corp
5. Darwin Duderstadt #1
6. Brandt
7. Goliad TX
8. 150.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co

1. 80–29661/11058
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al TR A 303
6. Running W Waddell
7. Crane TX
8. 4.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29662/11059
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al TA A 963
6. Block B–21 Tubb
7. Crane TX
8. 4.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29663/11027
2. 42–003–31758–0000
3. 103 000 000
4. Conoco Inc
5. W T Ford (01665) #55
6. Fuhrman-Mascho
7. Andrews TX
8. 1.5 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29664/11064
2. 42–469–31223–0000
3. 103 000 000
4. NP Energy Corp
5. Johnson #4
6. Nursery S
7. Victoria TX
8. 54.0 million cubic feet
9. April 30, 1980
10. Intrastate Gathering Corporation

1. 80–29665/11069
2. 42–391–03081–00000
3. 108 000 000
4. Pennzoil Producing Co
5. M F Lambert No 4
6. Refugio-Fox
7. Refugio TX
8. 10.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29666/11086
2. 42–481–31250–0000
3. 103 000 000
4. Mustang Exploration Co Inc
5. E L Naiser Unit
6. New Taiton W (2850)
7. Wharton TX
8. 84.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80–29667/11125
2. 42–335–31193–0000
3. 103 000 000
4. Mabee Petroleum Corp
5. Bell No 17
6. Iatan E Howard
7. Mitchell TX
8. 1.0 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29668/11131
2. 42–047–00000–0000
3. 102 000 000
4. McCormick Oil & Gas Corp
5. Carter Ranch No 2
6. North Rucias (Vicksburg) Field
7. Brooks County TX
8. 912.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipeline Corp

1. 80–29669/11138

2. 42–497–31397–0000
3. 103 000 000
4. Mitchell Energy Corp
5. Emma J Montford #2 80869
6. Boonsville (Bend Congl Gas)
7. Wise TX
8. 110.4 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline Co of America

1. 80–29670/11141
2. 42–497–31343–0000
3. 103 000 000
4. Mitchell Energy Corp
5. W M Simpson #2 80870
6. Bonnsville (Bend Congl Gas)
7. Wise TX
8. 265.4 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline Co of America

1. 80–29671/11145
2. 42–497–31293–0000
3. 103 000 000
4. Mitchell Energy Corp
5. Leita A Crunk #1 19212
6. Greenwood (Atoka 6650)
7. Wise TX
8. 8.2 million cubic feet
9. April 30, 1980
10. Being negotiated

1. 80–29672/11172
2. 42–025–31112–0000
3. 103 000 000
4. Tenneco Oil Co
5. A O Tostenson Unit No 2
6. Tuleta-South
7. Bee TX
8. 300.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co

1. 80–29673/11173
2. 42–025–31113–0000
3. 103 000 000
4. Tenneco Oil Co
5. Johnson-Beck Unit No 2
6. Tuleta-South
7. Bee TX
8. 70.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co

1. 80–29674/11182
2. 42–103–31992–0000
3. 103 000 000
4. Exxon Corp
5. J B Tubb B #18U
6. Sand Hills (Judkins)
7. Crane TX
8. 70.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co Warren Petroleum Corp

1. 80–29675/11206
2. 42–105–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 65–W #3 75756
6. Onlaw (Queen)
7. Crockett TX
8. 2.3 million cubic feet
9. April 30, 1980
10. Apache Gas Corp

1. 80–29676/11208
2. 42–105–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 66–E #1 72596
6. Onlaw (Queen)
7. Crockett TX
8. 1.0 million cubic feet
9. April 30, 1980
10. Apache Gas Corp

1. 80–29677/11254
2. 42–321–30822–0000
3. 102 000 000
4. Integral Energy Corp
5. State Tract 303 #2–L
6. Oyster Lake W (3400)
7. Matagorda TX
8. 182.0 million cubic feet
9. April 30, 1980
10. Dow Chemical Co

1. 80–29678/11255
2. 42–321–30822–0000
3. 102 000 000
4. Integral Energy Corp
5. State Tract 303 No 2U
6. Oyster Lake W (2300)
7. Matagorda TX
8. 182.0 million cubic feet
9. April 30, 1980
10. Dow Chemical Co

1. 80–29679/11260
2. 42–295–30632–0000
3. 103 000 000
4. Mewbourne Oil Co
5. Frass 69 Well #1
6. Frass (Tonkawa)
7. Lipscomb TX
8. 82.0 million cubic feet
9. April 30, 1980
10. Transwestern Pipeline Co

1. 80–29680/11262
2. 42–409–31214–0000
3. 103 000 000
4. Royal Oil and Gas Corp
5. Green Est Gas Unit B #2
6. Portland N (Commonwealth Series)
7. San Patricio County TX
8. 100.0 million cubic feet
9. April 30, 1980
10. Houston Pipe Line Co

1. 80–29681/11270
2. 42–497–00000–0000
3. 108 000 000
4. William L Rodgers
5. Ione McAlister #1–T
6. Morris (Cons Congl)
7. Wise TX
8. 12.1 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29682/11280
2. 42–127–31782–0000
3. 103 000 000
4. B & M Operating Co Inc
5. Mortan et al No 1 ID 81860
6. Rocky Creek (Georgetown)
7. Dimmit TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Sun Gas Gathering Co Inc

1. 80–29683/11301
2. 42–247–30857–0000
3. 103 000 000
4. Mormac Oil & Gas Co
5. Weil Bros Blk 1 A No 2
6. Weil (4150)
7. Jim Hogg TX
8. 55.0 million cubic feet
9. April 30, 1980
10. Sun Gas Co

1. 80–29684/11342
2. 42–321–00000–0000
3. 102 000 000
4. Tiger Oil Co
5. Trull No 2
6. Trull (Tex-Miss 2–A North) Field
7. Matagorda TX
8. 912.0 million cubic feet
9. April 30, 1980
10. Lovaca Gathering Co

1. 80–29685/11345
2. 42–483–00000–0000
3. 108 000 000
4. Morgas
5. Jernigan No 1 53968
6. East Panhandle
7. Wheeler TX
8. .0 million cubic feet
9. April 30, 1980
10. Warren Petroleum Co

1. 80–29686/11347
2. 42–175–00000–0000
3. 108 000 000
4. Ragars Oil & Gas Co
5. Els Emil #5 ID 00989
6. Boyce/North/Pettus
7. Goliad TX
8. 10.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29687/11365
2. 42–365–30835–0000
3. 103 000 000
4. Crystal Oil and Land Co
5. Reavis #2
6. Panola
7. Panola TX
8. 30.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29688/11366
2. 42–365–30851–0000
3. 103 000 000
4. Crystal Oil and Land Co
5. Jernigan #7
6. Panola
7. Panola TX
8. 20.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29689/11367
2. 42–365–30878–0000
3. 103 000 000
4. Crystal Oil and Land Co
5. Cone #1–A
6. Panola
7. Panola TX
8. 18.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29690/11369
2. 42–413–30744–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. R S Williams A #5
6. Velrex (Cisco 6260)
7. Schleicher County TX
8. 816.0 million cubic feet
9. April 30, 1980
10. CRA Inc

1. 80–29691/11374
2. 42–175–00000–0000
3. 102 000 000
4. Paul E Cameron Jr Inc
5. Ida B Rodgers #1 79449

6. Berclair E (1550) Field
7. Goliad TX
8. 90.0 million cubic feet
9. April 30, 1980
10. United Texas Transmission Co

1. 80–29692/11382
2. 42–285–31279–0000
3. 102 000 000
4. Clover Energy Corp
5. Kittie Clark Estate 78985
6. Clark (Frio 3300)
7. Lavaca TX
8. 73.0 million cubic feet
9. April 30, 1980
10. Texas Eastern Trans Corp

1. 80–29693/11393
2. 42–249–30873–0000
3. 102 103 000
4. Tepco Engineering Inc
5. J Knolle Well #2
6. Gallagher W (5100) Field
7. Jim Wells County TX
8. 180.0 million cubic feet
9. April 30, 1980
10. Trunkline Gas Co

1. 80–29694/11415
2. 42–103–01470–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al Tr A 844
6. Sand Hills San Angelo Upper
7. Crane TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29695/11416
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al Tr A 795
6. Sand Hills San Angelo Upper
7. Crane TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29696/11417
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al Tr A 534
6. Sand Hills San Angelo Upper
7. Crane TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29697/11418
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al Tr A 189
6. Sand Hills San Angelo Upper
7. Crane TX
8. 3.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29698/11420
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell et al Tr A 339
6. San Hills San Angelo Upper
7. Crane TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29699/11476
2. 42–127–31235–0000
3. 103 000 000
4. Gas Producing Enterprises Inc
5. Halsell #1
6. N W Rocky Creek
7. Dimmit TX
8. 107.0 million cubic feet
9. April 30, 1980
10. Lovaca Gathering Co

1. 80–29700/11510
2. 42–227–31706–0000
3. 103 000 000
4. North American Royalties Inc
5. I W Williams Est #1 (25387)
6. Issaac (Penn Upper)
7. Howard TX
8. 50.0 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29701/11526
2. 42–323–31247–0000
3. 103 000 000
4. Dilley Production Co
5. Las Vegas Ranch No 1
6. Los Cuatros (Lower Cretaceous)
7. Maverick TX
8. 300.0 million cubic feet
9. April 30, 1980
10. Texcol Gas Services Inc

1. 80–29702/11530
2. 42–393–30653–0000
3. 103 000 000
4. El Paso Natural Gas Co
5. McMordie #2
6. St. Clair
7. Roberts TX
8. 1300.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29703/11535
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell Tr 1 #544
6. Dune
7. Crane TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29704/11550
2. 42–383–30378–0000
3. 108 000 000
4. Moran Exploration Inc
5. Rocker B M No 4
6. Spraberry Trend Area
7. Reagan TX
8. 13.5 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29705/11551
2. 42–383–30378–0000
3. 108 000 000
4. Moran Exploration Inc
5. Rocker B M No 5
6. Spraberry Trend Area
7. Reagan TX
8. 13.5 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29706/11553
2. 42–383–30378–0000
3. 108 000 000
4. Moran Exploration Inc
5. Rocker B M No 1
6. Spraberry Trend Area
7. Reagan TX
8. 13.5 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29707/11554
2. 42–383–30378–0000
3. 108 000 000
4. Moran Exploration Inc
5. Rocker B M No 7
6. Spraberry Trend Area
7. Reagan TX
8. 13.5 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29708/11566
2. 42–355–00000–0000
3. 108 000 000
4. Pennzoil Producing Co
5. C J Horne No B 2
6. Agua Dulce
7. Nueces TX
8. 10.0 million cubic feet
9. April 30, 1980
10. United Gas Pipe Line Co

1. 80–29709/11567
2. 42–135–20648–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit No 11 (21556)
6. Penwell
7. Ector TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29710/11568
2. 42–135–20242–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit No 119 (21556)
6. Penwell
7. Ector TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29711/11569
2. 42–135–20638–0000
3. 108 000 000
4. Phillips Petroleum Co
5. North Penwell Unit No 15 (21556)
6. Penwell
7. Ector TX
8. 1.1 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29712/11571
2. 42–461–04042–0000
3. 108 000 000
4. Phillips Petroleum Co
5. N Pembrook S Un No 3–01 (03913)
6. Spraberry (Trend Area)
7. Upton TX
8. .5 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29713/11572
2. 42–461–04178–0000
3. 108 000 000
4. Phillips Petroleum Co
5. N Pembrook S Un #54–01 (03913)
6. Spraberry (Trend Area)
7. Upton TX
8. 1.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80-29714/11574
2. 42-003-04490-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bitler No 45 (17015)
6. Fullerton (San Andres)
7. Andrews TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80-29715/11577
2. 42-003-04692-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Univ Andrews No 75 (01270)
6. Embar (Permian)
7. Andrews TX
8. 8.2 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80-29716/11578
2. 42-003-10343-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bitler No 51 (17015)
6. Fullerton (San Andres)
7. Andrews TX
8. .3 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co Panhandle Eastern Pipeline Co

1. 80-29717/11579
2. 42-003-10051-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bitler No 48 (17015)
6. Fullerton (San Andres)
7. Andrews TX
8. .4 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80-29718/11587
2. 42-089-00000-0000
3. 102 000 000
4. Roy R. Gardner
5. Gies No 1 Gas Unit
6. Frank
7. Colorado TX
8. 146.0 million cubic feet
9. April 30, 1980
10. Texas Eastern Transmission Corp

1. 80-29719/11596
2. 42-003-04614-0000
3. 108 000 000
4. Phillips Petroleum Co
5. Univ Andrews No 46 (01270)
6. Embar (Permian)
7. Andrews TX
8. 12.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80-29720/11603
2. 42-239-31335-0000
3. 103 000 000
4. R H Engelke
5. Venglar Leonard C #1
6. Lasalle Field
7. Jackson TX
8. 5.5 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80-29721/11610
2. 42-177-30230-0000
3. 103 000 000
4. Transocean Oil Inc
5. Odis Fehner #2
6. Mag (Austin Chalk)
7. Gonzales TX
8. 3.4 million cubic feet
9. April 30, 1980
10. McCaskill Gathering Co Inc

1. 80-29722/11611
2. 42-287-30434-0000
3. 103 000 000
4. US Resources Inc
5. Florence #1
6. Giddings (Austin Chalk)
7. Lee TX
8. .0 million cubic feet
9. April 30, 1980
10. PGP Gas Products Inc

1. 80-29723/11612
2. 42-287-30420-0000
3. 103 000 000
4. US Resources Inc
5. Harriet #1
6. Giddings (Austin Chalk)
7. Lee TX
8. .0 million cubic feet
9. April 30, 1980
10. PGP Gas Products Inc

1. 80-29724/11629
2. 42-233-00000-0000
3. 108 000 000
4. W L Bruce Co Operator
5. Hunter #5 RRC 01109
6. Panhandle
7. Hutchinson TX
8. .1 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80-29725/11630
2. 42-233-00000-0000
3. 108 000 000
4. W L Bruce Co Operator
5. Hunter #4 01109
6. Panhandle
7. Hutchinson TX
8. .1 million cubic feet
9. April 30, 1980
10. Phillips Petro Co

1. 80-29726/11653
2. 42-357-30871-0000
3. 103 000 000
4. Horizon Oil & Gas Co of Texas
5. Davis C 1-146 80300
6. Horse Creek NW (Morrow Lower)
7. Ochiltree TX
8. 108.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80-29727/11671
2. 42-391-31312-0000
3. 103 000 000
4. Peet Oil Co
5. J M Obrien B No 5-C
6. Greta (900)
7. Refugio TX
8. 128.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80-29728/11672
2. 42-391-31312-0000
3. 103 000 000
4. Peet Oil Co
5. J M Obrien B No 5-T
6. Greta (1250)
7. Refugio TX
8. 146.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80-29729/11676
2. 42-215-30855-0000
3. 103 000 000
4. The Superior Oil Co
5. Flora I Johnson et al 8
6. Monte Cristo
7. Hidalgo TX
8. 900.0 million cubic feet
9. April 30, 1980
10.

1. 80-29730/11677
2. 42-427-31275-0000
3. 103 000 000
4. Sun Oil Co
5. Miller C-1 Sand Unit No 105-L
6. Garcia
7. Starr TX
8. 10.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80-29731/11700
2. 42-393-30662-0000
3. 103 000 000
4. Deep Reef Industries
5. Hodges #2-39
6. Hodges Des Moines
7. Roberts TX
8. 73.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80-29732/11702
2. 42-431-30746-0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Westbrook 33 No 2 RRC ID #25568
6. Conger (Penn)
7. Sterling TX
8. 365.0 million cubic feet
9. April 30, 1980
10. Esperanza Pipeline Corp

1. 80-29733/11703
2. 42-431-30681-0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Terry 18 No 1 RRC ID #79691
6. Conger (Penn)
7. Sterling TX
8. 329.0 million cubic feet
9. April 30, 1980
10. Esperanza Pipeline Corp

1. 80-29734/11706
2. 42-431-30756-0000
3. 103 000 000
4. Dorchester Exploration Inc
5. Westbrook 28 No 2 RRC ID #81787
6. Conger (Penn)
7. Sterling TX
8. 927.0 million cubic feet
9. April 30, 1980
10. Esperanza Pipeline Corp

1. 80-29735/11711
2. 42-103-00000-0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. W N Waddell TR 3 #587
6. Dune
7. Crane TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80-29736/11722
2. 42-105-32137-0000
3. 103 000 000

4. Suburban Propane Gas Corp
5. Meybin 4 3
6. Davidson Ranch (Penn 7890)
7. Crockett TX
8. 219.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29737/11725
2. 42–365–30656–0000
3. 103 000 000
4. Amoco Production Co
5. Carthage Gas Unit 15 No 3
6. Carthage (Cotton Valley)
7. Panola TX
8. 365.0 million cubic feet
9. April 30, 1980
10. Tejas Gas Corp

1. 80–29738/11733
2. 42–261–30430–0000
3. 103 000 000
4. Exxon Corp
5. Charles M Armstrong No 43–F (82096)
6. Candelaria (I–94)
7. Kenedy TX
8. 1100.0 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline

1. 80–29739/11740
2. 42–079–00000–0000
3. 108 000 000
4. Latch Operations
5. Koffman #1 03592
6. Levelland
7. Cochran TX
8. 8.3 million cubic feet
9. April 30, 1980
10. Tuco Inc

1. 80–29740/11746
2. 42–329–30809–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Golladay C Well No 1
6. Spraberry (Trend Area)
7. Midland TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29741/11747
2. 42–317–32056–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Stroud B Well No 1
6. Spraberry (Trend Area)
7. Martin TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29742/11748
2. 42–329–30810–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Snyder C Well No 1
6. Spraberry (Trend Area)
7. Midland TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29743/11749
2. 42–329–30803–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Snyder B Well No 1
6. Spraberry (Trend Area)
7. Midland TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29744/11750
2. 42–461–31413–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Morgan A Well No 1
6. Spraberry (Trend Area)
7. Upton TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29745/11751
2. 42–461–31395–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Morgan Well No 1
6. Spraberry (Trend Area)
7. Upton TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29746/11763
2. 42–329–30794–0000
3. 103 000 000
4. Parker & Parsley Inc
5. Buchanan D Well No 1
6. Spraberry (trend area)
7. Midland TX
8. 15.0 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29747/11867
2. 42–179–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Finley-Dolomite No 15
6. Panhandle Gray
7. Gray TX
8. .1 million cubic feet
9. April 30, 1980
10. Coltexo Corp

1. 80–29748/11868
2. 42–179–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Finley-Dolomite No 11
6. Panhandle Gray
7. Gray TX
8. .1 million cubic feet
9. April 30, 1980
10. Coltexo Corp

1. 80–29749/11871
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ranch C No 5
6. Panhandle Hutchinson
7. Hutchinson TX
8. 4.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co Panhandle Eastern Pipeline Co

1. 80–29750/11874
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. D Jordan #42
6. Panhandle Carson
7. Carson TX
8. 1.8 million cubic feet
9. April 30, 1980
10. Cabot Corp

1. 80–29751/11004
2. 42–047–30669–0000
3. 102 000 000
4. McCormick Oil & Gas Corp
5. Carter Ranch #1 79208
6. North Rucias (Vicksburg) Field
7. Brooks TX
8. 1000.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipeline Corp

1. 80–29752/11056
2. 42–355–31346–0000
3. 102 000 000
4. Gillring Oil Co
5. Ollie Purl B Well No 2
6. Agua Dulce/Stern South
7. Nueces TX
8. 350.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80–29753/11072
2. 42–245–31266–0000
3. 102 000 000
4. Prairie Producing Co
5. Mary M Wolfe Well No 1
6. Angelina E (Discorbis 11600)
7. Jefferson TX
8. 1460.0 million cubic feet
9. April 30, 1980
10. Florida Gas Transmission Co

1. 80–29754/11078
2. 42–103–00000–0000
3. 108 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. E N Snodgrasss No 16
6. Waddell
7. Crane TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29755/11079
2. 42–103–00000–0000
3. 000 000 000
4. Warren Petroleum Co Div/Gulf Oil Co
5. E N Snodgrass No 12
6. Waddell
7. Crane TX
8. 1.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29756/11088
2. 42–105–32085–0000
3. 103 000 000
4. Suburban Propane Gas Corp
5. Davidson 15 2 81908
6. Davidson Ranch (Penn 7890)
7. Crockett TX
8. 365.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29757/11103
2. 42–025–31078–0000
3. 102 000 000
4. CPC Exploration Inc
5. Karl G Arnold #1 RRC
6. Mineral West (7900)
7. Bee TX
8. 200.0 million cubic feet
9. April 30, 1980
10. Lovaca Gathering Co

1. 80–29758/11159
2. 42–501–31659–0000
3. 103 000 000
4. Shell Oil Co
5. Denver Unit 5813
6. Wasson

7. Yoakum TX
8. 60.0 million cubic feet
9. April 30, 1980
10. Shell Oil Co Coltexo Corp

1. 80–29759/11161
2. 42–501–31659–0000
3. 103 000 000
4. Shell Oil Co
5. Denver Unit 3739
6. Wasson
7. Texas TX
8. 76.0 million cubic feet
9. April 30, 1980
10. Shell Oil Co Coltexo Corp

1. 80–29760/11183
2. 42–285–00000–0000
3. 103 000 000
4. Getty Oil Co
5. Fritz Zikuhr NO 1 RRC ID 05668
6. Word (9000)
7. Lavaca TX
8. 350.0 million cubic feet
9. April 30, 1980
10. Lo-Vaca Gathering Co

1. 80–29761/11184
2. 42–207–30743–0000
3. 103 000 000
4. H R Stasney & Sons Co
5. Grice Clyde (Well #5) 02145
6. Sagerton N E/Strawn
7. Haskell TX
8. 12.0 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29762/11217
2. 42–033–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 67 #2 73637
6. Noelke (1400)
7. Crockett TX
8. 3960.0 million cubic feet
9. April 30, 1980
10. Apache Gas Corp

1. 80–29763/11219
2. 42–371–00000–0000
3. 108 000 000
4. D A Metts
5. D A Metts #1 Leon Farms 71246
6. Fort Stockton (Queen)
7. Pecos TX
8. 18.7 million cubic feet
9. April 30, 1980
10. Nueces Co

1. 80–29764/11221
2. 42–297–00000–0000
3. 103 000 000
4. Huisache Operating Co
5. J W Henderson #1–C 80712
6. Mt Lucas (4100)
7. Live Oak TX
8. 240.0 million cubic feet
9. April 30, 1980
10. United Texas Transmission Co

1. 80–29765/11227
2. 42–057–30867–0000
3. 102 000 000
4. Integral Energy Corp
5. State Tract 16 #1
6. Port Lavaca East (Marg)
7. Calhoun TX
8. 730.0 million cubic feet
9. April 30, 1980
10.

1. 80–29766/11242
2. 42–283–30658–0000
3. 102 000 000
4. Mormac Oil & Gas Co
5. C N Cooke C No 1
6. Cooke (Wilcox 4100 West Res 2)
7. La Salle TX
8. 365.0 million cubic feet
9. April 30, 1980
10. Transcontiental Gas Pipeline Corp.

1. 80–29767/11243
2. 42–047–00000–0000
3. 103 000 000
4. O B Kiel Jr
5. Ramirez Gas Unit #1 78068
6. Rachal (6850)
7. Brooks TX
8. 121.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co.

1. 80–29768/11268
2. 42–497–00000–0000
3. 108 000 000
4. William L Rodgers
5. Ione McAlister #3
6. Morris (Cons Congl)
7. Wise TX
8. 12.1 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29769/11269
2. 42–497–00000–0000
3. 108 000 000
4. William L Rodgers
5. Ione McAlister #2
6. Morris (Cons Congl)
7. Wise TX
8. 12.1 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29770/11271
2. 42–039–31276–0000
3. 102 000 000
4. Murphy H Baxter
5. Williamson No 1
6. Wildcat
7. Brazoria TX
8. 657.0 million cubic feet
9. April 30, 1980
10.

1. 80–29771/11285
2. 42–355–30022–0000
3. 102 000 000
4. Gulf Oil Corp
5. State Tract 54 Well No 1 RRC #81651
6. Corpus Christi E (H–3)
7. O/S Nueces TX
8. 400.0 million cubic feet
9. April 30, 1980
10. Florida Gas Transmission

1. 80–29772/11312
2. 42–391–31290–0000
3. 102 000 000
4. Danoil Inc
5. T C Holeman B No 1
6. Fagan (2495) Field
7. Refugio TX
8. 73.0 million cubic feet
9. April 30, 1980
10. United Gas Pipeline Co

1. 80–29773/11368
2. 42–413–30743–0000
3. 103 000 000
4. Energy Reserves Group Inc
5. R S Williams B #1
6. Velrex (Cisco 6260)
7. Schleicher TX
8. 90.0 million cubic feet
9. April 30, 1980
10. CRA Inc

1. 80–29774/11380
2. 42–105–32066–0000
3. 103 000 000
4. Texaco Inc
5. A R Kincaid Trust D No 9
6. Davidson Ranch (Canyon 6200)
7. Crockett TX
8. 190.9 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29775/11422
2. 42–295–30629–0000
3. 102 000 000
4. H & L Operating Co
5. Born #1
6. May (Basal Morrow)
7. Lipscomb TX
8. 1460.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29776/11447
2. 42–481–31641–0000
3. 103 000 000
4. Southwest Minerals Inc
5. Janik et al No 1–C
6. Bernard East (7600)
7. Wharton TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Trunkline Gas Co

1. 80–29777/11448
2. 42–481–31641–0000
3. 103 000 000
4. Southwest Minerals Inc
5. Janik et al No 1–T
6. Bernard East (7700)
7. Wharton TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Trunkline Gas Co

1. 80–29778/11451
2. 42–179–00000–0000
3. 108 000 000
4. Creslenn Oil Co
5. Vaniman No 3 (03467)
6. Panhandle Gray County Field
7. Gray TX
8. 8.7 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29779/11456
2. 42–179–00000–0000
3. 108 000 000
4. Deminex US Oil Co
5. J N Gorenflo #1 (#00276)
6. Panhandle Gray County Field
7. Gray TX
8. 4.3 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29780/11468
2. 42–215–30832–0000
3. 103 000 000
4. Arco Oil & Gas Co
5. Temple W West No 26
6. Tabasco
7. Hidalgo TX
8. 380.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80–29781/11469

2. 42–215–30886–0000
3. 103 000 000
4. Arco Oil & Gas Co
5. Temple W West No 29
6. Tabasco (T)
7. Hidalgo TX
8. 340.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80–29782/11474
2. 42–383–00000–0000
3. 108 000 000
4. Frank Cass
5. Boyd 16 No 2 RRC No 06001
6. Calvin (Dean)
7. Reagan TX
8. 5.6 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co, Union Texas Petroleum

1. 80–29783/11489
2. 42–201–30611–0000
3. 103 000 000
4. Allied Production Corp
5. Ivon Lee III No 1
6. Deckers Prairie (Bayer 5400)
7. Harris TX
8. 125.0 million cubic feet
9. April 30, 1980
10. Celotex Corp, Tennessee Gas Pipeline Co

1. 80–29784/11497
2. 42–255–30650–0000
3. 102 000 000
4. Bill Forney Inc
5. J H Spurlock No 1 81732
6. McCaskill SW (Sholl 4) Field
7. Karnes TX
8. 547.5 million cubic feet
9. April 30, 1980
10. Elizabethtown Gas Co

1. 80–29785/11504
2. 42–065–00000–0000
3. 103 000 000
4. H E Bryan
5. Seven Holes No 1
6. Panhandle Carson County
7. Carson TX
8. 130.0 million cubic feet
9. April 30, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–29786/11506
2. 42–341–00000–0000
3. 103 000 000
4. L R Spradling
5. Helm No 1
6. West Panhandle Moore County
7. Moore TX
8. 65.7 million cubic feet
9. April 30, 1980
10. Phillips Petroleum Co

1. 80–29787/11514
2. 42–367–30871–0000
3. 102 000 000
4. World Producers Inc
5. Lattimore Well #1
6. Coyle (Atoka Congl)
7. Parker TX
8. 455.1 million cubic feet
9. April 30, 1980
10. Southwestern Gas Pipeline Inc

1. 80–29788/11600
2. 42–413–00052–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Williams-F No 1 (19094)
6. Otto (Strawn)
7. Schleicher TX
8. 13.2 million cubic feet
9. April 30, 1980
10. Arco Oil & Gas Co

1. 80–29789/11619
2. 42–179–00000–0000
3. 108 000 000
4. W L Bruce Co
5. Jackson #3 RRC 00235
6. Panhandle
7. Gray TX
8. .2 million cubic feet
9. April 30, 1980
10. Cities Service Co

1. 80–29790/11642
2. 42–367–31312–0000
3. 103 000 000
4. Wayne W Buchanan
5. Newsom-Byrnes Unit Well #1
6. Toto (Bend Congl Lower)
7. Parker TX
8. 544.2 million cubic feet
9. April 30, 1980
10. Lone Star Gas Co

1. 80–29791/11717
2. 42–285–31381–0000
3. 102 000 000
4. Kirby Exploration Co
5. L M Barnes No 1
6. Speaks N (3380)
7. Lavaca TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Seagull Pipeline Corp

1. 80–29792/11800
2. 42–131–32813–0000
3. 102 103 000
4. Jah Inc
5. Cuellar #1
6. Norosena Creek (2600) Field
7. Duval TX
8. 350.0 million cubic feet
9. April 30, 1980
10.

1. 80–29793/11801
2. 42–131–32814–0000
3. 102 103 000
4. Jah Inc
5. Box #1
6. Norosena Creek (3200) Field
7. Duval TX
8. 350.0 million cubic feet
9. April 30, 1980
10.

1. 80–29794/11835
2. 42–295–30615–0000
3. 103 000 000
4. American Public Energy Co
5. H C Brillhart #1–U
6. Kiowa Creek (Douglas)
7. Lipscomb TX
8. 360.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29795/11851
2. 42–195–00000–0000
3. 103 000 000
4. Kennedy & Mitchell Inc
5. Oloughlin #23–361
6. Hansford (Morrow U) (Sec 4 Blk 4T
7. Hansford TX
8. 546.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29796/11852
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 8
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29797/11854
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 7
6. Panhandle Hutchinson
7. Hutchinson TX
8. .4 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29798/11855
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 6
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29799/11856
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 2
6. Panhandle Hutchinson
7. Hutchinson TX
8. 2.0 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29800/11857
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 3
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29801/11858
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 5
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.2 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29802/11859
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 4
6. Panhandle Hutchinson
7. Hutchinson TX
8. .7 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co

1. 80–29803/11860
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg D No 1

6. Panhandle Hutchinson
7. Hutchinson TX
8. .6 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co
1. 80–29804/11865
2. 42–065–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Bryan No 6
6. Panhandle Carson
7. Carson TX
8. .3 million cubic feet
9. April 30, 1980
10. Cabot Corp
1. 80–29805/11869
2. 42–179–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Saunders G H No 3
6. Panhandle Gray
7. Gray TX
8. .3 million cubic feet
9. April 30, 1980
10. Coltexo Corp
1. 80–29806/11870
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Ranch C No 8
6. Panhandle Hutchinson
7. Hutchinson TX
8. 2.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80–29807/11873
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Luca No 12
6. Panhandle Hutchinson
7. Hutchinson TX
8. 6.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80–29808/11875
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Greenriver No 9
6. Panhandle Hutchinson
7. Hutchinson TX
8. .1 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80–29809/11878
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 89
6. Panhandle Hutchinson
7. Hutchinson TX
8. 3.0 million cubic feet
9. April 30, 1980
10. Getty Oil Co
1. 80–29810/11880
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 62
6. Panhandle Hutchinson
7. Hutchinson TX
8. .3 million cubic feet
9. April 30, 1980
10. Getty Oil Co
1. 80–29811/11883
2. 42–179–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Skoog B No 3
6. Panhandle Gray
7. Gray TX
8. .7 million cubic feet
9. April 30, 1980
10. Getty Oil Co
1. 80–29812/11886
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Whittenburg No 1
6. Panhandle Hutchinson
7. Hutchinson TX
8. 1.2 million cubic feet
9. April 30, 1980
10. Getty Oil Co
1. 80–29813/11892
2. 42–233–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Glass D No 1
6. West Panhandle
7. Hutchinson TX
8. 15.0 million cubic feet
9. April 30, 1980
10. El Paso Natural Gas Co, Panhandle Eastern Pipeline Co
1. 80–29814/11896
2. 42–239–31381–0000
3. 103 000 000
4. Texas Oil & Gas Corp
5. Burns B #1
6. Morales (2700)
7. Jackson TX
8. 73.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co
1. 80–29815/11185
2. 42–207–30742–0000
3. 103 000 000
4. H R Stasney & Sons Co
5. Grice Clyde (Well #4) 02145
6. Sagerton NE/Strawn
7. Haskell TX
8. 11.0 million cubic feet
9. April 30, 1980
10. Cities Service Co
1. 80–29816/11186
2. 42–207–30701–0000
3. 103 000 000
4. H R Stasney & Sons Co
5. Kittley J E (Well #1) 14197
6. Sagerton NE/Strawn UP
7. Haskell TX
8. 14.0 million cubic feet
9. April 30, 1980
10. Cities Service Co
1. 80–29817/11187
2. 42–207–30677–0000
3. 103 000 000
4. H R Stasney & Sons Co
5. Fouts A E (Well #3) 09820
6. Sagerton NE/Strawn UP
7. Haskell TX
8. 23.0 million cubic feet
9. April 30, 1980
10. Cities Service Co
1. 80–29818/11190
2. 42–285–31169–0000
3. 102 000 000
4. Kirby Exploration Co
5. Sarah Fisher No 1
6. North Speaks (Frio)
7. Lavaca TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Seagull Pipeline Corp
1. 80–29819/11193
2. 42–285–31223–0000
3. 102 000 000
4. Kirby Exploration Co
5. J Hobbs No 3
6. Speaks N (Upper Frio)
7. Lavaca TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Seagull Pipeline Corp
1. 80–29820/11194
2. 42–285–31162–0000
3. 102 000 000
4. Kirby Exploration Co
5. W D Wofford Unit No 1
6. North Speaks (3380)
7. Lavaca TX
8. 150.0 million cubic feet
9. April 30, 1980
10. Seagull Pipeline Corp
1. 80–29821/11202
2. 42–203–00000–0000
3. 108 000 000
4. Triton Oil & Gas Corp
5. Alvin Beckham 2–U
6. Woodlawn (Rodessa)
7. Harrison TX
8. 19.0 million cubic feet
9. April 30, 1980
10. Mississippi River Transmission Corp
1. 80–29822/11204
2. 42–365–30680–0000
3. 102 000 000
4. Arco Oil & Gas Co
5. R Harrison Gas Unit #3
6. Carthage (Cotton Valley)
7. Panola TX
8. 375.0 million cubic feet
9. April 30, 1980
10. Southern Natural Gas Co
1. 80–29823/11213
2. 42–105–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 65–E #1 (74754)
6. Fergus (Grayburg UP)
7. Crockett TX
8. 2448.0 million cubic feet
9. April 30, 1980
10. Apache Gas Corp
1. 80–29824/11214
2. 42–105–00000–0000
3. 103 000 000
4. C F Lawrence & Assoc Inc
5. Halff 64–E #1 (75482)
6. Fergus (Grayburg Up)
7. Crockett, TX
8. 5040.0 million cubic feet
9. April 30, 1980
10. Apache Gas Corp
1. 80–29825/11218
2. 42–371–00000–0000
3. 103 000 000
4. D A Metts
5. D A Metts #1 McInturff 75021
6. Girvintex (Yates)

7. Pecos, Tx
8. 144.0 million cubic feet
9. April 30, 1980
10. Producers Gas Co

1. 80–29826/11228
2. 42–441–31330–0000
3. 103 000 000
4. John R Stearns
5. Oscar Little Well #1
6. Taylor County Regular
7. Taylor, Tx
8. 1.2 million cubic feet
9. April 30, 1980
10. Matrix Land Co

1. 80–29827/11229
2. 42–441–31338–0000
3. 103 000 000
4. John R Stearns
5. Almeda C Rimmer Well #1
6. Lake Abilene (4000)
7. Taylor, Tx
8. 180.0 million cubic feet
9. April 30, 1980
10. Matrix Land Co

1. 80–29828/11245
2. 42–287–30349–0000
3. 103 000 000
4. Champlin Exploration Inc
5. Schacherl No 1
6. Giddings (Austin Chalk)
7. Lee, Tx
8. 27.4 million cubic feet
9. April 30, 1980
10. PGP Gas Products Inc

1. 80–29829/11246
2. 42–287–30427–0000
3. 103 000 000
4. Champlin Exploration Inc
5. Emmitt P Wolz Trustee No 1
6. Giddings (Austin Chalk)
7. Lee, Tx
8. 109.5 million cubic feet
9. April 30, 1980
10. PGP Gas Products Inc

1. 80–29830/11248
2. 42–203–00000–0000
3. 102 000 000
4. Clemco Inc
5. Clements Gas Unit #2
6. North Lansing (Cotton Valley Lower)
7. Harrison, Tx
8. 365.0 million cubic feet
9. April 30, 1980
10.

1. 80–29831/11249
2. 42–367–00000–0000
3. 103 000 000
4. Eagle Oil & Gas Co
5. I C McCarter Unit #1
6. Reno Congl
7. Parker, Tx
8. 150.0 million cubic feet
9. April 30, 1980
10. Natural Gas Pipeline Co of America

1. 80–29832/11259
2. 42–295–30619–0000
3. 102 000 000
4. May Petroleum Inc
5. Newman #1
6. May (Basal Morrow)
7. Lipscomb, Tx
8. 1460.0 million cubic feet
9. April 30, 1980
10. Northern Natural Gas Co

1. 80–29833/11261
2. 42–481–31663–0000
3. 103 000 000
4. Rockwood Oil & Gas Corp
5. Rockwood-Leroy Supak #1
6. New Taiton W (2650)
7. Wharton, Tx
8. 75.0 million cubic feet
9. April 30, 1980
10. Tennessee Gas Pipeline Co

1. 80–29834/11264
2. 42–227–31634–0000
3. 103 000 000
4. William L Rodgers
5. Thelma J Cole No 4–C
6. Vincent (Clear Fork Lower)
7. Howard, Tx
8. 1.7 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29835/11266
2. 42–227–31723–0000
3. 103 000 000
4. William L Rodgers
5. Thelma J Cole No 5–C
6. Vincent (Clear Fork Lower)
7. Howard, Tx
8. 1.7 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29836/11267
2. 42–227–31610–0000
3. 103 000 000
4. William L Rodgers
5. Thelma J Cole No 1–C
6. Vincent (Clear Fork Lower)
7. Howard, Tx
8. 1.7 million cubic feet
9. April 30, 1980
10. Getty Oil Co

1. 80–29837/11276
2. 42–507–31028–0000
3. 102 103 000
4. Chaparrosa Oil Co
5. Flowers & Ward #2
6. Flowers & Ward (880) Field
7. Zavala, TX
8. .0 million cubic feet
9. April 30, 1980
10. Lovaca Gathering Co

1. 80–29838/11286
2. 42–057–30883–0000
3. 103 000 000
4. Kelly Bell Inc
5. Knipling #1
6. Sheriff East
7. Calhoun, Tx
8. 547.5 million cubic feet
9. April 30, 1980
10. Esperanza Transmission Co

1. 80–29839/11302
2. 42–497–00000–0000
3. 103 000 000
4. Mote Resources Inc
5. Sam Johnson Unit
6. Works (Conglomerate)
7. Wise, Tx
8. 400.0 million cubic feet
9. April 30, 1980
10. Lone Star Gas Co

1. 80–29840/11304
2. 42–481–31608–0000
3. 103 000 000
4. Rockwood Oil & Gas Corp
5. Rockwood-Stovall Hill #1
6. Trans-Tex (3000 Cat)
7. Wharton, Tx
8. 75.0 million cubic feet
9. April 30, 1980
10. Transcontinental Gas Pipeline Corp

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80–29004
2. 47–087–02856–0000
3. 108 000 000
4. Pennzoil Co
5. O H Trout #3
6. Geary
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29005
2. 47–087–02857–0000
3. 108 000 000
4. Pennzoil Co
5. O H Trout #4
6. Geary
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29006
2. 47–087–02859–0000
3. 108 000 000
4. Pennzoil Co
5. O H Trout #6
6. Geary
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29007
2. 47–087–01140–0000
3. 108 000 000
4. Pennzoil Co
5. S & S Starcher #5
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29008
2. 47–087–02441–0000
3. 108 000 000
4. Pennzoil Co
5. M D Chewning #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29009
2. 47–087–02442–0000
3. 108 000 000
4. Pennzoil Co
5. M J Combs #1
6. Smithfield
7. Roane, WV
8. .0 million cubic feet

9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29010
2. 47–087–02444–0000
3. 108 000 000
4. Pennzoil Co
5. M J Combs #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29011
2. 47–087–02445–0000
3. 108 000 000
4. Pennzoil Co
5. W D Combs #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29012
2. 47–087–02446–0000
3. 108 000 000
4. Pennzoil Co
5. W D Combs #3
6. Smithfield
7. Roane, WV
8. .0 million Cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29013
2. 47–087–02447–0000
3. 108 000 000
4. Pennzoil Co
5. W D Combs #5
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29014
2. 47–013–01360–0000
3. 108 000 000
4. Scull and Rogers
5. Emerson Bailey #1
6.
7. Calhoun, WV
8. 1.3 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29015
2. 47–021–02824–0000
3. 108 000 000
4. Ro-Jo Industries Inc
5. Marsh #5
6. Glenville District
7. Gilmer, WV
8. 12.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29016
2. 47–041–20659–0000
3. 108 000 000
4. Hugh Spencer
5. N G Lamb #3
6. Freemans Creek District
7. Lewis, WV
8. 2.0 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29017
2. 47–041–20461–0000
3. 108 000 000
4. Hugh Spencer
5. N G Lamb #2
6. Freemans Creek District
7. Lewis, WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29018
2. 47–041–20361–0000
3. 108 000 000
4. Hugh Spencer
5. Thomas G Kraus et al #2
6.
7. Lewis, WV
8. .3 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29019
2. 47–021–02978–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. J G Wolfe Heirs #1
6.
7. Gilmer, WV
8. 9.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29020
2. 47–021–02835–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. David Sponaugle #1
6.
7. Gilmer, WV
8. 8.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29021
2. 47–021–02217–0000
3. 108 000 000
4. Royal Oil & Gas Corp
5. Hosey-Tucker Unit #1
6.
7. Gilmer, WV
8. 21.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29022
2. 47–087–03136–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #3
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29023
2. 47–087–03146–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #17
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp.

1. 80–29024
2. 47–087–03182–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #41
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp.

1. 80–29025
2. 47–087–03183–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp.

1. 80–29026
2. 47–043–21339–0000
3. 108 000 000
4. McCoy Oil & Gas Co
5. R N McCoy #1
6. Duval District
7. Lincoln WV
8. 7.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp.

1. 80–29027
2. 47–043–20947–0000
3. 108 000 000
4. Hamilton Creek Gas Co
5. Wetzel Lusher #1
6. Laurel Hill
7. Lincoln WV
8. 3.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29028
2. 47–043–20776–0000
3. 108 000 000
4. Magnolia Gas Co
5. Luster Brumfield #1
6. Harts Creek
7. Lincoln WV
8. 19.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29029
2. 47–043–20703–0000
3. 108 000 000
4. Stockton Gas Co
5. William Adkins #2
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29030
2. 47–043–20655–0000
3. 108 000 000
4. Laurel Hill Gas Co
5. W W Marcum #1
6. Laurel Hill
7. Lincoln WV
8. 13.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29031
2. 47–043–20654–0000
3. 108 000 000
4. Laurel Hill Gas Co
5. Margaret E Smith #1
6. Laurel Hill
7. Lincoln WV
8. 13.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29032

2. 47-043-20652-0000
3. 108 000 000
4. Laurel Hill Gas Co
5. I L Baker #1
6. Laurel Hill
7. Lincoln WV
8. 5.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29033
2. 47-043-20627-0000
3. 108 000 000
4. Laurel Hill Gas Co
5. John Smith Heirs #1
6. Laurel Hill
7. Lincoln WV
8. 11.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29034
2. 47-043-20573-0000
3. 108 000 000
4. Ranger Gas Co
5. M F Adkins #3
6. Laurel Hill
7. Lincoln WV
8. 4.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29035
2. 47-043-20508-0000
3. 108 000 000
4. Ranger Gas Co
5. M F Adkins #2
6. Laurel Hill
7. Lincoln WV
8. 4.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29036
2. 47-043-20499-0000
3. 108 000 000
4. Ranger Gas Co
5. M F Adkins #1
6. Laurel Hill
7. Lincoln WV
8. 4.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29037
2. 47-043-20487-0000
3. 108 000 000
4. Stockton Gas Co
5. William Adkins #1
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29038
2. 47-043-20486-0000
3. 108 000 000
4. Stockton Gas Co
5. United Fuel Gas Co #1
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29039
2. 47-043-20450-0000
3. 108 000 000
4. Stockton Gas Co
5. Courtney Co #2
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29040
2. 47-043-20449-0000
3. 108 000 000
4. Stockton Gas Co
5. Courtney Co #1
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29041
2. 47-043-20448-0000
3. 108 000 000
4. Stockton Gas Co
5. Hugh Toney #1
6. Jefferson
7. Lincoln WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29042
2. 47-043-20445-0000
3. 108 000 000
4. Bee Branch Gas Co
5. J Walter Thompson #2
6. Jefferson
7. Lincoln WV
8. 12.8 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80-29043
2. 47-043-20444-0000
3. 108 000 000
4. Bee Branch Gas Co
5. J Walter Thompson No. 1
6. Jefferson
7. Lincoln WV
8. 13.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80-29044
2. 47-043-20422-0000
3. 108 000 000
4. David Gas Co
5. David Miller No. 3
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80-29045
2. 47-043-20421-0000
3. 108 000 000
4. David Gas Co
5. David Miller No. 2
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80-29046
2. 47-079-20184-0000
3. 108 000 000
4. Pate Gas Co
5. Harvey Tincher No. 1
6. Curry
7. Putnam WV
8. 1.7 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29047
2. 47-079-20209-0000
3. 108 000 000
4. Pate Gas Co
5. Tincher and Zirkle No. 1
6. Curry
7. Putnam WV
8. 3.4 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29048
2. 47-079-20210-0000
3. 108 000 000
4. Tincher Gas Co
5. Wood and Alford No. 1
6. Curry
7. Putnam WV
8. 2.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29049
2. 47-079-20211-0000
3. 108 000 000
4. Tincher Gas Co
5. W W Alford No. 1
6. Curry
7. Putnam WV
8. 2.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29050
2. 47-079-20212-0000
3. 108 000 000
4. Tincher Gas Co
5. N A Searls No. 1
6. Curry
7. Putnam WV
8. 3.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29051
2. 47-079-20214-0000
3. 108 000 000
4. Pate Gas Co
5. Mary Arbaugh No. 1
6. Curry
7. Putnam WV
8. 3.4 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29052
2. 47-079-20234-0000
3. 108 000 000
4. R F Turley
5. T E Tincher No. 1
6. Curry
7. Putnam WV
8. 1.9 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29053
2. 47-079-20237-0000
3. 108 000 000
4. Freeman Gas Co
5. Nancy Caldwell No. 1
6. Curry
7. Putnam WV
8. 2.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29054
2. 47-079-20247-0000
3. 108 000 000
4. Tincher Gas Co
5. J M Searls No. 1
6. Curry
7. Putnam WV
8. 2.2 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29055
2. 47-079-20248-0000
3. 108 000 000
4. R F Turley
5. T E Tincher No. 2
6. Curry

7. Putnam WV
8. 1.9 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29056
2. 47–079–20251–0000
3. 108 000 000
4. Freeman Gas Co
5. E P Freeman No. 1
6. Curry
7. Putnam WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29057
2. 47–043–20391–0000
3. 108 000 000
4. Juda Gas Co
5. Mont McNeely No. 1
6. Jefferson
7. Lincoln WV
8. 14.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29058
2. 47–043–20376–0000
3. 108 000 000
4. David Gas Co
5. David Miller No. 1
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29059
2. 47–043–20375–0000
3. 108 000 000
4. Juda Gas Co
5. Judy Britton No. 1
6. Jefferson
7. Lincoln WV
8. 8.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29060
2. 47–043–20366–0000
3. 108 000 000
4. David Gas Co
5. Judy Britton No. 1
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29061
2. 47–043–20060–0000
3. 108 000 000
4. Federal Gas Corp
5. Louisa J Tudor No. 5
6. Jefferson
7. Lincoln WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29062
2. 47–043–20047–0000
3. 108 000 000
4. Federal Gas Co
5. Louisa J Tudor No. 4
6. Jefferson
7. Lincoln WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29063
2. 47–043–20032–0000
3. 108 000 000
4. Federal Gas Corp
5. Louisa J Tudor #3
6. Jefferson
7. Lincoln WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29064
2. 47–043–20023–0000
3. 108 000 000
4. Federal Gas Corp
5. Louisa J Tudor #2
6. Jefferson
7. Lincoln WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29065
2. 47–043–20022–0000
3. 108 000 000
4. Federal Gas Corp
5. Louisa J Tudor
6. Jefferson
7. Lincoln WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Columbia Gas Tranmission Corp

1. 80–29066
2. 47–079–20160–0000
3. 108 000 000
4. Pate Gas Co
5. J M Phelps #1
6. Curry
7. Putnam WV
8. 4.0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29067
2. 47–079–20175–0000
3. 108 000 000
4. Pate Gas Co
5. Mary Garrett #1
6. Curry
7. Putnam WV
8. 1.2 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29068
2. 47–021–03391–0000
3. 107 000 000
4. Eastern American Energy Corp
5. L Radcliff #2
6. Glenville
7. Gilmer WV
8. 40.0 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80–29069
2. 47–005–20900–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Omer Hager #2
6. Washington
7. Boone WV
8. 1.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29070
2. 47–005–20896–0000
3. 108 000 000
4. Applachian Exploration & Devel Inc
5. Omer Hager #1
6. Washington
7. Boone WV
8. 1.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29071
2. 47–097–01830–0000
3. 103 000 000
4. Union Drilling Inc
5. R R Colerider Et Al #1 1420
6. Meade District
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80–29072
2. 47–001–01139–0000
3. 103 000 000
4. Union Drilling Inc
5. Mabel Cleavenger #1 1476
6. Pleasant
7. Barbour WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29073
2. 47–097–01837–0000
3. 103 000 000
4. Chesterfield Corp
5. Carr No 1—UPS–1837
6.
7. Upshur County WV
8. 3.9 million cubic feet
9. April 24, 1980
10. Petro-Lewis Corp

1. 80–29074
2. 47–001–01037–0000
3. 103 000 000
4. Chesterfield Corp
5. McDaniel No 1—Bar–1037
6.
7. Barbour County WV
8. 2.9 million cubic feet
9. April 24, 1980
10. Petro Lewis Corp

1. 80–29075
2. 47–043–20278–0000
3. 108 000 000
4. Glendon Conner
5. G H Jackson Et Al #1
6. Union Dist
7. Lincoln WV
8. 2.2 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29076
2. 47–105–20589–0000
3. 108 000 000
4. N G & Delta Busch
5. J R Shuman #1
6. Burning Springs
7. Wirt WV
8. 8.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29077
2. 47–043–20182–0000
3. 108 000 000
4. Glendon Conner
5. Kanawha Gas & Utility Co #1
6. Jefferson Dist
7. Lincoln WV
8. 1.4 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29078

2. 47–105–00040–0000
3. 108 000 000
4. N G Busch
5. Spencer Wilson #1
6. Burning Springs District
7. Wirt WV
8. 1.3 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29079
2. 47–021–03382–0000
3. 107 000 000
4. Eastern American Energy Corporation
5. H L Simmons #3
6. Glenville
7. Gilmer WV
8. 80.0 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80–29080
2. 47–097–01897–0000
3. 103 –000 000
4. NRM Petroleum Corp
5. Shomo 1–A
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29081
2. 47–097–01886–0000
3. 103 000 000
4. NRM Petroleum Corp
5. R Shipman #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29082
2. 47–097–01894–0000
3. 103 000 000
4. NRM Petroleum Corp
5. A Swick #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29083
2. 47–041–02563–0000
3. 103 000 000
4. NRM Petroleum Corp
5. P K Casto #1
6. Hackers Creek
7. Lewis WV
8. .0 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80–29084
2. 47–021–02960–0000
3. 103 000 000
4. NRM Petroleum Corp
5. A B Campbell #5
6. Ellis Run
7. Gilmer WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29085
2. 47–097–01906–0000
3. 103 000 000
4. NRM Petroleum Corp
5. Tallman #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29086
2. 47–013–22525–0000
3. 108 000 000
4. N G & Delta Busch
5. F B Busch #1
6. Sheridan District
7. Calhoan WV
8. 6.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29087
2. 47–083–00208–0000
3. 103 000 000
4. Chesterfield Corp
5. Williams #1—Ran–208
6. -
7. Randolph County WV
8. 3.7 million cubic feet
9. April 24, 1980
10. Petro-Lewis Corp

1. 80–29088
2. 47–085–20301–0000
3. 108 000 000
4. N G Busch
5. E C Dawson #1
6. Murphy District
7. Ritchie WV
8. 3.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29089
2. 47–087–00914–0000
3. 108 000 000
4. Peter Nydam
5. Clarkson #2
6. Canoe Field
7. Roane WV
8. 1.4 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29090
2. 47–087–00933–0000
3. 108 000 000
4. Peter Nydam
5. Nydam Bros #3 Lease
6. Canoe
7. Roane WV
8. 2.1 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29091
2. 47–085–23596–0000
3. 108 000 000
4. N G & C T Busch
5. A L Hays #2
6. Murphy District
7. Ritchie WV
8. 4.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29092
2. 47–085–00376–0000
3. 108 000 000
4. N G Busch
5. Georgia M Haught #2
6. Murphy District
7. Ritchie WV
8. 3.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29093
2. 47–103–00972–0000
3. 108 000 000
4. Pennzoil Co
5. Alfred Efaw #2
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29094
2. 47–103–00960–0000
3. 108 000 000
4. Pennzoil Co
5. Morton Dulaney #1
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29095
2. 47–103–01002–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #81
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29096
2. 47–103–01004–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #84
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29097
2. 47–103–01003–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #82
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29098
2. 47–103–01001–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #80
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29099
2. 47–103–01000–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #79
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29100
2. 47–103–00963–0000
3. 108 000 000
4. Pennzoil Co
5. L E Dulaney #6
6. Grant

7. Wetzel WV
8. .4 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29101
2. 47–103–00904–0000
3. 108 000 000
4. Pennzoil Co
5. A R McHenry #6
6. Proctor
7. Wetzel WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29102
2. 47–103–00903–0000
3. 108 000 000
4. Pennzoil Co
5. A R McHenry #3
6. Proctor
7. Wetzel WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29103
2. 47–103–00902–0000
3. 108 000 000
4. Pennzoil Co
5. A R McHenry #1
6. Proctor
7. Wetzel WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29104
2. 47–103–00992–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #57
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29105
2. 47–103–00990–0000
3. 108 000 000
4. Pennzoil Co
5. L S Hoyt #51
6. Grant
7. Wetzel WV
8. .9 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29106
2. 47–103–00979–0000
3. 108 000 000
4. Pennzoil Co
5. J H Garner #5
6. Proctor
7. Wetzel WV
8. .6 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29107
2. 47–103–00978–0000
3. 108 000 000
4. Pennzoil Co
5. J H Garner #3
6. Proctor
7. Wetzel WV
8. .6 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29108
2. 47–103–00977–0000
3. 108 000 000
4. Pennzoil Co
5. J H Garner #1
6. Proctor
7. Wetzel WV
8. .6 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29109
2. 47–103–00973–0000
3. 108 000 000
4. Pennzoil Co
5. Alfred Efaw #4
6. Center
7. Wetzel WV
8. .4 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29110
2. 47–103–00628–0000
3. 108 000 000
4. Pennzoil Co
5. A R McHenry #7
6. Proctor
7. Wetzel WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29111
2. 47–021–02979–0000
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Stout #1
6. Sand Fork
7. Gilmer WV
8. 30.0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29112
2. 47–007–01171–0000
3. 108 000 000
4. Braxton Oil and Gas Corp
5. Goodrich No 1
6. Heaters
7. Braxton WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29113
2. 47–083–00233–0000
3. 103 000 000
4. Allegheny Land & Mineral Co
5. A–762
6. Middle Fork District
7. Randolph WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmision Corp

1. 80–29114
2. 47–083–00232–0000
3. 103 000 000
4. Allegheny Land & Mineral Co
5. A–761
6. Roaring Creek District
7. Randolph WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29115
2. 47–017–22303–0000
3. 103 000 000
4. Rockwell Petroleum Co
5. Webber #1
6. Toms Fork
7. Doddridge WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29116
2. 47–017–22302–0000
3. 103 000 000
4. Rockwell Petroleum Co
5. Haught #1
6. Brushy Fork
7. Doddridge WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80–29117
2. 47–085–02943–0000
3. 108 000 000
4. Provident Resources Inc
5. Nutter #1
6.
7. Ritchie WV
8. 9.8 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29118
2. 47–017–00471–0000
3. 108 000 000
4. Samuel J Hileman
5. A A Hileman #1
6. Arnolds Creek West Union Dist
7. Doddridge WV
8. 2.8 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29119
2. 47–079–20230–0000
3. 108 000 000
4. Collins Gas Co
5. B D Taylor No 1 Dennis Roy
6. Teays Valley
7. Putnam WV
8. 3.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29120
2. 47–079–20140–0000
3. 108 000 000
4. Richmond Gas Co
5. One CW Smallridge Farm
6. Teays Valley Hurricane
7. Putnam WV
8. .6 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29121
2. 47–079–20057–0000
3. 108 000 000
4. Carpenter Gas Co
5. Millard & Boyd Carpenter #1
6. Teays Valley
7. Putnam WV
8. 1.3 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29122
2. 47–079–20056–0000
3. 108 000 000
4. Wood Gas Co
5. Samuel Wood #1
6. Teays Valley or Hurricane
7. Putnam WV
8. 3.0 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29123

2. 47-011-00492-0000
3. 108 000 000
4. Huntington Oklahoma Midway City
5. P L White
6. Guyandot
7. Cobell WV
8. .0 million cubic feet
9. April 24, 1980
10. Gas Supply Corp

1. 80-29124
2. 47-059-20381-0000
3. 108 000 000
4. W E Burchett Jr
5. Logan Cannel #14
6. Harvey District
7. Mingo WV
8. 21.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29125
2. 47-059-20373-R000
3. 108 000 000
4. W E Burchett Jr
5. Logan Cannel #13A
6. Harvey District
7. Mingo WV
8. 21.5 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29126
2. 47-085-21849-0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Ward Run Development Co #2
6. Union
7. Ritchie WV
8. 2.2 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29127
2. 47-085-21831-0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Ward Run Development Co #1
6. Union
7. Ritchie WV
8. 2.2 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29128
2. 47-085-03086-0000
3. 108 000 000
4. Francis Friestad
5. Pierce 31 Acre Lease
6.
7. Ritchie WV
8. 1.1 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80-29129
2. 47-085-03145-0000
3. 108 000 000
4. Francis Friestad
5. M J Britton No 1
6.
7. Ritchie WV
8. 1.7 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80-29130
2. 47-085-03248-0000
3. 108 000 000
4. Francis Friestad
5. Clarence Bush
6.
7. Ritchie WV
8. 12.9 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80-29131
2. 47-085-03280-0000
3. 108 000 000
4. Francis Friestad
5. M L Jett
6.
7. Ritchie WV
8. 1.7 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80-29132
2. 47-097-01866-0000
3. 103 000 000
4. NRM Petroleum Corp
5. Thacker #1
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29133
2. 47-097-01895-0000
3. 103 000 000
4. NRM Petroleum Corp
5. A Swick #2
6. Middle Fork River
7. Upshur WV
8. .0 million cubic feet
9. April 24, 1980
10. Columbia Gas Transmission Corp

1. 80-29134
2. 47-107-00862-0000
3. 103 000 000
4. Energex Corp
5. Lutie Buck #1
6. L Buck Tract #1
7. Wood County WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29135
2. 47-107-00871-0000
3. 103 000 000
4. Energex Corp
5. J T Johnson #1
6. J T Johnson Tract
7. Wood County WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29136
2. 47-107-00730-0000
3. 108 000 000
4. Energex Corp
5. Frances Carter #3
6. Frances Carter Tract
7. Wood WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29137
2. 47-085-03076-0000
3. 108 000 000
4. Francis Friestad
5. Pierce 34-Acre Lease
6.
7. Ritchie WV
8. 1.9 million cubic feet
9. April 24, 1980
10. Equitable Gas Co

1. 80-29138
2. 47-085-24294-0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Judy A Development Co
6. Clay
7. Ritchie WV
8. 2.1 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80-29139
2. 47-035-01493-0000
3. 103 000 000
4. Burdette Oil & Gas Co Inc
5. Doris Harpold #3
6. Washington District
7. Jackson County WV
8. .0 million cubic feet
9. April 24, 1980
10.

1. 80-29140
2. 47-011-00495-0000
3. 108 000 000
4. Huntington Oklahoma Midway City
5. Elk
6. Guyandotte
7. Cobell WV
8. 2.3 million cubic feet
9. April 24, 1980
10. Gas Supply Corp

1. 80-29141
2. 47-085-22621-0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Old Orchard O&G Co #3
6. Union
7. Ritchie WV
8. 1.1 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29142
2. 47-001-00461-0000
3. 108 000 000
4. R K Bogert Jr
5. Bogert No 1
6. Appalachian
7. Barbour WV
8. 12.8 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29143
2. 47-001-00475-0000
3. 108 000 000
4. R K Bogert Jr
5. Bogert No 2
6. Appalachian
7. Barbour WV
8. 12.8 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29144
2. 47-001-20965-0000
3. 103 000 000
4. Petroleum Development Corp
5. S Lindsey #1
6. Clemtown
7. Barbour WV
8. 37.5 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29145
2. 47-001-20995-0000
3. 103 000 000
4. Petroleum Development Corp
5. A Mitchell #1
6. Clemtown

7. Barbour WV
8. 28.4 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29146
2. 47–011–00525–0000
3. 108 000 000
4. Huntington Oklahoma Midway City
5. Porter #2
6.
7. Cabell WV
8. 2.9 million cubic feet
9. April 24, 1980
10. Gas Supply Corp

1. 80–29147
2. 47–079–00297–0000
3. 108 000 000
4. Midway City Gas Co
5. D W Edwards
6. Garretts Bend
7. Putnam WV
8. 1.5 million cubic feet
9. April 24, 1980
10. Pennzoil Co

1. 80–29148
2. 47–085–23391–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Kitty G Devel Co—Series #3
6. Clay
7. Ritchie WV
8. .9 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29149
2. 47–085–23392–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Kitty G Devel Co—Series #2
6. Clay
7. Ritchie WV
8. .9 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29150
2. 47–085–23375–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Kitty G Devel Co—#2
6. Clay
7. Ritchie WV
8. 1.8 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29151
2. 47–085–23054–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Serendipity Development Co
6. Union
7. Ritchie WV
8. 3.2 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29152
2. 47–085–23207–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Lucky Giant Development Co
6. Union
7. Ritchie WV
8. 3.2 million cubic feet
9. April 24, 1980
10. Carnegie Natural Gas Co

1. 80–29153
2. 47–085–21773–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Otter Slide Dev Co Sutton #1
6. Union
7. Ritchie WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29154
2. 47–085–21777–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Otter Slide Dev Co—Ward #1
6. Union
7. Ritchie WV
8. 1.2 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29155
2. 47–085–21792–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Otter Slide Dev Co Ward #2
6. Union
7. Ritchie WV
8. 1.2 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29156
2. 47–085–21801–0000
3. 108 000 000
4. Harcon Oil & Gas Co
5. Otter Slide Dev Co—Sutton #2
6. Union
7. Ritchie WV
8. 1.6 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29157
2. 47–087–03010–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #34
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29158
2. 47–087–03070–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #48
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29159
2. 47–087–03084–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #10
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29160
2. 47–087–03110–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #8
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29161
2. 47–087–00840–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #49
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29162
2. 47–087–00862–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #50
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29163
2. 47–087–00899–0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #52
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29164
2. 47–087–02771–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #1
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29165
2. 47–087–02772–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #2
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29166
2. 47–087–02773–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #4
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29167
2. 47–087–02774–0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #5
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80–29168

2. 47-087-00702-0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #29
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29169
2. 47-087-00444-0000
3. 108 000 000
4. Pennzoil Co
5. W M Looney #27
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29170
2. 47-087-02861-0000
3. 108 000 000
4. Pennzoil Co
5. O H Trout #8
6. Geary
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29171
2. 47-087-02860-0000
3. 108 000 000
4. Pennzoil Co
5. O H Trout #7
6. Geary
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29172
2. 47-087-02776-0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #7
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29173
2. 47-087-02777-0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #9
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29174
2. 47-087-02779-0000
3. 108 000 000
4. Pennzoil Co
5. M J Snodgrass #14
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29175
2. 47-087-02836-0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #25
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

1. 80-29176
2. 47-087-02838-0000
3. 108 000 000
4. Pennzoil Co
5. P A Tallman #31
6. Smithfield
7. Roane WV
8. .0 million cubic feet
9. April 24, 1980
10. Consolidated Gas Supply Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register**.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15169 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-92]

Louisiana General Petroleum Corp.; Application for Recovery of Production—Related Costs Under Section 110 of the NGPA

Issued May 12, 1980.

Take notice that on January 22, 1980, Louisiana General Petroleum Corporation (General), 3000 South Post Oak Road, Houston, Texas 77056 filed with the Federal Regulatory Energy Commission (Commission), under section 271.1105 of the Commssion's regulations (18 C.F.R. § 271.1105), an application for recovery of production-related costs under section 110 of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301, et seq.

General seeks authorization to collect an allowance for gathering charges arising out of its Tansportation Agreement with Sabine-DeSoto Pipeline Company, Inc. (Sabine). Pursuant to this Transportation Agreement, Sabine has constructed gathering facilities to be used to deliver gas which General has sold to Louisiana Intrastate Gas Corporation (Louisiana). Under this gas purchase contract, General is obligated to construct gathering facilities from its wells to Louisiana's delivery point. General states that it has complied with this contractual provision through its Transportation Agreement with Sabine. General therefore states that it s entitled to collect an allowance for the gathering charges it must bear. Any such allowance granted by the Commission under section 271.1105 of the Commission's regulations will be in addition to the otherwise applicable maximum lawful price.

Any person desiring to be heard or to protest this proceeding should, within 30 days after publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, 825 North Capital Street, N.W., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 1.8 or 1.10) All protests filed with the Commission will be considered but will not make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in a accordance with the Commission's Rules.

Kenneth F. Plum,

Secretary.

[FR Doc. 80-15150 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3038]

Lower Tule River Irrigation District; Application for Preliminary Permit

May 12, 1980

Take notice that the Lower Tule River Irrigation District (Applicant) filed on February 8, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for the proposed Success Dam Power Project, FERC No. 3038, to be located at the downstream toe of the Corps of Engineers' (Corps) Success Dam on the Tule River in the County of Tulare, California. The project would utilize water released from the Success Reservoir for irrigation and other purposes. Correspondence concerning the application should be sent to: Mr. Roger W. Robb, Engineer-Manager, Lower Tule River Irrigation District, P.O. Box 511, Woodville, California 93257.

Project Description—The proposed project would entail modification of the existing outlet works of the Success Reservoir to provide necessary head for the power plant and to prevent interference with the reservoir operation

for flood control, irrigation or recreation. It would consist of a powerhouse with a rated capacity of 4,000 kW and a 2¼-mile-long transmission line connecting the powerhouse to the Southern California Edison Company's (SCE) substation north of powerhouse.

Purpose of Project—Applicant proposs to sell wholesale power to or exchange project power with SCE.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of soils and other foundation tests and flow studies, and environmental data. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State and local agencies, preparing a license application and final field surveys and designs is estimated by the Applicant to be $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmehtal feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 14, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 12, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 161328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or §1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 14, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15151 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3057]

Maine Public Service Company, Inc.; Application for Preliminary Permit

May 12, 1980

Take notice that on February 26, 1980, Maine Public Service Company of Presque Isle, Maine filed an application for preliminary permit pursuant to the Federal Power Act, 16 USC, Section 791(a)—825(r) for proposed Project No. 3057 to be known as the Aroostook River Hydroelectric Project, located on the Aroostook River in Aroostook County, Maine. The project, if constructed, would affect the interests of interstate commerce. Correspondence should be addessed to: Ralph A. Brown, President, Maine Public Service Company, 209 State Street, Presque Isle, Maine 04769.

Purpose of Project—Power generated by the project would be used by Maine Public Service Company for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include economic analysis, preparation of preliminary engineering plans, Geotechnical investigations at the site of the proposed project dams, and environmental assessment studies. The Geotechnical investigations would involve a seismic boring program, test pits, and the location of borrow areas for fill material. A limited number of access roads into the areas of the proposed dams would be constructed. The Applicant states that measures would be taken to provide adequate drainage for access roads and to backfill and reseed disturbed areas. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to be performed under this permit would cost $370,000.

Project Description—The proposed Aroostook River Project would consist of two developments described as follows:

(a) the Masardis development which would include; (1) a 3,800-foot long, 110-foot high earth fill dam; (2) a reservoir with a surface area of 17,500 acres with a maximum usable storage capacity of 535,000 acre-feet; (3) a power-house integral with the dam containing turbine/generator units with a total rated capacity of 10 MW; (4) a 5-mile long, 34.5-kV transmission line; and (5) appurtenant facilities. This development would produce up to 43,000 MWh annually.

(b) the Castle Hill development which would include; (1) a 3,200-foot long, 72-foot high earth fill/dam; (2) a reservoir with a surface area of 5,000 acres with a maximum usable storage capacity of 100,000 acre-feet; (3) a powerhouse integral with the dam containing turbine/generator units with a total rated capacity of 18 MW; (4) a 1.4-mile long, 69-kV transmission line; and (5) appurtenant facilities. This development would produce up to 70,000 MWh annually.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State,

and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 18, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 17, 1980. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 C.F.R., 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 18, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-15152 Filed 5-15-80; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 14904-1]

Availability of Environmental Impact Statements

AGENCY: Office of Environmental Review (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR 1506.9).

PERIOD COVERED: This notice includes EIS's filed during the week of May 5, 1980 to May 9, 1980.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from May 16, 1980 and will end on June 30, 1980. The 30-day review period for final EIS's as calculated from May 16, 1980 will end on June 16, 1980.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. This notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Environmental Review, EPA, for further information.

BACK COPIES OF EIS'S: Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following sources:

FOR PUBLIC AVAILABILITY AND/OR HARD COPY REPRODUCTION OF EIS'S FILED PRIOR TO MARCH 1980: Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, DC 20036.

FOR HARD COPY REPRODUCTION OR MICROFICHE: Information Resources Press, 1700 North Moore Street, Suite 700A, Arlington, VA 22209. (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Environmental Review (A-104), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. (202) 245-3006.

SUMMARY OF NOTICE: On July 30, 1979, the CEQ regulations became effective. Pursuant to § 1506.10(A), the 30-day review period for final EIS's received during a given week will now be calculated from Friday of the following week. Therefore, for all final EIS's received during the week of May 5, 1980 to May 9, 1980 the 30-day review period will be calculated from May 16, 1980. The review period will end on June 16, 1980.

Appendix I sets forth a list of EIS's filed with EPA during the week of May 5, 1980 to May 9, 1980. The Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and county(ies) of the proposed action and a brief summary of the proposed Federal action and the Federal agency EIS number, if available, is listed in this notice. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or EPA has approved a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and county(ies) of the EIS, the date EPA announced availability of the EIS in the Federal Register and the newly established date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous notices of availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agency.

Appendix V sets forth a list of reports or additional supplemental information relating to previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: May 13, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

APPENDIX I—EIS's Filed With EPA During the Week of May 5 Through May 9, 1980

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Director, Office of Environmental Quality, Office of the Secretary, U.S. Department of Agriculture, Room 412-A Admin. Building, Washington, D.C. 20250. (202) 447-3965.

Forest Service

Final

Upper Arkansas Unit, Pike and San Isabel NFS, several counties, Colorado, May 5: Proposed is a land management plan for the

Upper Arkansas Planning Unit of the Pike and San Isabel National Forests in the Counties of Chaffee, Fremont, Lake, Park and Saquache Counties, Colorado. The unit consists of approximately 1,199,450 acres of which 813,060 acres are national forest system lands. The plan provides for: Developed recreation, 3,130 acres of wildlife habitat, 12,560 AUM of domestic livestock grazing, 1,000,000 board feet of wood products, and 591,000 acre feet of water. The plan also provides for roadless areas, wilderness areas, and historical sites. (USDA–FS–FES–02–12–79–06). Comments made by: AHP, USDA, DOC, DOI, DOT, TREA, EPA, State and local agencies, groups, individuals, and businesses. (EIS Order No. 800344.)

Rural Electrification Administration

Final

D. B. Wilson Station Unit 1 & 2, Assoc. Transmission, Ohio County, Ky., May 9: Proposed is a loan guarantee commitment for financing of two proposed 440 MW generating units at the D. B. Wilson Station located near Matonzas, Ohio County, Kentucky. The Big Rivers Electric Corp., Inc., plans to construct and operate the Coal-Fired Electric Generating Units. The associated 345 KV and 161 KV transmission facilities are proposed to connect the Ried Station at Sebree, to the Coleman Station at Hawesville via the D. B. Wilson Station, and Providence to Hardensburg. Transmission lines may traverse Hokins, Webster, McLean, Ohio, Daviess, Hancock and Breckenridge Counties, Kentucky (USDA–REA–(ADM)–80–3–F). Comments made by: EPA, USDA, HEW, DOI, COE, DOT, State, and local agencies. (EIS order No. 800362.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Mr. Richard Makinen, Office of Environmental Policy, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, Washington, D.C. 20314, (202) 272–0121.

Draft

Maalaea Light-Draft Harbor, Island of Maui, Maui County, Hawaii, May 5: Proposed are navigation improvements for Maalaea Light-Draft Vessel Harbor in the County of Maui, Island of Maui, Hawaii. Plan 1 includes: (1) A 620-foot long extension to the existing south breakwater, (2) addition of a 400-foot long revetted mole on the seaward side of the existing south breakwater, (3) a 610-foot long entrance channel, (4) a 12-foot deep turning basin, (5) a 50-foot wide, 720-foot long interior revetted mole, and (6) an 8-foot deep berthing area. Plan 2 and 3 are similar to plan 1 with slight modification. (Honolulu District). (EIS order No. 800342.)

Cedar River Recreational Harbor, J. W. Wells SP, Menominee County, Mich., May 5: Proposed are navigational improvements for the Cedar River Recreational Harbor within the J. W. Wells State Park, Menominee County, Michigan. The project would consist of: (1) Construction of a new east pier, (2) rehabilitation of the old west pier, (3) dredging of an entrance and inner channel with turning basin, (4) removal of the remnants of the old east pier, and (5) beach nourishment of the shoreline zone adjacent to the lakeward side of the proposed east pier. (Detroit District). (EIS order No. 800343.)

Green Brook Sub-Basin Flood Control, Somerset, Middlesex, Union Counties, N.J., May 6: Proposed is a flood control plan for the Green Brook Sub-basin in Somerset, Middlesex and Union Counties, New Jersey. The selected plan would include levees and floodwalls in the lower basin portion. Several alternatives are considered for each of the three areas of the basin. (New York district). (EIS order No. 800347.)

Lake Texoma, Denison Dam Modification, several counties in Oklahoma and Texas, May 7: Proposed is the modification of Denison Dam located on Lake Texoma in Love, Marshall and Bryan Counties, Oklahoma and Grayson and Cook Counties, Texas. The preferred plan involves: (1) Construction of two 35,000 kW hydroelectric generating units, (2) conversion of storage from hydropower to yield 65 MGD for water supply, (3) 25 MGD for irrigation, and (4) construction of recreational facilities to accommodate an additional 1.3 million annual visitors. Two alternative plans are also considered. (Tulsa District). (EIS order No. 800348.)

Final

Harry S. Truman Parkway, Savannah, Permit, Chatham County, Ga., May 7: Proposed is the issuance of a permit to authorize various activities associated with the construction of the Harry S. Truman Parkway in Savannah, Chatham County, Georgia. The parkway would be an 11-mile toll road. Major construction activities include: Dredging; discharge of dredged or fill material into the Vernon River and several wetland areas; and relocation of segments of the Casey Canal and embankment construction in the existing canal; construction of a pump station; and placement of a temporary pipeline across the Savannah River. (Savannah District). Comments made by: USDA, USA, DOC, HUD, DOI, EPA, FERC, AHP, State and local agencies, groups and individuals. (EIS order No. 800349.)

Big Stone Lake-Whetstone River (DS–1), several counties in Minnesota and South Dakota, May 9: Proposed is the Big Stone Lake-Whetstone River modification project located in Big Stone and Lac Oi Parle Counties, Minnesota and Grant County, South Dakota. This supplement has been prepared to address a significant change for the proposed diversion channel into the US–75 reservoir in the Big Stone National Wildlife Refuge. This statement supplements a final EIS, #7J0520, filed 12–18–70. (St. Paul District). (EIS Order No. 800359.)

DEPARTMENT OF ENERGY

Contact: Dr. Robert Stern, Acting Director, NEPA Affairs Division, Department of Energy, Mail Station 4G–064, Forrestal Bldg., Washington, D.C. 20585, (202) 252–4600.

Draft

International Transmission Line, U.S. and Mexico, San Diego County, Calif., May 9: Proposed is the issuance of a permit for the construction, connection, operation, and maintenance of a 230 kV transmission line from the Miguel Substation in San Diego, Calif. to Tijuana, Mexico. The line would extend for approximately 13 miles. The alternatives consider: (1) conservation of electricity, (2) purchase of power from other U.S. sources, (3) additional generating capacity within the system, and (4) no action. (DOE/EIS–0067.) (EIS Order No. 800355.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335.

Economic Development Administration

Draft

Woonsocket Industrial Park-East, Grant, Providence County, Rhode Island, May 9: Proposed is the awarding of a grant for the construction of the Woonsocket Industrial Park-East in Woonsocket, Providence County, Rhode Island. The industrial park would involve the installation of utilities and the construction of a roadway. The alternatives consider: (1) development of other industrial sites within the city, (2) development of regional industrial parks outside the city, (3) alternative means of developing the East Woonsocket area for industrial use. (EIS Order No. 800357.)

National Oceanic and Atmospheric Administration

Draft

Looe Key National Marine Sanctuary, Regulatory, Florida, May 9: Proposed are regulations implementing designation of waters at Looe Key, Florida as a national marine sanctuary. The key is a submerged section of the Florida reef tract in the Florida Keys and will consist of 5 square nautical miles of high seas waters. The regulations would allow the possession and collection of coral and disturbance of historical and cultural resources, by permit only. They would prohibit: (1) spearfishing; (2) use of lobster traps; (3) use of wire fish traps; (4) anchoring on coral; and (5) discharge of polluted water, fish parts or chum. (EIS Order No. 800360.)

Draft

Mississippi Coastal Management Program, CZM, several counties in Mississippi, May 9: Proposed is approval of the Mississippi Coastal Management Program. Approval would allow program administrative grants to be awarded to the State, require that Federal actions be consistent with the program, and enhance management of the State's coastal resources according to the coastal policies and standards. The effect of these policies is to condition, restrict or prohibit various activities in parts of the coastal area, while encouraging development and other uses in other parts. (EIS Order No. 800354.)

New Jersey Coastal Management Program, several counties in New Jersey, May 8: Proposed is the New Jersey Coastal Zone Management Program. The program would enhance governance of the coastal land and water area and uses according to the coastal policies and standards. The effect of these policies would be to condition, restrict or prohibit some uses in parts of the coastal

zone, while encouraging development and other uses in other parts. (EIS Order No. 800350.)

Draft Supplement

High Seas Salmon Fishery FMP, (DS–1), Regulatory, Atlantic Ocean, Alaska, May 9: Proposed is the amendment of the High Seas Salmon Fishery FMP. The amendments would: (1) extend the FMP through April 14, 1981, (2) continue the moratorium on new entry in the power troll fishery to April 14, 1981, (3) strengthen in-season management and provide for an area-wide closure for ten days in July, (4) require all troll caught Chinook and Coho salmon be landed with heads on, (5) prohibit possession of species in closed areas, (6) restrict trollers to four or six lines, and (7) redefine regulatory areas numbers 154, 157 and 189. This statement supplements a final EIS, No. 790076, filed January 19, 1979. (EIS Order No. 800358.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Steve Torok, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Street, Philadelphia, PA 19106, (215) 597–8334.

Final

Horsham-Warminster-Warrington WWT Grants, Montgomery and Bucks Counties, Pa., May 9: Proposed is the awarding of grants for the construction of a regional sewage collection and treatment system for the counties of Montgomery and Bucks, Pennsylvania. The Plan involves: (1) the placement of interceptors along Little Neshaminy Creek in Warrington and Park Creek in Horsham, (2) upgrading and expanding of the existing Warminster STP, and (3) termination of two smaller STPs in Warrington. Comments made by: USN, FEMA, DOT, DOI, HEW, AHP, USDA, TREAS, GSA, DRBC, State and local agencies, groups and individuals. (EIS Order No. 800353.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7274, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755–6300.

Draft

Phillips Ranch Subdivision, Pomona, Los Angeles County, Calif., May 6: Proposed is the issuance of HUD home mortgage insurance for the Phillips Ranch in the city of Pomona, Los Angeles County, California. The total project will cover approximately 1,141 acres and will be developed for residential land uses and supporting commercial uses. (HUD–RO9–EIS–80–2D.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240 (202) 343–3891.

Bureau of Land Management

Draft

Greenriver/Hams Fork, Coal Lease, Several Counties in Wyoming and Colorado, May 8: Proposed is the leasing of 13 tracts for coal mining in the Counties of Moffat, Rio Blanc, and Routt, Colorado and Albany and Carbon Counties, Wyoming. The preferred alternative would involve the production of 789.5 million tons of coal. Coal production from these tracts is expected to meet a 1987 annual shortfall of new production of 18.5 million tons and to allow existing mines to continue operation. (DES–80–33). (EIS Order No. 800351.)

National Park Service

Draft

Bighorn Canyon National Recreation Area, Montana and Wyoming, May 9: Proposed is a general management plan and wilderness proposal for the Bighorn Canyon National Recreation Area within Big Horn and Carbon Counties, Montana, and Big Horn County, Wyoming. The program also considers specific development concept plans for: 1) Horseshoe Bend, 2) Hough Creek, 3) Barry's Landing, 4) Ok-A-Beh, and 5) Afterbay. The alternatives consider: 1) No action, 2) emphasize cultural resources with minimal recreational development, and 3) provide opportunities for a range of activities. (DES–80–34) (EIS Order No. 800356.)

Water and Power Resources Services

Draft Supplement

Auburn-Folsom South Unit, Auburn Dam (DS–2), El Dorado and Placer Counties, Calif., May 8: Proposed is a design change for Auburn Dam, a part of the Central Valley Project/Auburn-Folsom south Unit in El Dorado and Placer Counties, California. The preferred design alternatives for the dam are: 1) A curved concrete gravity dam, and 2) a rockfill dam with an impervious core. Both designs would impound 2.3 million acre-feet of water. The facilities associated with the dam would essentially be the same as those studied under the previous design except that the optimum size of the powerplants and the number and arrangement of the multilevel outlets would be reformulated. This statement supplements final EIS, No. 725616, filed 11–13–72. (DES–80–32). (EIS Order No. 800352.)

DEPARTMENT OF DEFENSE, NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, (202) 697–3689.

Final

Naval Air Station Clear Zone, Brunswick, Cumberland County, Maine, May 9: Proposed is the acquisition of fee title or such other interests as may be necessary to remove and prevent human habitation and development of the clear zone at the northern ends of runways 1L–19R and 1L–19L at the Naval Air Station, Brunswick, Cumberland County, Maine. The alternatives considered include: 1) No action, 2) displace thresholds of both runways and add new surface to the departure end of runway 19L, 3) restrictive easement only, and 4) achievement of land use restrictions through planning and zoning. Comments made by: DOI, EPA, DOT, USDA, HUD, DOE, State agencies, Individuals. (EIS Order No. 800361.)

Department of Transportation

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357.

Federal Aviation Administration

Final

Lambert-St. Louis International Airport, St. Louis, St. Louis County, Mo., May 9: Proposed are improvements to the Lambert-St. Louis International Airport in the City and County of St. Louis, Missouri. The improvements include the extension of runway 12L–30R for 2,500 feet to the east, extension of runway 12R–30L for 1,000 feet to the east, construction of associated taxiways and landing aids, realignment of Lindbergh Boulevard, and relocation of Brown Road, future terminal and air cargo facility development. The alternatives considered include runway and highway alignments, use of other modes of transportation, operational alternatives and the do-nothing alternative. Comments made by: DOT, EPA, DOI, HUD. (EIS Order No. 800363.)

Federal Highway Administration

Draft

Richardson Highway/AK–4, Copper Center Village, Alaska, May 5: Proposed is the reconstruction of a portion of Richardson Highway/AK–4 from milepost 100 to 106.5 through the Village of Copper Center, Alaska. The portion of the highway, which connects Prince Williams Sound, Valdez to the City of Fairbanks, would be constructed as a two-lane, rural primary highway. The highway crosses the Klutina River. Improvements would extend for 6.5 miles. (FHWA–AK–EIS–80–01–D). (EIS Order No. 800324.)

Draft

South Fairbanks Expressway, Alaska, May 6: Proposed is construction of the South Fairbanks Expressway between Parks Highway and Richardson Highway in Fairbanks, Alaska. The facility would be a limited access, four-lane highway with two terminal and three intermediate interchanges at University Avenue, Peger Road, and Lathrop Street. Alignment alternatives range from 4.3 to 5.3 miles in length. The alternatives consider: (1) No action, (2) four alignment alternatives, (3) postpone action, (4) phase development, and (5) development of other modes of transportation. (FHWA–AK–EIS–80–2–D). (EIS Order No., 800345.)

Environmental Protection Agency

[State and county index of EIS's filed during the week of May 5 through May 9, 1980]

State	County	Status	Statement title	Accession No.	Date filed	Originating agency No.
Alaska		Draft	Richardson Highway/AK–4, Copper Center Village	800324	May 5, 1980	DOT
		Draft	South Fairbanks Expressway	800345	May 6, 1980	DOT
		Supple	High Seas Salmon Fishery FMP, (DS–1)	800358	May 9, 1980	DOC
Atlantic Ocean		Supple	High Seas Salmon Fishery FMP, (DS–1)	800358	May 9, 1980	DOC
California	El Dorado	Supple	Auburn-Folsom South Unit, Auburn Dam (DS–2)	800352	May 8, 1980	DOI
	Placer	Supple	Auburn-Folsom South Unit, Auburn Dam (DS–2)	800352	May 8, 1980	DOI
	San Diego	Draft	International Transmission Line, U.S. and Mexico	800355	May 9, 1980	DOE
	Los Angeles	Draft	Phillips Ranch Subdivision, Pomona	800346	May 6, 1980	HUD
Colorado	Several, Moffat, Rio Blanc, Routt	Final	Upper Arkansas Unit, Pike and San Isabel NFS	800344	May 5, 1980	USDA
		Draft	Greenriver/Hams Fork, Coal Lease	800351	May 8, 1980	DOI
Florida		Draft	Looe Key National Marine Sanctuary	800360	May 9, 1980	DOC
Georgia	Chatham	Final	Harry S. Truman Parkway, Savannah, Permit	800349	May 7, 1980	COE
Hawaii	Maui	Draft	Maalaea Light-Draft Harbor, Island of Maui	800342	May 5, 1980	COE
Kentucky	Ohio	Final	D. B. Wilson Station Unit 1 & 2, Association Transmission.	800362	May 9, 1980	USDA
Maine	Cumberland	Final	Naval Air Station Clear Zone, Brunswick	800361	May 9, 1980	USN
Michigan	Menominee	Draft	Cedar River Recreational Harbor, J. W. Wells SP	800343	May 5, 1980	COE
Minnesota	Big Stone, Lac Qui Parle	Supple	Big Stone Lake-Whetstone River (DS–1)	800359	May 9, 1980	COE
Mississippi	Several	Draft	Mississippi Coastal Management Program, CZM	800354	May 9, 1980	DOC
Missouri	St. Louis	Final	Lambert-St. Louis International Airport, St. Louis	800363	May 9, 1980	DOT
Montana	Big Horn, Carbon	Draft	Bighorn Canyon National Recreation Area	800356	May 9, 1980	DOI
New Jersey	Several	Draft	New Jersey Coastal Management Program	800350	May 8, 1980	DOC
	Middlesex	Draft	Green Brook Sub-basin Flood control	800347	May 6, 1980	COE
	Somerset	Draft	Green Brook Sub-basin Flood Control	800347	May 6, 1980	COE
	Union	Draft	Green Brook Sub-basin Flood Control	800347	May 6, 1980	COE
Oklahoma	Love, Marshall, Bryan	Draft	Lake Texoma, Denison Dam Modification	800348	May 7, 1980	COE
Pennsylvania	Bucks	Final	Horsham-Warminster-Warrington WWT Grants	800353	May 9, 1980	EPA
	Montgomery	Final	Horsham-Warminster-Warrington WWT Grants	800353	May 9, 1980	EPA
Regulatory		Draft	Looe Key National Marine Sanctuary	800360	May 9, 1980	DOC
		Supple	High Seas Salmon fishery FMP, (DS–1)	800358	May 9, 1980	DOC
Rhode Island	Providence	Draft	Woonsocket Industrial Park-East, Grant	800357	May 9, 1980	DOC
South Dakota	Grant	Supple	Big Stone Lake-Whetstone River (DS–1)	800359	May 9, 1980	COE
Texas	Grayson, Cook	Draft	Lake Texoma, Denison Dam Modification	800348	May 7, 1980	COE
Wyoming	Albany/Carbon	Draft	Greenriver/Hams Fork, Coal Lease	800351	May 8, 1980	DOI
	Big Horn	Draft	Bighorn Canyon National Recreation Area	800356	May 9, 1980	DOI

Appendix II.—*Extension/Waiver of Review Periods on EIS's Filed With EPA*

Federal agency contact	Title of EIS	Filing status/accession No.		Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
DEPARTMENT OF INTERIOR					
Mr. Bruce Blanchard, Director Environmental Project Review, Room 4526 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343–3891.	Auburn-Folsom South Unit, Auburn Dam Seismicity and Dam Safety, California.	Draft Supp. 800352	May 16, 1980 (See Appendix I).	Extension	July 7, 1980.
	Great Rift Wilderness Area, Idaho	Draft 800142	March 7, 1980	Extension	May 27, 1980.
	McGregor Range Grazing Mgmt. Program, Otero County, New Mexico.	Draft 800280	April 25, 1980	Extension	May 16, 1980.
	California Desert Conservation Area, General Mgmt. Plan, California.	Draft 800126	March 3, 1980	Extension	May 15, 1980.
	Green River-Hams Fork, Coal Mining Lease, Colorado and Wyoming.	Draft 800351	May 16, 1980 (See Appendix I).	Extension	July 8, 1980.
DEPARTMENT OF TRANSPORTATION					
Mr. Martin Convisser, Director Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–4357	South Fairbanks Expressway, Parks Highway to Richardson Highway, Fairbanks, Alaska.	Draft 800345	May 16, 1980 (See Appendix I).	Extension	July 7, 1980.
DEPARTMENT OF COMMERCE					
Dr. Sidney R. Galler, Deputy Assistant Secretary Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 377–4335	Looe Key National Marine Sanctuary Designation, Florida.	Darft 800360	May 16, 1980 (See Appendix I).	Extension	July 15, 1980.
	High Seas Salmon Fishery, FMP Alaska.	Draft Supp. 800358	May 16, 1980 (See Appendix I).	Waiver	June 16, 1980.

Appendix III.—*EIS's Filed With EPA Which Have Been Officially Withdrawn by the Originating Agency*

Federal agency contact	Title of EIS	Filing status/accession No.	Date notice of availability published in FEDERAL REGISTER	Date of withdrawal
None.				

Appendix IV.—*Notice of Official Retraction*

Federal agency contact	Title of EIS	Status/number	Date notice published in FEDERAL REGISTER	Reason for retraction
None.				

Appendix V.—*Availability of Reports/Additional Information Relating to EIS's Previously Filed with EPA*

Federal agency contact	Title of report	Date made available to EPA	Accession No.
None.			

Appendix VI.—*Official Correction*

Federal agency contact	Title of EIS	Filing status/ accession No.	Date notice of availability published in FEDERAL REGISTER	Correction
DEPARTMENT OF INTERIOR				
Mr. Bruce Blanchard, Director Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.	Tonopah Resource Area Domestic Livestock Grazing Mgmt. Program, Nye County, Nevada.	Draft 800334	May 9, 1980	In Appendix II an extension was published as ending on June 3, 1980. The correct termination of the review period is June 30, 1980. The extension was also published in the May 9, 1980 FR.

[FR Doc. 80-15236 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-C30150A; FRL 1492-4]

American Hoechst Corp.; Approval of Application to Register Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces the approval of an application by American Hoechst Corp., Agricultural Division, Somerville, NJ 08876 to register the product Hoelon 3EC that contains the new active ingredient methyl 2-[4-(2,4-dichlorophenoxy) phenoxy] propanate in a pesticide product.

SUPPLEMENTARY INFORMATION: On July 14, 1978 notice was given (43 FR 30341) that American Hoechst Corp., Agricultural Division, had filed an application (EPA File Symbol No. 8340-RR) with EPA to register the pesticide product Hoelon 3EC, containing 35.49% of the active ingredient methol 2-[4-(2,4-dichlorophenoxy) phenoxyl] propanoate, which was not previously registered at the time of submission. This applicaton was approved March 31, 1980 and the product has been assigned EPA registration No. 8340-11. Methyl 2-[4-(2,4-dichlorophenoxy) phenoxy] propanate is classified for restricted use as a herbicide.

PUBLIC RECORD/INSPECTION: A copy of the label and list of date references used to support registration are available for public inspection in the Acting Product Manager's (James Stone) office, Room: E-351, Registrtion Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460, telephone number 202/755-1397. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Room: EB-35, EPA, telephone number 202/426-8850 in accordance with sections 3(c)(2) of FIFRA, within 30 days after the registraton date of March 31, 1980. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, at the above address. Such requests should: 1) Identify the product by name and registration number and 2) Specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136)).

Dated: May 9, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR 80-15120 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30181; FRL 1492-7]

Mallinckrodt, Inc.; Approval of Application To Register Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the approval of an application by Mallinckrodt, Inc., to register the new active ingredient 4-cyclododecyl-2,6-dimethylmorpholinium acetate in a pesticide product.

SUPPLEMENTARY INFORMATION: On July 25, 1977, notice was given (42 FR 37848) that Mallinckrodt, Inc., 3600 N. Second Street, St., Louis, MO 63147, had filed an application (EPA Registration No. 372-51) with EPA to register the pesticide product MILBAN, containing 39% of the active ingredient 4-cyclodecyl-2,6-dimethylmorpholinium acetate, which was not previously registered at the time of submission. This application was approved February 26, 1980, and the product has been assigned EPA registration No. 372-51. MILBAN is classified for restricted use as a fungicide to control powdery mildew of roses grown commercially in greenhouses.

PUBLIC RECORD/INSPECTION: A copy of the label and list of data references used to support registration are available for public inspection in the Product Manager's (PM-21, Mr. Henry Jacoby) office, Room E-305, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460, telephone number 202-755-2562. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in the Information Services Branch, Room EB-35, EPA, telephone number 202-426-8850 in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of February 26, 1980. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, at the above address. Such requests should: 1) Identify the product by name and registration number and 2) Specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824, (7 U.S.C. 136)).

Dated: May 8, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-15119 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1492-6]

Intent To Prepare a Draft Environmental Impact Statement

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

ACTION: Notice of Intent to prepare a draft Environmental Impact Statement (EIS).

FOR FURTHER INFORMATION CONTACT: Mr. John M. Brink, Environmental Evaluation Branch (8W-EE), U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, Telephone: (Commercial) 303-837-4831 (FTS) 8-327-4831.

SUMMARY: 1. *Description of Proposed Action.* The EPA action is the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities for the Breckenridge Sanitation District and the Upper Blue River Basin in Summit County, Colorado.

2. *Description of Alternatives.* The study area has been divided into two subareas, the upper basin and the lower basin. The recommended plan for the upper basin is conversion of small wastewater treatment plants that discharge to the Blue River into community septic tanks/soil absorption systems. Other alternatives considered for the upper basin subarea were: full regionalization (centralized treatment and discharge), partial regionalization, and no action. Lower basin plan alternatives considered include: (1) Secondary treatment with phosphorus removal and direct discharge to Dillon Reservoir; (2) Secondary treatment with phosphorus removal and discharge to a mixing zone or split discharge channel of the Blue River; (3) Advanced secondary treatment with phosphorus removal and discharge to the Blue River; (4) Land treatment of wastewater; and (5) No action.

3. Public and Private Participation in the EIS Process:

Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited.

4. *Scoping.* On May 17, 1978, EPA Region VIII published a *Notice of Intent* announcing its intention to prepare an EIS on the Breckenridge facility plan and inviting all interested parties to participate. Scoping activities have been included in planning and EIS preparation efforts. These included public meetings on the EIS work plan subsequent to the original, May 1, 1978 *Notice of Intent* for their project, a public hearing held by the Breckenridge Sanitation District on population projections for the planning area, and other meetings during the planning process. Significant issues to be discussed in the EIS include the selection of a lower basin alternative and the secondary impacts of providing additional wastewater treatment capacity.

5. *Timing.* EPA estimates that the draft EIS will be available for public review and comment early in June, 1980. A public hearing will be held 30 days after release of the draft EIS.

6. *Requests for Copies of Draft EIS.* All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: May 12, 1980.

William N. Hedeman, Jr.,

Director, Office of Environmental Review (A-104).

[FR Doc. 80-15118 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1493-8]

Ambient Air Monitoring Reference and Equivalent Methods, Amendment To Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to SO_2 Equivalent Method Designation Number EQSA-0276-009 (**Federal Register**, Vol. 41, Page 8531, February 27, 1976) to include an additional option that allows the use of an alternate sample flow rate. While the designation number of the method remains the same, the method identification is amended to read as follows:

EQSA-0276-009, "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer," operated on either the 0-0.5 ppm range or the 0-1.0 ppm range, with or without any of the following options:
001—Rack mounting for standard 19 inch relay rack.
002—Automatic actuation of zero and span solenoid valves.
003—Type S flash lamp power supply.
004—Low flow.

This method is available from Thermo Electron Corporation, Environmental

Instruments Division, 108 South Street, Hopkinton, Massachusetts 01748.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (41 FR 8531, February 27, 1976). As a designated equivalent method, this method is acceptable for use by States and other control agencies for purposes which require use of a reference or equivalent monitoring method.

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (41 FR 8531) or by writing to: Director, Environmental Monitoring Systems Laboratory Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

Stephen J. Gage,

Assistant Administrator for Research and Development.

[FR Doc. 80-15128 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30037; FRL 1492-1]

Application of Certain Insecticides for Suppression of Spruce Budworm in Maine; Issuance of Advisory Opinion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Advisory Opinion.

SUMMARY: EPA is issuing an Advisory Opinion setting forth performance standards for the aerial application of specific pesticides to suppress the spruce budworm infestations in Maine under Section 2(ee) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These standards are intended to clarify current label directions with respect to the minimization of spray drift from the application of certain pesticides[1] proposed by the Maine Bureau of Forestry for use in the 1980 Spruce Budworm Suppression Program.

EFFECTIVE DATE: This notice is effective through July 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Richard W. King, Registration Division Rm. 345-B, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202-426-2510).

SUPPLEMENTARY INFORMATION: The standards and application practices outlined in this Notice were developed by the Agency after consultation with experts in aerial application technology and forest insect control and a preliminary review of past use practices and anticipated target conditions, with the expectation of reducing drift from aerial application of these pesticides. It should be noted that while every effort has been made in developing performance standards to minimize spray drift into sensitive areas, the total elimination of all traces of spray drift from such areas may be unattainable in actual practice.

If an applicator follows the specific application practices outlined in this Notice, EPA will not prosecute such an applicator for violating the misuse provision of FIFRA if small amounts of measurable spray drifts away from the target site. On the other hand, an applicator who does not follow the practices outlined in this Notice may be subject to prosecution if his application results in pesticide drift to nontarget areas. The Agency, in cooperation with the State of Maine, intends to monitor the application of pesticides during the Maine Spruce Budworm Suppression Project to determine whether pesticide drift is occurring. It should be noted that applicators are not exempted by this Notice from compliance with all other label provisions not addressed in this Notice. It should also be noted that this Notice only covers application made through July 31, 1980.

Advisory Opinion

It is EPA's opinion that the previously mentioned pesticides should be applied in accordance with their current product labeling and the application practices and parameters set forth in Tables I and II of this Notice. These application practices and parameters address such critical elements of aerial spray drift mitigation as wind velocity, distance restrictions from the site of release to sensitive areas (buffer zones), nozzle angle, nozzle types, spray boom pressure, spray release height, effective spray swath width and maximum application speed.

A. Application Techniques

The Agency has determined that the application practices and procedures outlined in the following Table I-Aircraft, Equipment and Operational Standard, employ widely available and inexpensive application equipment.

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[1] While all five pesticide products, carbaryl (Sevin 4 Oil, EPA Reg. No. 1016-70), trichlorofon (DYLOX 4, EPA Reg. No. 3125-210) *Bacillus thuringiensis* (Bt.) (THURICIDE 16B, EPA Reg. No. 11273-11) and DIPEL 4L, EPA Reg No. 275-36), and acephate (ORTHENE FOREST SPRAY, EPA Reg. No. 239-2443), proposed for use in this suppression program are currently registered for control of spruce budworm infestations in forest sites, the mention of trade or proprietary names in this Notice does not imply an indorsement by this Agency of any other federal agencey.

TABLE I

AIRCRAFT, EQUIPMENT AND OPERATIONAL STANDARDS

Aircraft Type[1]	Maximum Application Speed	Effective Swath Width[2]	Nozzle Type	Orientation	Boom Pressure[3]	Maximum Spray Release Height
Helicopters	60 mph.	70 ft.	8002	across airstream	40 psig	50 ft.
LSU Thrush	120 mph.	100 ft.	8006	across airstream	40 psig	50 ft.
TBM	165 mph.	300 ft.	8008	across airstream	40 psig	100 ft.
PV-2	175 mph.	300 ft.	8008	across airstream	40 psig	100 ft.
DC-4	180 mph.	600 ft.	8015	across airstream	40 psig	150 ft.
L-749	210 mph.	600 ft.	8015	across airstream	40 psig	150 ft.
B-17	155 mph.	500 ft.	8010	across airstream	40 psig	150 ft.

ALL APPLICATIONS: Wind speed, as determined at tree top level, must be 2 mph or greater and must not exceed 10 mph.

[1] These are the principle aircraft proposed for use in the program. Other aircraft may be used.

[2] Calculated with zero cross wind aircraft flying into the wind and nozzles oriented across the airstream. Effective cross wind swath width calculations in a 10 mph cross wind are approximately 2.2X greater than the figures listed above.

[3] An allowance of no more than ten percent (10%) or an increase or decrease of 4 psig in nozzle pressure is acceptable when calculating the operational spray boom pressure.

BILLING CODE 6560-01-C

The nozzle types recommended in Table I are believed to produce spray droplets of at least 100 microns volume median diameter (VMD) in size. While other nozzles and specialized equipment may be used, such equipment must produce in actual practice a spray droplet of comparable size (at least 100 microns VMD). Actual pesticide applications and application rates must be accomplished using a spray boom calibrated at 40 pounds of pressure per square inch (40 psig). An allowance of not more than 10 percent, or an increase of no more than 4 psig in nozzle pressure, is acceptable when calculating the operational spray boom pressure. In addition, there must be an air movement (wind), preferably away from the sensitive area, of not less than 2 miles per hour (mph) nor more than 10 mph measured at tree top level in the target site at the time of treatment. If the wind velocity exceeds 10 mph or is less than 2 mph, spray applications must be suspended. When practical, cross wind swath applications should begin with the first swath on the downwind side of the treatment area and successive swaths progressing upwind.

The aircraft mentioned in Table I are believed to be the principal type of aircraft proposed for use in this program. While other aircraft may be used, they must have performance characteristics comparable to those listed in the chart, i.e., maximum application speed, maximum spray release height and effective swath width.

B. Sensitive Areas and Buffer Zones

For the purpose of this Advisory Opinion, sensitive areas identified in the following Table II are defined as designated nontarget sites in which there are no pesticide applications.

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TABLE II

BUFFER ZONES

	Light Aircraft (helicopters and LSU Thrush)				Large Aircraft (TBM, PV-2, DC-4, L-749, & B-17)			
Sensitive Area	Sevin 4 Oil	Dylox 4	Orthene	Bt	Sevin 4 Oil	Dylox 4	Orthene	Bt
TERRESTRIAL:								
Permanent human habitation	1/2 mi.	1/2 mi.	1/2 mi.	1/4 mi.	1 mi.	1 mi.	1 mi.	1/4 mi.
Publicly-maintained roads	500 ft.	500 ft.	500 ft.	500 ft.	500 ft.	500 ft.	500 ft.	500 ft.
Apiaries	1/2 mi.	N.R.	1/2 mi.	N.R.	1 mi.	N.R.	1 mi.	N.R.
AQUATIC:								
Critical fisheries	500 ft.	250 ft.	250 ft.	N.R.	1000 ft.	500 ft.	500 ft.	N.R.
Other waters	250 ft.	150 ft.	150 ft.	N.R.	500 ft.	250 ft.	250 ft.	N.R.
Municipal water supplies and intakes	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile	1 mile

Other waters - This term includes rivers, streams, ponds, lakes and ephemeral streams and ponds with flowing or standing water visible from an aircraft flying at an altitude of one thousand feet above the terrain at the time of treatment.

Publicly-maintained roads - This term applies to any roads which are maintained with public funds.

N.R. - no distance restrictions (buffer zone).

BILLING CODE 6560-01-C

Included within the definition of nontarget sites are areas of permanent human habitation including permanent residences, schools, churches, and areas in which substantial commercial activities are conducted (e.g., shopping centers), domestic apiaries, and publicly-maintained roads. In addition, aquatic habitats such as critical fisheries, municipal water supply intakes and other waters (which include rivers, streams, ponds, lakes, and ephemeral streams and ponds with flowing or standing water visible from an aircraft flying at an altitude of 1,000 feet above the terrain at the time of treatment), are included within the definition of a sensitive area. The release of any pesticide spray is not permitted over a sensitive area or in the surrounding buffer zone. Buffer zones are defined as areas intended to receive only spray drift fallout from the application sites.

The Agency recognizes that some seasonal dwellings, such as hunting and fishing camps, may be located in or adjacent to the treatment area. These dwellings are not considered to be permanent residences and thus will not be buffered against direct application. However, many of these dwellings are near aquatic sites listed in Table II which will be buffered.

To minimize operational errors, overflights of the treatment area prior to the actual spray operation are encouraged. The purpose of these overflights is to locate visually all sensitive areas and buffer zones designated on the spray block maps. Particular attention should be given to identifying ephemeral streams and ponds visible from an aircraft flying at an altitude of 1,000 feet or less above the terrain at the time of treatment, which may not be designated on the spray block map due to their seasonality.

Authority

This Advisory Opinion governing the use of certain insecticides for the suppression of the spruce budworm in Maine through July, 1980, is issued pursuant to the authority granted to the Administrator by Section 2(ee) of FIFRA, 7 U.S.C. 136(ee) (Supp. 1979). Section 12(a)(2)(G) of FIFRA makes it unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." Section 2(ee) defines this terminology as prohibiting the use of registered pesticide "in a manner not permitted by the labeling." However, section 2(ee) also provides that this prohibition does not apply with respect to "any use of a pesticide in a manner that the Administrator determines to be consistent with the purposes of this Act."

Effective Date: This Notice is effective through July 31, 1980.

Dated: May 5, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-15127 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1493-7]

Air Quality; Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities

BACKGROUND: This notice is published under the authority of § 101(b) and § 103 of the Clean Air Act. The notice provides further clarification of a policy announced in EPA's "Recommended Policy on the Control of Volatile Organic Compounds," 42 FR 35314 (July 8, 1977) and "Clarification of Agency Policy Concerning Ozone SIP Revisions and Solvent Reactivities," 44 FR 32042 (June 4, 1979).

DISCUSSION: The previous policy statements on the control of volatile organic compounds (VOC's) noted that methyl chloroform and methylene chloride are negligibly photochemically reactive and do not appreciably contribute to the formation of ozone. Consequently, controls on emissions of these two compound would not contribute to the attainment and maintenance of the national ambient air quality standards for ozone. In the June 1979 policy statement EPA explained that it would not disapprove any state implementation plan (SIP) or plan revision for its failure to contain regulations restricting emissions of methyl chloroform and/or methylene chloride.

Today's statement clarifies EPA policy regarding state implementation plan submittals which do contain regulations restricting emissions of the two compounds. Section 110(a)(1) of the Clean Air Act limits state implementation plans to measures designed to achieve and maintain the national ambient air quality standards (NAAQS). Because current information indicates that emissions of methyl chloroform and methylene chloride do not appreciably affect ambient ozone levels, EPA cannot approve measures specifically controlling emissions of either or both compounds as part of a federally enforceable ozone SIP. EPA will take no action on any measures specifically controlling emissions of the two compounds which are submitted by the states as ozone SIP measures for EPA approval. If a state chooses to control emissions of these compounds, such measures will be considered as state regulations only and not as part of an ozone SIP. EPA will not enforce controls on emissions of either methyl chloroform or methylene chloride adopted by the state as part of an implementation plan for ozone.

States retain authority to control emissions of these compounds under the authority reserved to them under Section 116 of the Clean Air Act. For further information relevant to the exercise of this authority see the July 8, 1977 and June 4, 1979 policy statements. This policy notice should not be read as a statement of EPA's views on the desirability of controls on these substances.

Finally, EPA wishes to point out that this policy notice addresses only the Agency's lack of authority to include in federally approved SIPs controls on substances whose emissions do not contribute, either directly or indirectly, to concentrations of pollutants for which NAAQS have been established under section 109 of the Act. This policy notice does not address the question of SIP measures which control substances contributing to concentrations of pollutants for which NAAQS have been established, but which are contended to be more strict than absolutely necessary to attain and maintain the NAAQS. EPA has no authority to exclude such measures from SIPs.

FOR FURTHER INFORMATION CONTACT: G. T. Helms, Chief, Control Programs Operations Branch (MD-15), Research Triangle Park, North Carolina 27711, (919) 541-5226, FTS 629-5226.

Dated: May 9, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-15124 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1491-7; PP 6G1807/T239]

Extension of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the temporary tolerance for residues of the herbicide thidiazuron (*N*-phenyl-N'-1,2,3-thiadiazol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm), milk 0.05 ppm, eggs 0.1 ppm, meat fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm.

FOR FURTHER INFORMATION CONTACT: James Stone, Acting Product Manager (PM) 23, Room; E–351 (TS–767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Steet, S.W., Washington, D.C. 20460, (202–755–1397).

SUPPLEMENTARY INFORMATION: In the Federal Register of October 17, 1979 (44 FR 59956) EPA announced the establishment of a temporary tolerance for residues of the herbicide thidiazuron *N*-phenyl-N'-1,2,3,-thiadiazol-5-ylurea) and its aniline-containing metabolites in or on the raw agricultural commodities cottonseed at 0.2 ppm, milk 0.5ppm. eggs 0.1 ppm, meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. The tolerance was established in response to a pesticide petition (PP 6G1807) submitted by Nor-Am Agricultural Products, Inc. That temporary tolerance permitted the marketing of the above raw agricultural commodities when treated in accordance with experimental use perimit 2139–EUP–23. That experimental use permit will expire July 1, 1980.

Nor-Am Agricultural Product, Inc. requested a one-year extension of this temporary tolerance to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provision of the experimental use permit 2139–EUP–23. (A related document establishing a feed additive regulation for residues of thidiazuron in or on cottonseed hulls appears elsewhere in today's Federal Register.) These temporary tolerances will permit the marketing of the above raw agricultural commoditiy when treated in accordance with an experimental use permit (2139–EUP–23) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C.).

The scientific data reported and all other relevant material were evaluated, and it was determined that extension of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been extended on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Nor-Am Agricultural Products, Inc., must immediately notify the EPA of any findings from the experimental use permit that have a bearing on safety. The firm will also keep records of production, distribution, and performance and upon request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance will expire July 1, 1981. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodities after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561; (21 U.S.C. 346a(j))

Dated: April 24, 1980.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80–15122 Filed 5–15–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1492–8; OPP–180432]

Oregon Department of Agriculture; Specific Exemption for Naphthaleneacetic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") for the use of naphthaleneacetic acid (NAA) in eleven counties in Oregon to control cracking and splitting of cherries. This specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 1, 1980.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, 202/426–0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, the fruit of the sweet cherry is highly susceptible to cracking due to rainfall. The cracking is caused by absorption of water directly through the skin of the fruit. This absorption produces an increase in the volume of the fruit beyond the skin's capacity to contain it; consequently, cracking occurs. Severe cracking results in a low quality crop or, many times, a crop that is not worth harvesting, the Applicant states. The Applicant estimates a loss of $1.6 million without the use of NAA.

The Applicant proposed to make a single application of NAA to 7,500 acres of sweet cherries in the counties of Benton, Clackamas, Douglas, Hood River, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill.

Naphthaleneacetic acid is currently registered for use on apples, pears, quinces, and pineapples; and permanent tolerances for residues of NAA in or on these raw agricultural commodities have been established. EPA has determined that residues of NAA in or on sweet cherries from the proposed use should be less than 0.05 part per million (ppm). EPA has judged this residue level to be adequate to protect the public health. No hazard to the environment is anticipated from this program.

After reviewing the application and other available information, EPA has determined that (a) cracking or splitting of sweet cheries is likely to occur; (b) there is no plant regulator presently registered and available for use to control cracking and splitting in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if cracking and splitting of cherries is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a plant regulator to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the plant regulator noted above until July 1, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The pesticide products Liquistik Concentrate (EPA Reg. No. 279–2131) and Fruitone N (EPA Reg. No. 264–141) may be applied;

2. The rate of application of NAA will not exceed two grams per acre. The product will be applied in 50 to 500 gallons of water;

3. A total of 7,500 acres of sweet cherry trees may be treated using no more than a total of 33 pounds of NAA.

4. Application will take place by ground equipment only and may be made during the period of May 1 through June 30, 1980;

5. A 30-day pre-harvest interval will be observed;

6. All applicable directions, restrictions, and precautions on the product labels will be observed;

7. Application is limited to the counties named above;

8. The limited residue data submitted indicate that residues of naphthaleneacetic acid will not exceed 0.05 ppm in or on sweet cherries. Sweet

cherries with residues of 0.05 ppm or less may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action;

9. Due to the limited residue data available, the Applicant must assure that additional residue data are gathered for sweet cherries treated under this exemption; and

10. The Applicant is responsible for assuring that all provisions of this specific exemption are met and must submit a report summarizing the results of the proposed program by December 31, 1980. This report shall include the total acreage treated, total amount of NAA used and where it was used. In addition, the average tonnage of cherries obtained from use of NAA under the exemption as compared to the tonnage generally obtained must be reported. This information must apply only to those cherry fields which are treated under the exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 8, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-15121 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1492-2; OPTS-51062]

Premanufacture Notices

AGENCY: Environmental Protection Agency (ETA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by June 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, 202-426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M. St. SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51062]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 8, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-89

Close of Review Period. July 22, 1980.

Manufacturer's Identity. Claimed confidential. Submitter has annual sales of between $10,000,000 and $99,000,000 and will produce the substance in the east-north central region of the country.

The manufacturer's Standard Identification Code is 285.

Specific Chemical Identity. Copolymer of isononanoic acid, phthalic anhydride, maleic anhydride, and pentaerythritol polymer (subject of PMN 80–55) and formaldehyde; and butylated and 2-ethylhexylated urea polymer.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Generic use of substance: Substance will be used in coatings.

Production Estimates

[Kilogram per year]

Production year	Minimum	Maximum
First year	6,800	13,600
Second year	13,600	27,200
Third year	13,600	27,200

Physical/Chemical Properties. Substance is non-volatile. Submitter provided no other data concerning physical or chemical properties.

Toxicity Data. There were no toxicity data submitted. The substance has been used in the manufacture of coatings for over 40 years and the submitter claims that he is not aware of any risks to health or the environment.

Exposure.

Closed equipment is used in cooling and reducing the resin. The filter operation is vented to the atmosphere. Disposal is by landfill.

Site Controlled by Others

Air: Less than 10; 8 hr/da; 300 da/yr.
Water: Between 10 and 100; 8 hr/da; 300 da/yr.

PMN 80–90.

Close of Review Period. July 23, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Dimethyl (substituted) hetercomonocyclic salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use claimed confidential. According to the manufacturer "the new site-limited chemical intermediate will be used to manufacture a final chemical which will be incorporated in a commercial article. The final chemical will be a minor constituent of the article". No other catergories of use are being considered for the new chemical.

Production Estimates

[Kilogram per year]

Production year	Minimum	Maximum
First year	10	80
Second year	20	100
Third year	50	150

Physical/Chemical Properties

[Solubilities]

Water (percent)	≥ 0.1
DMSO (percent)	≥ 10.0
Acetone (percent)	≥ 10.0
Corn oil (percent)	< 0.1
Octanol (percent)	< 0.1

Physical/Chemical Properties—Continued

[Solubilities]

Melting Point (degree, Celsius)	57.5

Toxicity Data

Acute oral LD_{50}	Greater than 3,000 mg/kg
Acute dermal LD_{50}	Greater than 1,000 mg/kg
Skin irritation	Slight

Activity	Exposure Route	Maximum Number Exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Site controlled by manufacturer.						
Manufacture	Inhalation	2	1	300		1–10 ppm
Processing	Inhalation	30	4	300		1–10 ppm
Use	Inhalation	Unknown	8	300		1–10 ppm
Disposal	Inhalation	2	3	300		1–10 ppm

Exposure may occur while material is being transferred or while pigment is being incorporated in grinding operations. Physical states of the chemical to which workers may be exposed: Liquid or fume.

Site controlled by others.

Use	Inhalation	Unknown	8	300	1–10 ppm

Physical state of the chemical to which workers may be exposed: Mist

Environmental Release/Disposal.

Site controlled by manufacturer.

Media	Amount/Duration of Chemical Substance Release (kg/yr).
Air	Less than 10.
	1 hr/da; 300 da/yr.
Water	Less than 10.
Land	Less than 10.

1 Activity	Exposure route	Maximun number Exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Site controlled by manufacturer.						
Manufacture	Dermal and inhalation.	2	2	3	0–1 mg/m³	1–10 mg/m³
Use	Dermal and inhalation.	2.	0.5	50	0–1 mg/m³	0–1 mg/m³

Environmental Release/Disposal.

Site controlled by manufacturer.

Media	Amount of Chemical Substance Released (kg/yr.)
Air	Less than 10.
Water	Less than 10.
Land	None.

Exposure.

Pollution Control Equipment and Waste Disposal Operations.

Production Process Equipment. Emissions of vapors and dusts are scrubbed before release to the atmosphere in accordance with applicable state regulations. Wastewater is collected in decanting sumps where heavy layers and light layers are removed for incineration and the clarified wastewater is treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an

incinerator. Solid wastes containing combustible chemicals are transported to an incinerator.

Biological Treatment. Process wastewater is treated prior to discharge in accordance with an NPDES permit. Treatment includes primary sedimentation, neutralization, secondary treatment using a high-rate activated sludge system, followed by final aeration in a riffle trough. Sludges from the activated sludge treatment and primary sedimentation basins are combined and incinerated above 1,600°F in incinerators equipped with appropriate state-certified air pollution control equipment.

Incineration. A combustible waste incinerator operating above 1,600°F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system. Incinerators comply with applicable federal and state regulations.

Thermal Destruction. Process wastewater is pretreated prior to discharge to a wastewater treatment system. Sludge from the pretreatment system is further processed by a thermal destruction process operating above 1,600°F and equipped with appropriate state-certified air pollution control equipment.

[FR Doc. 80-15125 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1492-5; PP 6G1765/T242]

Renewal of a Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed a temporary tolerance for residues of the herbicide 3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-(1*H*,3*H*-dione and its metabolites (calculated as the parent compound) in or on sugarcane at 0.2 part per million (ppm).

FOR FURTHER INFORMATION CONTACT: James M. Stone, Acting Product Manager (PM) 23, Room: E-351 (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202-755-1397).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 19, 1977 (42 FR 55847) EPA announced the establishment of a temporary tolerance for the residues of the herbicide 3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2-(1*H*,3*H*)-dione and its metabolites (calculated as the parent compound) in or on the raw agricultural commodity sugarcane at 0.2 part per million (ppm). This tolerance was established in response to a pesticide petition (PP 6G1765) submitted by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898. That tolerance permitted the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit 352-EUP-91, that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This tolerance expired September 29, 1979.

E. I. du Pont de Nemours & Company has requested a renewal of the temporary tolerance to permit the marketing of the above raw agricultural commodity treated in accordance with experimental use permit 352-EUP-91 which has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act as amended in 1972, 1973, and 1978 (92 Stat. 819; 7 U.S.C.).

The scientific data reported and all other relevant material were evaluated, and it was determined that renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the experimental use permit be used with the following provisions:

1. The total amount of the active pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. E. I. du Pont de Nemours & Company must immediately notify the EPA of any finding from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

This temporary tolerance expires September 30, 1980. Residues not in excess of this temporary tolerance remaining in or on the raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revocation is necessary to protect the public health.

(Sec. 408(j), 68 Stat. 561 (21 U.S.C. 346a(j)).

Dated: May 9, 1980.

Reto Engler,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 80-15123 Filed 5-15-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

Ashton Investment Co.; Proposal To Continue To Act as General Insurance Agency

Ashton Investment Company, Rock Rapids, Iowa, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the activity of acting as agent in the sale of any insurance in a community that has a population not exceeding 5,000. These activities would be performed from an office in Ashton, Iowa, serving Ashton, Iowa and adjacent areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 9, 1980.

Board of Governors of the Federal Reserve System, May 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-15031 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

First Mexia Bancshares, Inc.; Formation of Bank Holding Company

First Mexia Bancshares, Inc., Mexia, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of First Mexia Bank, Mexia, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the 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 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-15030 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

IDB Bankholding Corp. Ltd., et al.; Formation of Bank Holding Companies

IDB Bankholding Corporation Limited; Israel Discount Bank Limited; Israel Investment and Finance Corporation Limited; Israel Financial Holding, Limited; Gov Financial Holdings Limited; and Naftali Financial Holdings Limited, all of Tel Aviv, Israel, have 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 bank holding companies with respect to Israel Discount Trust Company, New York, New York. 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 New York. 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 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 9, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-15033 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Citizens National Bank of Waco, Waco, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received 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 8, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-15032 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

Morton Bancshares, Inc.; Formation of Bank Holding Company

Morton Bancshares, Inc., Morton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank, Morton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 12, 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 12, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-15197 Filed 5-15-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 120]

The California Public Utilities Commission and the Pacific Telephone & Telegraph Co.; Proposed Intervention in Telephone Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the California Public Utilities Commission concerning the application of the Pacific Telephone and Telegraph Company for an increase in its annual telephone rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW, Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, on or before June 16, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: April 30, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-15040 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-25-M

[E-80-10]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Utah Public Service Commission involving gas utility rates.

2. *Effective date.* May 16, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Utah Public Service Commission involving the application of the Mountain Fuel Supply Company for an increase in its gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 1, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-15038 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-AM-M

[E-80-11]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Oklahoma Corporation Commission involving electric utility rates.

2. *Effective date.* May 16, 1980.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Oklahoma Corporation Commission involving the application of the Oklahoma Gas and Electric Company for an increase in its electric rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 30, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-15037 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 121; Docket No. GR-80173]

The Gas Service Co. and the Public Service Commission of Missouri; Proposed Intervention in Gas Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Sevice Commission of Missouri concerning the application of the Gas Service Company for an increase in its gas rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, on or before June 16, 1980, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any person parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: May 1, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-15039 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-AM-M

Research Use of Records in the National Archives Committee; Meeting

Notice is hereby given that the Committee on Research Use of Records in the National Archives will meet at the time and place indicated below. Anyone interested in attending, or who wishes additional information, should contact the person shown below.

Committee on Research Use of the Records in the National Archives.

Meeting date: May 30, 1980 at 9:30 a.m.

Place: Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408.

Agenda: A review of the plans for the dispersal of certain archival materials deposited in the National Archives of the United States to regional locations and methods of obtaining responses from the user community to these plans.

For further information contact: Robert Brookhart, General Services Administration (NS), Washington, D.C. 20408 (202-523-3616).

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

Walter W. Stender,

Acting Archivist of the United States.

[FR Doc. 80-15036 Filed 5-15-80; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Psychiatry Education Review Committee and the Psychology Education Review Committee; Meeting Cancellations

In Federal Register Document 80-13744 appearing on page 29411 in the issue of Friday, May 2, 1980, the May 16 meeting of the Psychology Education Review Committee and the May 29-30 meeting of the Psychiatry Education Review Committee were announced. These meetings have been cancelled.

Dated: May 13, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-15203 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting

to be chaired by Anthony J. Whitehead, District Director, Houston District Office, Houston, TX 77009.

DATE: The meeting will be held at 10 a.m., Thursday, May 22, 1980.

ADDRESS: The meeting will be held at the Food and Drug Administration, 1440 North Loop, Suite 250, Houston, TX 77009.

FOR FURTHER INFORMATION CONTACT: Juan A. Tijerina, Consumer Affairs Officer, Food and Drug Administration, 419 S. Main, Rm. 301, San Antonio, TX 78204, 512–229–6737.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Houston District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–14745 Filed 5–15–80; 8:45 am]

BILLING CODE 4110–03–M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by F. R. Carlson, District Director, Boston District Office, Boston MA.

DATE: The meeting will be held at 10 a.m., Tuesday, May 20, 1980.

ADDRESS: The meeting will be held at the Norris Cotton Federal Bldg., 275 Chestnut St., 3d Floor Conference Room, Manchester, NH 03101.

FOR FURTHER INFORMATION CONTACT: Yolan L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617–223–5857.

SUPPLEMENTAL INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enchance relationships between local consumers and FDA's Boston District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–17646 Filed 5–15–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78N–0081; DESI 5803]

Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for continued marketing of phthalylsulfathiazole, a poorly absorded sulfonamide for oral use. Under the exemption, the drug has been allowed to remain on the market beyond the time limit established for implementation of the Drug Efficacy Study. The question of the drug's effectiveness has now been resolved.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice appearing elsewhere in this issue of the **Federal Register**, the Director of the Bureau of Drugs is reclassifying the possibly effective indications for the poorly absorbed sulfonamide (phthalylsulfathiazole) described below (DESI 5803) to lacking substantial evidence of effectiveness. The drug has been allowed to remain on the market beyond the time limit established for implementation of the Drug Efficacy Study (DESI). The temporary exemption to permit continued marketing was announced in a notice published in the **Federal Register** of August 8, 1973 (38 FR 21441).

A multiclinic study sponsored by Merck, Sharp & Dohme on the tablet form of phthalylsulfathiazole failed to demonstrate effectiveness of the product for its claimed indication for gastrointestinal use. No other person submitted data. Therefore, the temporary exemption granted by the August 8, 1973 notice, as it pertains to the following products, is hereby revoked.

NDA 5–803; Cremothalidine Suspension and Sulfathalidine Tablets, containing phthalylsulfathiazole; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

This terminates the temporary exemption that applied to poorly absorbed sulfonamides for oral use.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: May 8, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80–14743 Filed 5–15–80; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78N–0081; DESI 5803]

Poorly Absorbed Sulfonamide for Oral Use; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies phthalylsulfathiazole, a poorly absorbed sulfonamide for oral use, to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an opportunity for hearing on the proposal.

DATE: Hearing requests due on or before June 16, 1980.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 5803 and the docket number appearing in the heading of this notice, and directed to the attention of the appropriate office named below.

Requests for hearing: Hearing Clerk (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Bureau of Drugs (HFD–32), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 19, 1970 (35 FR 14666), the Food and Drug Administration classified poorly absorbed oral and rectal sulfonamides as possibly effective or lacking substantial evidence of effectiveness for their various indications for gastrointestinal use, such

as adjunctive therapy in the management of ulcerative colitis.

Subsequently, in a notice published in the **Federal Register** of August 8, 1973 (38 FR 21441), poorly absorbed oral sulfonamides were temporarily exempted as Category XIV from the time limit established for completing certain phases of the Drug Efficacy Study (DESI) program, and Sulfasuxidine Tablets (succinylsulfathiazole), Thalamyd Tablets (phthalylsulfacetamide), and Sulfathalidine Tablets and Cremothalidine Suspension (phthalylsulfathiazole) were permitted to remain on the market pending completion of scientific studies. After the sponsors informed FDA that studies were not being conducted on Sulfasuxidine Tablets and Thalamyd Tablets, the agency revoked the exemption for those two products in a notice published in the **Federal Register** of May 2, 1978 (43 FR 18771) and withdrew approval of those applications on September 22, 1978 (43 FR 43070), leaving the following two products in Category XIV:

NDA 5–803; Cremothalidine Suspension and Sulfathalidine Tablets containing phthalylsulfathiazole; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

Subsequent to the August 8, 1973 notice, Merck sponsored a multiclinic, double-blind, randomized, parallel-design study by nine investigators, involving 76 patients, to compare the effectiveness of Sulfathalidine and placebo in the treatment of patients with ulcerative colitis in remission. Merck concluded, and FDA agrees, that the results of the study failed to show a statistically significant difference between Sulfathalidine and placebo in the treatment of ulcerative colitis.

No other person has submitted data or protocols or has expressed an intention to perform additional studies on the drug, and it is now reclassified to lacking substantial evidence of effectiveness. The temporary exemption granted by the August 8, 1973 notice, as it pertains to the drug, is revoked in a notice appearing elsewhere in this issue of the **Federal Register.**

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug products.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug products that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(P) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962 or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above and of all identical, related or similar drug products.

An applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before June 16, 1980, a written notice of appearance and request for hearing, and (2) on or before July 15, 1980, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

This notice issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: April 23, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80-14744 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0116]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the use of 2,2'-(2,5-thiophenediyl)bis(5-*tert*-butylbenzoxazole) as a colorant in plastic substances that are intended for use in contact with food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 6R3185) has been filed by the Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Subpart D of Part 178 be amended to provide for the safe use of 2,2'-(2,5-thiophenediyl)bis(5-*tert*-butylbenzoxazole) as a colorant in plastic substances that are intended for use in contact with food.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 7, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-14886 Filed 5-15-80; 8:45 am]

BILLING CODE 4112-03-M

[Docket No. 79N-0179]

Beecham Laboratories, Sansalid (Uredofos) Tablets; Denial of Request for Hearing and Withdrawal of the New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) denies a hearing and withdraws approval of the new animal drug application (NADA 100–745V) for Sansalid (Uredofos) Tablets.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Andrew J. Beaulieu, Bureau of Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: On July 17, 1979, a notice of opportunity for hearing was published in the **Federal Register** (44 FR 41727) regarding the withdrawal of approval of a new animal drug application for Sansalid (Uredofos) Tablets, NADA 100–745V. The notice was based on two issues: (1) under 21 U.S.C. 360b(e)(1)(A) of the Federal Food, Drug, and Cosmetic Act, experience shows that the drug is unsafe for use under the conditions of use upon the basis of which the application was approved; and (2) under 21 U.S.C. 360b(e)(1)(B) of the act, new evidence not contained in the application and not available until after the application was approved shows that the drug is no longer shown to be safe for use under its approved conditions of use. The notice required the submission of a notice of participation requesting a hearing by August 16, 1979, and data and analysis supporting the request for hearing by September 17, 1979.

On August 16, 1979, Beecham Laboratories, the holder of NADA 100–745V, filed a notice of participation and requested a hearing. On September 14, 1979, Beecham Laboratories submitted a letter acknowledging that it did not intend to submit any data on its own behalf to support the hearing request. However, Beecham Laboratories did submit comments prepared and offered by Rohm & Haas, a company which formerly owned the rights to Sansalid and assisted in the development of data in support of approval of an NADA. Rohm & Haas' comments pertained solely to issue (2) of the notice, namely whether Sansalid is no longer shown to be safe. Rohm & Haas' comments are entitled, "Comments on Section IV of FDA's July 17 **Federal Register** Notice."

Findings

The approval for NADA 100–745V must be withdrawn if the government can prevail on either of the grounds specified in the notice of July 17, 1979. No information, argument, or objection has been submitted either by Beecham Laboratories or by Rohm & Haas regarding issue (1), namely, whether the drug is unsafe for use under the conditions of use upon the basis of which the application was approved. (See 44 FR 41728 through 41730 for a discussion of issue (1).) Under 21 CFR 12.24 and 514.200, the right to a hearing on the issue has been waived. Even if the right to a hearing had not been waived, a hearing would not be justified on this issue as no genuine and substantial issue of fact related to it has been raised by either Beecham Laboratories or Rohm & Haas. Accordingly, the agency finds that Sansalid is unsafe within the meaning of 21 U.S.C. 360b(e)(1)(A). The approval for NADA 100–745V is withdrawn on the basis of this finding.

As stated above, comments have been received from Rohm & Hass regarding issue (2), namely, whether new evidence shows that the drug is no longer shown to be safe under its approved conditions of use. With respect to this issue, the Bureau of Veterinary Medicine described in the notice its reexamination of the data in NADA 100–745V. The Bureau had conducted the reexamination to determine, if possible, why the commercially distributed product had proved to be unsafe. The data available to the agency were insufficient either to determine the cause of Sansalid's demonstrated toxicity or to rule out a number of potential causes of that toxicity. (See 44 FR 41730 through 41735.) The submission from Rohm & Haas contains no new information or data regarding Sansalid; it consists entirely of comments concerning the plausibility of the various potential causes of Sansalid toxicity discussed by the agency in section IV of the notice (See 44 FR 41730). Rohm & Haas does not question that the marketed product is unsafe, and it does not identify the cause of the demonstrated lack of safety. In addition, Rohm & Haas does not postulate any causes of the demonstrated lack of safety. Rohm & Haas attempts to reject most, but not all, of the potential causes identified by the agency in the **Federal Register** notice, but it offers no reasons why the approval of the NADA should not be withdrawn. The submission of Rohm & Haas, even if accurate, is insufficient to justify any resolution of issue (2) other than withdrawal of the

approval of the NADA. The submission, therefore, does not support the granting of a hearing under 21 CFR 12.24(b)(3).

This action has been reviewed for potential environmental impact in accordance with the proposed revised 21 CFR Part 25 (44 FR 71742). Because the drug is not being marketed, it is excluded from the preparation of an environmental assessment under proposed 21 CFR 25.24(b)(2) (The proposal provides that this provision was effective upon publication of the proposal (44 FR 71742)).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701, 52 Stat. 1055–1056 as amended, 82 Stat. 343–351 (21 U.S.C. 360b, 371)) and the Animal Drug Amendments of 1968 (sec. 108(b), 82 Stat. 353) and under authority delegated under 21 CFR 5.1, the Commissioner of Food and Drugs, based on the findings stated above, hereby concludes and orders: (1) that the request for hearing made by Beecham Laboratories on the withdrawal of approval of NADA 100–745V for Sansalid (Uredofos) Tablets be denied; and (2) that approval of NADA 100–745V, Sansalid Tablets, be withdrawn.

A regulation providing for the revocation of 21 CFR 520.2645 is found elsewhere in this issue of the **Federal Register.**

Dated: May 6, 1980.

Jere E. Goyan

Commissioner of Food and Drugs.

[FR Doc. 80-15052 Filed 5-15-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Environmental Impact Statement Public Scoping Meeting Oil and Gas Drilling; Jackson, Wyo.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey and the U.S. Forest Service will be holding a public scoping meeting covering proposed oil and gas drilling in the vicinity of Jackson, Wyoming. The U.S. Geological Survey and the U.S. Forest Service have decided to prepare jointly an environmental impact statement (EIS) covering the exploration and conceptual development and production of oil and gas from leased Federal lands in the vicinity of Jackson, Wyoming. The initial concern developed as a result of the National Cooperative Refinery Association filing an application to drill a well in the Cache Creek Unit. However, as this would not properly consider nearby related activities, we tenatively plan to enlarge the scope to include neighboring lease tracts, e.g., Little Granite Creek in the Bear Thrust Unit by Getty Reserve Oil, Inc. The exact boundary of the study will be determined through the scoping process. The proposed lease tracts to be studied are located southeast of Jackson in the Teton National Forest. Geologically, they are in the Overthrust Belt. Access routes to well sites within the lease tracts could impact the proposed Gros Ventre Wilderness Area. The U.S. Geological Survey and the U.S. Forest Service will prepare a draft EIS by April 1981 and a final EIS by September 1981. Alternatives identified in the final EIS will be used to arrive at final decisions on any pending drilling applications. The U.S. Geological Survey and the U.S. Forest Service are obligated to make these decisions within 90 days after the final EIS is completed.

The U.S. Geological Survey and the U.S. Forest Service have prepared a scoping document which summarizes the drillings proposals, alternative Federal decisions, anticipated issues and concens, and identifies the members of the interdisciplinary team. Members of the public are urged to write to the Geological Survey task force leader (address below) for a copy. Additional revew copies are available for public inspection during business hours at the following locations:

- U.S. Forest Service, Intermountain Region, Ogden, Utah.
- U.S. Forest Service, Bridger-Teton National Forest, 340 North Cache Street, Jackson, Wyoming.
- U.S. Geological Survey, District Oil and Gas Office, 125 Elk Street, Rock Springs, Wyoming.
- U.S. Geological Survey, Conservation Division, Public Reading Room, Building 85, Denver Federal Center, Lakewood, Colorado.
- Jackson Public Library, Jackson, Wyoming.
- U.S. Geological Survey Library, National Center, Reston, Virginia.

DATES: The joint EIS task force will conduct a formal scoping meeting on June 17, 1980, at the Ramada Inn (Teton Room) in Jackson, Wyoming. It will consist of three sessions: 9 a.m. to 12 noon, 1 p.m. to 4 p.m., and 6:30 p.m. to 9:30 p.m. The purpose of these meetings is to (1) review and clarify all major issues and concerns already identified by the U.S. Geological Survey and the U.S. Forest Service and (2) receive additional public input on any other factors which may be important considerations. This will help the task force structure the EIS so that they focus on key items and central questions. Anyone wishing to discuss something at the scoping meeting should contact Mr. John Matis, the U.S. Geological Survey task force leader, as soon as possible.

FOR FURTHER INFORMATION CONTACT: Mr. John Matis, Conservation Division, U.S. Geological Survey, P.O. Box 25046, Mail Stop 609, Denver Federal Center, Denver, Colorado 80225, (303) 234–4666.

SUPPLEMENTAL INFORMATION: Oral statements at the sessions will be limited to a period of 5 minutes. Individuals will be allotted time for the specific session requested in the order the requests are received. Once a session is filled, individuals will be assigned a time in the next available session. To the extent that time is available, after presentation of oral statements by those who have given advance notice, the presiding officer will give others present an opportunity to be heard in the order that their names appear on the session register.

Written comments may also be submitted to Mr. Matis if they are forwarded by June 30, 1980. The U.S. Geological Survey and the U.S. Forest Service intend to finalize the scope of the EIS by that date.

If, at any time during preparation of this EIS, any person wishes to contact the task force, he or she should feel free to do so. We need public involvement so that all important aspects are addressed and properly considered in the decisionmaking process. This is the ultimate goal of the U.S. Geological Survey and the U.S. Forest Service.

Dated: May 12, 1980.

John Duletsky,

Deputy Division Chief, Onshore Minerals Regulation.

[FR Doc. 80-15026 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-31-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 9, 1980. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage

Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by June 2, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

Wisconsin

Brown County

Green Bay, *Kaap's Restaurant*, 212–214 N. Washington St.

[FR Doc. 80–15058 Filed 5–15–80; 8:45 am]

BILLING CODE 4310–03–M

Bureau of Land Management

Alaska; Notice of Off-Road Vehicle Designation

May 8, 1980.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation designation.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designed as limited to off-road motorized vehicle use.

The area affected by this decision is known as Portage Flats consisting of 9,051 acres and located approximately 50 miles southeast of Anchorage, Alaska, along the Seward Highway. The designation is a result of a resource study conducted by BLM and comments submitted by the public.

Limited Designation

The designation for the Portage Flats Area is limited by seasons of use. As a result of the sensitivity of the soils and vegetation and use of the area for waterfowl nesting, the entire 9,051 acres is closed during the spring, summer and fall seasons. During the winter season the entire 9,051 acres is open to use by snowmachines. Other off-road vehicles are not allowed in the area.

This designation becomes effective May 16, 1980, and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT THE FOLLOWING BUREAU OF LAND MANAGEMENT OFFICER: Peninsula Resource Area Manager, Anchorage District Office, 4700 E. 72nd Avenue, Anchorage, Alaska 99507, (907–344–9661).

Curtis V. McVee,

State Director for Alaska.

[FR Doc. 80–15041 Filed 5–15–80; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Coulee Dam National Recreation Area; Availability of Draft General Management Plan and Finding of No Significant Impact

Alternatives for the general management plan for Coulee Dam National Recreation Area were presented in an environmental assessment which was distributed to the public for review in August, 1979. The alternatives were derived from recommendations made during several public meetings held during the winter or 1978–79 and from a visitor survey conducted in 1978.

The National Park Service has prepared a finding of no significant impact and a draft general management plan for public comment. The plan, which takes into consideration all previous public involvement, includes measures that will serve both long-and short-term needs to protect the cultural and natural resources of the park while also providing for visitor use and enjoyment.

Copies of the finding of no significant impact and the draft plan will be sent to all persons, agencies, and organizations commenting on the environmental assessment. The documents are also available upon request at the Regional Office, National Park Service, 607 Fourth and Pike Building, Seattle, Washington, 98101; at the Superintendent's office, Coulee Dam National Recreation Area, 1008 Crest Drive, Box 37, Coulee Dam, Washington, 98116; and at the National Park Service/Forest Service Information Office, U.S. Court House, Room 112, West 920 Riverside, Spokane, Washington, 99201. Comments should be sent to the Superintendent at the above address within thirty (30) days following publication of this notice.

The National Park Service will make a final determination on whether to prepare an environmental impact statement after a thirty-day-review period for the finding of no significant impact.

Dated: April 18, 1980.

Russell E. Dickenson,

Regional Director, Pacific Northwest Region.

[FR Doc. 80–15082 Filed 5–15–80; 8:45 am]

BILLING CODE 4310–70–M

Office of the Secretary

Extension of Review for Assessment of Alternatives and Review of Alternatives General Management Plan; Pictured Rocks National Lakeshore, Michigan

On April 9, 1980, in Vol. 45, No. 70, of the Federal Register, notice of availability of the Assessment and Review of Alternatives and notice of public meetings were announced, with the period for public comment to end on May 15, 1980.

Notice is hereby given that the National Park Service has extended the period for public comment until June 16, 1980.

Copies of the documents are available for review at the Office of the Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, and comments should be submitted to that Office.

Dated: May 7, 1980.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 80–15081 Filed 5–15–80; 8:45 am]

BILLING CODE 4310–70–M

[INT DES 80–34]

Bighorn Canyon National Recreation Area, Montana and Wyoming; Availability of Draft Environmental Impact Statement; Public Hearings for Wilderness Proposal, General Management Plan, and Development Concept Plans

Notice is hereby given in accordance with section 3(d)(1)(B) of the Wilderness Act of September 3, 1964 (Pub. L. 88–577; 78 Stat. 892 (16 U.S.C. 459(e) et seq.)), and in accordance with Departmental procedures as identified in 43 CFR 19.5, that public hearings will be held at the following locations and times for the purpose of receiving comments as to the suitability of certain lands within Bighorn Canyon National Recreation Area for designation as wilderness. Also as part of the National Park Service's program for public participation in planning, these public hearings will serve as an opportunity to receive comments on the draft general management plan and development concept plans for Bighorn Canyon National Recreation Area.

June 17, 1980, Crow Agency, Montana, St. Dennis Parish Church, 7 p.m. to 11 p.m.

June 18, 1980, Hardin, Montana, Hardin High School Cafeteria, 702 North Perry Avenue, 7 p.m. to 11 p.m.

June 19, 1980, Lovell, Wyoming, Bighorn Canyon National Recreation Area Visitor Center, junction of State highways 14 and 14A, 7 p.m.

June 20, 1980, Billings, Montana, Eastern Montana College, Liberal Arts Building, 1500 North 30th Street, Room 231, 7 p.m. to 11 p.m.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service has prepared a draft environmental statement for the wilderness proposal, general management plan, and development concept plans. Copies may be obtained from the Superintendent, Bighorn Canyon National Recreation Area, P.O. Box 458, Fort Smith, Montana 59035 (telephone (406) 666–2412), or from the Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, Colorado 80225 (telephone (303) 234–5762). Copies of the documents are also available for review at the locations noted above.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearings, providing they notify the Hearing Officer by June 11, 1980, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal, general management plan, and development concept plans to the Hearing Officer for inclusion in the official record which will be held open for written statements until August 4, 1980. The Hearing Officer may be contacted by writing or telephoning the Superintendent, Bighorn Canyon National Recreation Area.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement that may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record. However, all materials presented at the hearing shall be subject to a determination by the Hearing Officer that they are appropriate for inclusion in the hearing record. To the extend that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Office will give others present an opportunity to be heard.

After an explanation of the preliminary wilderness proposal and the draft general management plan and development concept plans by a representative from the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State of Montana and Governor of the State of Wyoming, or representative.
2. Members of Congress.
3. Members of State legislatures.
4. Official representatives of the counties in which the national recreation area is located.
5. Officials of other Federal Agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

Written comments on the draft environmental impact statement and other documents should be forwarded to reach the National Park Service Regional Director in Denver (address above) not later than August 4, 1980.

Dated: May 9, 1980.

James Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80-14996 Filed 5-15-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

Correction

In FR Doc. 80-11704 appearing at page 26148 in the issue of Thursday, April 17, 1980, make the following changes:

(1) On page 26148, third column, fifth complete paragraph, first line, "BN TRANSPORT INC." should be corrected to read "MC-F-14283F, filed January 3, 1980. BN TRANSPORT INC."

(2) On page 26150, third column, paragraph beginning Note, Fifth line, "To remedy a splitting problem related To a" should be changed to read "to remedy a splitting problem. This matter is directly related to a".

BILLING CODE 1505-01-M

[Released Rates Application MC-1511]

Central and Southern Motor Freight Tariff Association, Inc., Agent, et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice, released rates application MC 1511.

SUMMARY: Central and Southern Motor Freight Tariff Association, Incorporated, Agent, for and on behalf of participants in Tariff ICC CSA 233–I seeks authority to establish released rates provisions on aircraft engines and related articles from points in Florida to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, West Virginia, and Wisconsin in connection with commodity rates to be published in Tariff ICC CSA 233–I. The authority would also extend to amendments and reissues of this publication.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Wayne L. Mathews, Central & Southern Motor Freight Tariff Association, Inc., 2722 Crittenden Drive, P.O. Box 21339, Louisville, KY 40221, Tel. (502) 636–3361.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Ward, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275–7447.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11), 219 and 413 of the Interstate Commerce Act.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-15048 Filed 5-15-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 6, 1980.

In our decisions of April 8, 15, and 22, and 29, 1980, a 13.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.2 percent. Accordingly, we are authorizing that the 13.5-percent surcharge for this traffic remain in errect. All owner-operators are to receive compensation at the 13.5-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, nor in the 1.3-percent surcharge for United Parcel Service. However, the bus carrier surcharge shall be reduced to 4.9-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions of Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by

delivering a copy to the director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. May 9, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis and Gilliam. Commissioner Stafford dissented in part with a separate expression.

Commissioner Stafford (Dissenting in part)

I would limit the owner-operator/truckload surcharge to 13 percent.

Agatha L. Mergenovich,

Secretary

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)

January 1, 1979 ..... 63.5¢

Date of Current Price Measurement and price Per Gallon (Including Tax)

May 5, 1980 ..... 113.3¢

	(1) From transportation performed by owner-operators [1]	(2) Other [2]	(3) Bus carriers	(4) UPS
Average percent: Fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent Surcharge Developed	13.2	2.3	4.9	[3]2.1
Percent Surcharge Allowed	13.5	2.3	4.9	[4]1.3

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for USP is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-15049 Filed 5-15-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 25106 (Sub-No. 1)]

IC Industries, Inc.; Modification of Condition

Decided: May 5, 1980.

Condition imposed in Finance Docket 25106 requiring prior approval of all issuances of securities or assumptions of obligations by IC Industries, Inc., modified to require authorization of only those issuances or assumptions by or related to the activities of the carrier subsidiaries of IC Industries, Inc.

Lawrence Lawless for petitioner.

On February 5, 1980, IC Industries, Inc. (ICI) filed a petition under Rule 99, 49 C.F.R. 1100.99, seeking exemption from the provisions of 49 U.S.C. 11301 as to the issuance of its securities or assumption of obligations which are unrelated to the activities of any carrier under its control. ICI was originally subjected to the requirements of 49 U.S.C. 11301 as a condition imposed in *Illinois Cent. Gulf R.—Acquisition—G.M. & O., Et. Al.*, 338 I.C.C. 805 (1971).

Since the relief sought herein relates to a condition imposed upon applicant, the proper avenue of relief is a modification of the condition rather than exemption from the statute as requested by applicant's petition. Applicant was advised that such a procedure would be followed by letter of February 25, 1980. ICI certified service of its petition upon all parties to the original acquisition proceeding on March 7, 1980. No replies have been received within the 20 day time period allowed for replies, 49 CFR 1100.21. This proceeding is, therefore, unopposed.

Following is the condition as originally imposed, *Id.* 338 I.C.C. 305, at 857:

In the matter of the issuance of securities and the assumption of liabilities or obligations within the meaning of Section 20a of the Act, Industries hereafter be considered as a carrier within the meaning of Section 5(3) of the Act and shall be subject to Interstate Commerce Commission regulation under Section 20a of the Act to the extent that any of its issuances of securities or its assumptions of obligations is related to the activities of any carrier under its control, and will hereafter be required to file with the Interstate Commerce Commission an application under Section 20a of the Act prior to the issuance of any security or assumption of any obligation: Provided, however, that, if as to any such application, the Commission shall find that the issue or assumption is for a purpose unrelated to the activities of any carrier under the control of Industries, the application will be dismissed by the Commission upon its finding that the matter is outside the jurisdiction of the Interstate Commerce Commission and within the jurisdiction of the Securities and Exchange Commission.

The requirements of this condition became effective on August 10, 1972. On October 10, 1973, ICI filed a petition seeking modification of the condition and removal of the application of section 11301 to ICI. On April 23, 1975, ICI's petition was denied, but the Commission offered to expedite the administrative process and reach decisions in ICI securities applications within 60 days.

ICI notes that, since the denial of its first petition to modify the instant condition, it has complied with 49 U.S.C. 11301 in all matters relating to the issuance of its securities. It has filed 19 applications for approval or dismissal under the condition, and in each case the application was dismissed. ICI contends that the condition serves no useful purpose and simply burdens its staff and that of this Commission.

ICI further asserts that it is involved in numerous non-transportation activities and the requirement for prior Commission approval of its securities issuances is a distinct competitive disadvantage.

Finally, ICI is the only railroad holding company subjected to the full provisions of 49 U.S.C. 11301, and it cites proceedings in which other rail holding companies were specifically excused from the more burdensome requirements of that section. See *Chicago & N.W. Ry. Co.—Control* 347 I.C.C. 557 (1974), and *Seaboard Coast Line R. Co.—Invest. of Control* 360 I.C.C. 582 (1979).

We agree with ICI. The condition as originally imposed has proven burdensome. The more liberal application of 49 U.S.C. 11301 in the above-cited proceedings is sufficient to protect the public interest and allow the Commission to monitor certain activities of the holding company which may affect the carrier subsidiaries.

We find: The condition subjecting ICI, to the full provisions of 49 U.S.C. (11301 set forth as finding number 7 in our report Illinois Cent. Gulf R.—Acquisition—G.M.&O, et al., 338 I.C.C. 805, 880 (1971), Finance Docket No. 25106, is no longer in the public interest. Instead, as a condition of its acquisition, it remains in the public interest to require ICI to: (1) file annual reports on Form R-1 and to file such other periodic and special reports as we may require under section 11145 of the Act; (2) comply with section 11144 of the Act; and (3) file applications under sections 11301 and 11302 of the Act for those issuances of securities and assumptions of obligations which may relate to or affect the activities of carrier subsidiaries.

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

It is ordered: 1. The condition imposed in *Illinois Cent. Gulf R.—Acquisition—G.M. & O., et. al.*, 338 I.C.C. 805, 880 (1971), Finance Docket 25106 in finding number 7, is modified to read as follows:

IC Industries, Inc., will be considered a carrier within the jurisdiction of this Commission to the extent that it is required to: (1) file annual reports on Form R-1 and to file such other periodic and special reports as we may require under 49 U.S.C. 11145; (2) comply with 49 U.S.C. 11144; and (3) file application's under 49 U.S.C. 11301 and 11302 for those issuances of securities and

assumptions of obligations which may relate to or affect the activities of carrier subsidiaries.

2. This decision will be effective upon the date it is served.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-15050 Filed 5-15-80; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1462; Supplemental Order No. 9]

Various Railroads—Directed Service—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

Decided: May 7, 1980.

On March 28, 1980, we authorized various railroads to provide service as "directed rail carriers" (DRCs)—without federal subsidization under 49 U.S.C. § 11125(b)(5)—over described lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("Rock Island" or "RI") until May 31, 1980. *See* Directed Service Order No. 1462, *Various Railroads—Directed Service—Chicago, R.I. & P.*, —— I.C.C. —— (decided March 28, 1980), 45 FR 22945 (April 4, 1980).

DSO No. 1462 authorizes the Norfolk and Western Railroad Company (N&W) to operate over described terminal tracks at Chicago, IL. The N&W also received authority to perform these operations in Service Order No. 1449, which was issued pursuant to the provisions of 49 U.S.C. § 11123. It believes that SO No. 1449 provides a stronger foundation for its Chicago terminal operations and requests that those operations be deleted from DSO No. 1462.

The provisions of DSO No. 1462 authorizing operations over Rock Island tracks are permissive, not mandatory, and do not supersede, cancel, or convert the authorization of service in any of the related service orders issued under 49 U.S.C. § 11123. Therefore, an interim operator holding temporary authority both under a section 11123 service order and under DSO No. 1462, may notify the Commission and the RI Trustee that it will operate under the service order only, and that it declines the service authorization in DSO No. 1462, if it so desires.

The N&W believes that future issues will be simplified if its service authorization is deleted from the appendix to DSO No. 1462. We do not believe that the relief sought by the N&W is necessary. However if the N&W prefers to perform temporary operations under the authority of SO No. 1449 only, we see no reason to deny its request to be deleted from DSO No. 1462. Accordingly, we will amend the appendix to DSO No. 1462 ("RI Lines Authorized To Be Operated By DRCS") by deleting the following provision:

13. *Norfolk and Western Railroad Company (N&W):* Running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four miles to Kensington and continuing over owned or controlled track or operating rights or both in a more easterly direction approximately two additional miles to the termination at the southern end of Lake Calumet.

We find: (1)This action will not significantly affect either the quality of the human environment or the conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) Directed Service Order No. 1462 (served March 28, 1980) is amended as indicated in this decision.

(2) This decision shall be effective on its service date.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-15051 Filed 5-15-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

United States Circuit Judge Nominating Commission, First Circuit Panel

May 13, 1980.

The First Circuit Panel of the United States Circuit Judge Nominating Commission, Chairperson: Jerome P. Facher, will meet on May 22 and 23, 1980, in Room 1619 of the Federal Court House, Boston, Massachusetts at 9:30 a.m. The purpose of this meeting is to interview candidates, 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)].

Phillip B. Cover,

Advisory Committee, Control Officer.

[FR 80-15181 Filed 5-15-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrators, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20013.

Signed at Washington, D.C. this 13th day of May 1980.

Earl T. Klein,

Director, Office of Program Services.

Applications Received During the Week Ending May 17, 1980

Name of applicant and location of enterprise	Principal product or activity
Kolpak Industries, Inc., Parsons, Tenn.	Manufacture of refrigerated walk-ins and reach-ins equipment.
J. Paul Levesque & Sons, Inc., Ashland, Maine.	Lumber company.

[FR Doc. 80-15135 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-30-M

Comprehensive Employment and Training Act; (CETA) Wage Adjustment Index

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of publication.

SUMMARY: The Employment and Training Administration is giving notice that the CETA Wage Adjustment Index was published in the **Federal Register** on Thursday, May 15, 1980, Part V.

Dated: May 14, 1980.

Ernest G. Green,

Assistant Secretary for Employment and Training.

[FR Doc. 80-15260 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-30-M

Temporary Alien Labor Certification Program: 1980 Adverse Effect Wage Rates

Correction

In FR Doc. 80-14150 appearing on page 30733 in the issue of Friday, May 9, 1980, on page 30734, first column, the first line of the table should read as set forth below:

Adverse Effect Wage Rates: 1980

States	1979 rates [1]	1980 rates [2]	Percentage changes
Arizona	$3.67	$3.73	+1.6

BILLING CODE 1505-01-M

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular spring meetings of committees of the Labor Reseach Advisory Council will be held on June 10, 11, and 12 in Room N-5437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, June 10

9:45 a.m.—Committee on Occupational Safety and Health Statistics

1. Annual survey

(a) Results of 1978 survey and plans for 1979 and 1980

(b) Fatality survey

2. Congressional action

(a) Amendment to the 1980 Labor-HEW Appropriations Bill

(b) Proposed amendment to the Occupational Safety and Health Act

3. The National Safety Council's Technical Projects Committee and the Information Exchange Projects Committee work

4. New initiatives in the occupational health area

5. Status of OSHS statistical grants

6. Status of the Work Injury Reports survey program

7. Discussion of efforts to maintain recordkeeping reliability

8. Supplementary Data System

(a) The new data element—Associated Object or Substance (AOS)

(b) The January Monthly Labor Review article on costs vs. frequency for identifying targets for safety prevention efforts

Tuesday, June 10

12:00 noon—Committee on Productivity, Technology and Growth—Session on Productivity

1. Plans for multifactor productivity work

Tuesday, June 10

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of work in progress

2. Profiles of Occupational Pay: A Chartbook

3. Level of Benefits Project

4. The Employment Cost Index—Status report

5. WIR Long-Range Planning—a subcommittee report

Wednesday, June 11

9:30 a.m.—Committee on Prices and Living Conditions

1. Status report on the Producer Price Index revision

2. Status report on the International Price Program

3. Progress report on the Family Budget Committee

4. Experimental approaches to measurement of the housing component in the CPI

Wednesday, June 11

1:30 p.m.—Committee on Employment Structure and Analysis

1. Summary presentation of the "Interim Report of the Secretary of Labor on the Recommendations of the National Commission on Employment and Unemployment Statistics"

2. Redesign of the Current Population Survey

3. Redesign of the industry employment statistics (790) program

4. New quarterly release on family and usual earnings data

5. Preliminary results of the job vacancy survey

6. Occupational Employment Survey—National and State data

7. New quarterly report on minority employment

Thursday, June 12

(Meeting of Productivity, Technology and Economic Growth Committee will follow immediately on completion of session of Foreign Labor and Trade Committee)

9:30 a.m.—Committee on Foreign Labor and Trade

1. Foreign Labor Comparative Statistical Developments and Needs

Committee on Productivity, Technology and Economic Growth—Session on Economic Growth

1. New labor force and economic growth projections, including procedures for determination

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research

Advisory Council on (Area Code 202) 523–1247.

Signed at Washington, D.C. this 8th day of May 1980.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 80-15065 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-80-44-M]

Cotter Corp.; Petition for Modification of Application of Mandatory Safety Standard

Cotter Corporation, P.O. Box 700, Airport Road, Nucla, Colorado 81424 has filed a petition to modify the application of 30 CFR 57.19–83 (manually operated device required on electric hoist) to its Letty Jones Mine located in San Miguel County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The mine's hoist, which is a single-drum hoist with approximately 2,200 feet of cable for the 1,800 foot incline, is used to transport materials, ore and miners in a rail car.

2. Petitioner proposes to operate this hoist without a motor drive torque device. In support of this proposed alternative method, petitioner proposes to:

a. Rest the car on the bottom of the incline when being loaded with ore, which is approximately 50 feet below the lower man station;

b. Utilize overspeed and man station limit switches when miners are transported in the car. Other safety devices such as dogs and pull bottles in the incline will be maintained in good working order;

c. Ensure that both the hoist and cable are inspected and maintained daily.

3. Petitioner states that this proposed alternative method will at all times guarantee no less than the same measure of protection as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated May 7, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15066 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-52-M]

The Hanna Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

The Hanna Mining Company, 100 Erieview Plaza, Cleveland, Ohio 44114 has filed a petition to modify the application of 30 CFR 57.4–61B (fire prevention and control) to its Pilot Knob Pellet Company mine located in Iron County, Missouri, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petition follows:

1. The ore body does not contain any combustible materials.

2. Timber is not used for ground support in the mine.

3. The type, quantity, and location of stored combustibles are described.

4. Hand portable fire extinguishers are provided on load, haul, dump vehicles and other equipment subject to fire.

5. The entire anticipated life of the mine is only 3 years. The underground shop will be moved in approximately 2 years. Both construction and moving of the required fire doors would involve lost production time because the primary air, water, and electrical lines to the mine pass through the one opening into the shop and they would have to be relocated.

6. As an alternative to application of 30 CFR 57.4–61B, the petitioner proposes to—

a. Construct barriers to confine stored fuel in the event of a ruptured container.

b. Install an automatic fire suppression system in the fuel storage area.

c. Add additional fire extinguisher equipment.

d. Provide additional specialized training of employees working in the area.

e. Restrict welding in the shop to areas free of combustibles.

f. Weld vehicles in other areas away from the shop.

g. Staff the shop continuously when persons are underground. Thus, if a fire were to occur in the area, there always would be someone there to report it, operate the extinguishing equipment, and to order the activation of the stench alarm.

7. The petitioner alleges that application of the alternative proposed measures negates the need for fire doors and will no less assure the safety of miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and variances.

[FR Doc. 80-15068 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-68-C]

Jones and Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones and Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15263 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Gateway Mine located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The return entries in specified sections of the petitioner's mine are dotted by roof falls requiring employees to travel through these dangerous areas to perform weekly inspections of the return entries.

2. As an alternative method, petitioner proposes to:

a. Establish three air measuring stations at specified points;

b. Have methane and air readings made by a certified person on a weekly basis and record the results on a date board located at each station;

c. Maintain these three measuring stations in good condition at all times;

d. Investigate and initiate corrective action if methane is present beyond permissible limits.

3. Petitioner states that this proposed alternative method will provide greater protection to the miners affected than that afforded by the standard.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards,

Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15067 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-42-M]

Kennecott Minerals Co.; Petition for Modification of Application of Mandatory Safety Standard

Kennecott Minerals Company, Chino Mines Division, Hurley, New Mexico 88043 has filed a petition to modify the application of 30 CFR 55.16-2 (materials storage and handling) to its Chino Mines Division Concentrator located in Grant County, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Crushed ore is fed into a deep bin.

2. The variable moisture content of the ore creates impacted buildup.

3. As an alternative to locking out the discharge equipment located under the bin during cleaning operations, petitioner proposes to:

a. Allow employees to enter the bin with hand bars and pneumatic tools (clay diggers) to clean the buildup from the bin;

b. Lock out the feed conveyor belt (input) and knock loose unconsolidated material and push it into the discharge hopper prior to employees entering the bin. Because the material is knocked down prior to entering the bin, no danger of suffocation exists;

c. Remove the discharge through the use of a smooth-finished, slow moving (4 rpm) roll at the bottom of the hopper;

d. Require an employee cleaning the bin to wear a safety belt attached to a 6-foot lanyard connected to the top rung of the bin entry ladder or to a secured iron bar located near the top of the bin. This safety line prevents the employee from dropping below the bottom of the hopper.

e. Not require the use of a second worker as a safety aid. The employee cannot fall out of the hopper and there are no pinch points between the hopper and the slow moving roller at the bottom of the hopper.

4. Petitioner states that the proposed alternative method will provide the same or greater protection to the employees affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 7, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15069 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-76-C]

Mulga Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Mulga Coal Company, Post Office Box 668, Bessemer, Alabama 35020 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Mulga mine located in Jefferson County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Seam heights in the mine range from 38 to 52 inches, with irregular roof and floor conditions.

2. Installation of lighting fixtures to the mine's mobile equipment would result in a diminution of safety to miners affected because:

a. The miners' eyes must constantly adjust when they travel to and from lighted and dark areas of the mine;

b. The lighting equipment comes into contact with the roof supports, tearing away the lighting and exposing the miners to hazards;

c. Glare generated by the lights has an adverse effect on the miners' sight.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15070 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-30-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.21-97 (blasting in gassy mines) to its mine located in Rio Blanco County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. As an alternative to complying with the standard, petitioner proposes to:

a. Use Atlas Salt Permissible Gel-Coalite Z Permissible Dynamite initiated by Atlas Time Master Regular (½ second) Detonators instead of millisecond-delay detonators;

b. Use an RE0600 Blasting Machine instead of a permissible unit and blast from underground with miners at fresh air shaft stations of the production shaft instead of removing them to the surface.

2. Use of Atlas Timemaster ½ Delay (250 MS) in place of 0 delay (8 MS) allows the round to be completely charged and the blasting machine to be bled off before the first hole is shot.

3. The purpose of the requirement for use of millisecond delays is to control float dust from the resulting explosion. Float dust is no problem in oil shale.

4. Atlas Timemaster series are all copper clad shells as required and petitioner will use copper wired caps.

5. The permissible requirement for blasting machines states that the pulse (output) must dissipate or drain off within 15 milliseconds. When starting with a No. 1 delay this allows all of the holes to be charged before the first hole is initiated. If a lower delay is used, it is possible that the first hole could detonate, disrupting the shot line and causing an arc between the shot line and connecting wire.

6. The RE0600 machine delivers its pulse within 30 milliseconds and then falls off. It also has a bleeder resistor incorporated to dissipate the residual charge within the same time frame. By using a ½ delay (250 MS) the blasting machine charge will be completely bled off before the first hole initiated detonates.

7. As the procedure that will be followed during blasting, petitioner proposes to:

a. Remove all miners underground to fresh air shaft stations;

b. Examine all areas to be blasted and shaft stations for methane before the round is fired;

c. Use an authorized competent person to detonate the round;

d. Allow adequate time for smoke and gas fumes to clear blast area before entering;

e. Examine the blast area for methane before anyone is allowed to return to work.

8. Petitioner states that the proposed alternative method outlined above will provide the same or greater protection to the miners as that afforded by the standard and requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15071 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-80-45-M]

Rio Blanco Oil Shale Co.; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, 9725 East Hampden Avenue, Denver, Colorado 80231 has filed a petition to mofidy the application of 30 CFR 57.21-80 (boreholes) to its mine located in Rio Blanco County, Colorado. The peition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner proposes to develop all levels in the mine using Atlas Gel-Coalite Z Permissable dynamite, detonated with Atlas Timemaster Regular Delay Caps initiated with an RE0600 Blasting Machine.

2. Rounds will be detonated with all men underground at fresh air shaft stations.

3. The use of water stemming bags is not planned and peitioner proposes that the requirement for borehole stemming be eliminated.

4. Petitioner proposes as an alternative method the use of Atlas Timemaster Regular (½ second) Delays, instead of millisecond delay.

5. With the use of permissable explosives, the additional use of stemming bags is not essential. The explosive will quench its own flame and the need for controlling float dust via water stemming bags is not a problem.

6. As the procedure that will be followed during blasting, petitioner proposes to:

a. Remove all miners underground to fresh air shaft stations;

b. Examine all areas to be blasted and shaft stations for methane before the round is fired;

c. Use an authorized competent person to detonate the round;

d. Allow adequate time for smoke and gas fumes to clear the blast area before entering;

e. Examine the blast area for methane before anyone is allowed to return to work.

7. Petitioner states that the proposed alternative method outlined above will provide the same or greater protection to the miners as that afforded by the standard and requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before June 16, 1980. Comments may be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 6, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-15073 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 80-32; Exemption Application No. D-1483]

Exemption From the Prohibitions for Certain Transactions Involving Pacific Standard Life Company Employees' Stock Ownership Trust, Located in Sacramento, Calif.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of a participatory interest in a block of mortgages by Pacific Standard Life Company Employees' Stock Ownership Trust (the Plan) to Pacific Standard Life Company (the Employer), a party in interest.

EFFECTIVE DATE: September 30, 1975.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 28, 1980, notice was published in the **Federal Register** (45 FR 20590) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that he has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Tax Consequences of Transaction

The Internal Revenue Service has determined that payment of amounts in excess of fair market value to a plan constitute a contribution to the plan to the extent of such excess and therefore must be examined under Code sections 401(a)(4), 404, and 415.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transition rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the taxes imposed by section 497(a) and (b) of the Code, by reason of section 497(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash by the Plan of a participatory interest in a block of mortgages of Hawaiian real estate to the Employer on September 30, 1975, for $91,976.85, provided that the sales price was not less than the fair market value of the mortgates at the time of consummation of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 12th day of May 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80–15138 Filed 5–15–80; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–385]

Proposed Exemption for a Certain Transaction Involving the Save Mart of Modesto, Inc., Profit Sharing Plan; Located in Modesto, Calif.

AGENCY: Department of Labor.

ACTION: Extension of Time for Comments and Hearing Requests for a Proposed Exemption.

1. On Friday, February 22, 1980, the Department of Labor (the Department) published in the Federal Register (45 FR 11961), a notice of pendency of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974, and from certain taxes imposed by the Internal Revenue Code of 1954. The proposed exemption dealt with an application filed on behalf of Save Mart of Modesto, Inc. (the Employer).

2. In the "Notice to Interested Persons" portion of the proposed exemption, it was represented that the notice of proposed exemption would be provided in writing and personally delivered or mailed to each participant of the Save Mart of Modesto, Inc., Profit Sharing Plan (the Plan).

Such notification was to be provided within 10 days of the publication of the notice of proposed exemption, and was to inform Plan participants of their right to comment and request a hearing on the proposed exemption.

3. By letter dated April 23, 1980, the Employer notified the Department that it was unable to comply with its representation to notify all interested persons within the specified time period.

4. Therefore, the time period for receipt of comments and/or requests for a public hearing on the proposed exemption is hereby extended until July 7, 1980, so that all interested persons may have the opportunity to comment on the proposed exemption.

5. The Employer represents, in its April 23, 1980 letter, that: (1) a copy of the February 22, 1980, notice of pendency and (2) a copy of this notice will be provided to all Plan participants on or before June 5, 1980. The notice will also specifically inform each recipient of his/her right to comment and/or request a hearing within the period set forth in this notice.

6. All written comments and requests for a public hearing should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–385.

Signed at Washington, D.C., this 13th day of May, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80–15137 Filed 5–15–80; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–1390]

Proposed Exemption for Certain Transactions Involving the Chemical Express Profit Sharing and Retirement Plan; Located in Dallas, Tex.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the leasing of a certain parcel of real property by the Chemical Express Profit Sharing and Retirement Plan (the Plan) to Chemical Express Carriers, Inc. (the Employer), and the subsequent sale of the property by the Plan to TIC Industries, Inc. (TIC), a party in interest with respect to the Plan. The lease was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act. The proposed exemption, if granted, would affect the Employer, TIC, and

participants and beneficiaries of the Plan.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 2, 1980.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 1, 1975.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–1390. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). The application was filed with both the Department and the Internal Revenue Service. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Employer is a wholly owned subsidiary of Chemical Express Company, Inc. (the Plan Sponsor) and became the wholly owned second tier subsidiary of TIC in 1977. The Plan is a defined contribution plan which, as of May 1, 1979, had approximately 875 participants.

2. On October 21, 1974, the Plan purchased a rectangular parcel of land in Waco, Texas (the Property) containing approximately five acres. The Property was purchased from the Plan Sponsor. The purchase price of $75,000 was based on an appraisal of the property by Dr. Walstein Smith, Jr., an independent appraiser in Waco, Texas, dated September 20, 1974.

3. On October 24, 1974, the Plan leased the Property to the Employer for a period of ten years. The monthly rent of $862.50 was determined by the independent appraisal of the property by Dr. Smith. The rent payments have returned the Plan approximately 13.8 percent yearly on its investment. All lease payments have been made in full and on schedule according to the lease agreement.

4. The Plan trustees have now decided that it would be prudent to convert the Plan's real estate holdings into securities which will provide the Plan with greater flexibility and liquidity. TIC has offered to purchase the Property from the Plan.

5. On August 17, 1979, Dr. Smith updated his appraisal of the Property and concluded that its value would be between $81,000 and $85,000. Accordingly, TIC has offered to purchase the Property from the Plan for a price equal to the higher of $85,000 or the fair market value of the Property at the time of the sale.

6. In summary, the applicants represent that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) the lease was for a fair rental rate as determined by independent appraisal; (2) all payments have been made in full and on schedule per the lease agreement; (3) the sale of the property to TIC is a one-time transaction for cash the terms of which can be readily verified; (4) no commissions will be charged with respect to the sale; and (5) the trustees of the Plan have determined that the transactions are appropriate for the Plan and are in the best interests of all Plan participants and beneficiaries.

Finally, the applicants represent that the lease was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicants realized that the lease had become a prohibited transaction, the applicants submitted a good faith request for an exemption instead of terminating the lease transaction.

Notice to Interested Persons

Notice of this proposed exemption shall be given to all Plan participants and beneficiaries on or before June 2, 1980. The notice shall include a photostatic copy of this publication and will be posted in a location which is readily accessible to all Plan participants and beneficiaries. Plan participants and beneficiaries will also be notified of their right to comment and request a hearing within the time period specified in this notice.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, effective January 1, 1975, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the leasing of the Property from the Plan to the Employer for the rental amount stated in the lease, and to the sale of the Property by the Plan to TIC, provided that the sales price shall be the greater of $85,000 or the fair market value of the Property at the time of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this proposed exemption.

Signed at Washington, D.C., this 12th day of May, 1980.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-15136 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1751]

Notice of Proposed Exemption for Certain Transactions Involving the Jeff Hunt Machinery Co. Profit Sharing Plan Located in Columbia, S.C.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale or real property by the Jeff Hunt Machinery Company Profit Sharing Plan (the Plan) to Hunt Development Company, a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Plan and the Hunt Development Company.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 28, 1980.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–1751. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas, of the Department of Labor, telephone (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by Jeff Hunt Machinery Company (the Employer), the Plan trustee and the Hunt Development Company, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. On June 1, 1973, the Plan purchased an 8.82-acre tract of land in Berkeley County, South Carolina, for a cash price of $57,330. The acreage appeared at the time to be a good investment in view of industrial expansion in the area. On August 15, 1977, the Plan sold 4.41 acres of this tract to an unrelated individual for $60,000. The remaining 4.41 acres retained by the Plan is a wooded rectangular parcel which had an appraised value of $75,000 on February 11, 1980, as determined by an independent appraiser.

2. As of December 31, 1978, the Plan had assets valued at $1,684,295 and the 4.41-acre tract represents approximately 4.16% of the Plan's assets.

3. The Plan proposes to sell the 4.41-acre tract to Hunt Development Company for $81,000 in cash, 108% of its appraised value. The Plan will pay no sales commission or other fees or expenses with respect to the sale of the real estate other than the normal costs associated with such transfers which include contract of sale and deed preparation, a fee for filing the deed and documentary stamp taxes.

4. The Plan and its participants and beneficiaries could suffer from a denial of the exemption in that the Plan would miss the opportunity to sell, for greater than fair market value, an asset which pursuant to an independent appraisal has perhaps reached the peak of its appreciation. The Plan would miss the chance to improve its liquidity position, to diversify its investment portfolio and to reinvest the cash proceeds into potentially better investments. Also, the property has been, and continues to be, a non-income producing asset of the Plan.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because (1) it is a one time transaction for cash, (2) the Plan will be able to divest itself of a non-income producing asset, (3) the amount to be paid for the property is higher than the fair market value as determined by an independent appraiser and (4) the trustee has determined that the transaction is appropriate for the Plan and is in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Notice will be given to all interested persons within 10 days of the publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as proposed in the **Federal Register** and shall inform interested persons of their right to comment and request a hearing within the time period set fourth in the notice of proposed exemption. The notice will be given to current participants of the Plan by posting it in an area frequented by employees. Notice will be mailed to former participants and beneficiaries at their last known address.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of a 4.41-acre tract of unimproved real estate, located in Berkeley County, South Carolina, by the Plan to the Hunt Development Company for $81,000, provided that this amount is not less than the fair market value at the time of sale. The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 8th day of May 1980.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 80-14840 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-7835; TA-W-7836]

Cannelton Industries, Inc., Mine No. 3, Mine No. 4, Superior, W.Va.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 28, 1980 in response to a worker petition received on April 23, 1980 which was filed by the United Mine Workers of America on behalf of workers and former workers producing metallurgical coal at Cannelton Industries, Mines #3 (TA-W-7835) and #4 (TA-W-7836), Superior, West Virginia.

It was subsequently revealed that this same petition had been instituted on March 17, 1980 (TA-W-7342) on behalf of the workers at Cannelton Industries, Incorporated, Mines #3 and #4, Superior, West Virginia.

Since the identical group of workers is the subject of an ongoing investigation, a new investigation would serve no purpose. Consequently, the investigations have been terminated.

Signed at Washington, D.C., this 7th day of May, 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 15059 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6858 and 7229]

Dick Green Chrysler-Plymouth, Inc.; Negative Determination Regarding Application for Reconsideration

By letter of April 1, 1980, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Dick Green Chrysler-Plymouth, Inc.-East, Detroit, Michigan, and Dick Green Chrysler-Plymouth, Inc.-West, Farmington, Michigan. The determination was published in the **Federal Register** on March 28, 1980, (45 FR 20582).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim in their application of reconsideration that their work in sales and service of new and used automobiles has been adversely affected by the same forces which have

adversely affected production and employment at the Chrysler Corporation. Accordingly, if workers of the Chrysler Corporation are certified as eligible to apply for adjustment assistance by the Department, the petitioners claim, the workers of Dick Green Chrysler-Plymouth, Inc.-East and West, must also be certified.

The workers of Dick Green Chrysler-Plymouth, Inc.-East and West, are engaged only in the sales and service of new and used automobiles. Since these workers do not produce an article within the meaning of Section 222(3) of the Trade Act, they may be certified only if their separation was caused importantly by a reduced demand for their services from either a parent firm or another firm related to Dick Green Chrysler-Plymouth, Inc.-East and West, by ownership or control. In addition, the reduction in demand for the workers' services must be found to have originated at a production facility whose workers independently meet the statutory criteria for certification.

On investigation, the Department determined that there is no identity of ownership or control between Dick Green Chrysler-Plymouth, Inc.-East and West, and any of their customers or any production facility. All workers of Dick Green Chrysler-Plymouth, Inc.-East and West, are employed by that firm. The administration of personnel services, payroll and benefits is controlled by Dick Green Chrysler-Plymouth, Inc.-East and West. Therefore, Dick Green Chrysler-Plymouth, Inc.-East and West, must be considered the workers' firm.

The petitioners' contention that their circumstances are similar to the circumstances of the workers at Chrysler Corporation is not relevant in the context of the adjustment assistance program.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 8th day of May 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80-15060 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7745]

Flomar Knits, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 28, 1980 in response to a worker petition received on April 8, 1980 which was filed on behalf of workers and former workers producing samples of all dresses manufactured at Flomar Knits, Incorporated, Harrison, New Jersey.

The petitioning group of workers in this case was included in a determination (TA-W-6159) issued on November 30, 1979 which certified as eligible to apply for adjustment assistance all workers at AMM Industries, Incorporated, Harrison, New Jersey; Flomar Knits, Incorporated, New York, New York; and Ivy Stevens, Incorporated, New York, New York. Since all workers separated, totally or partially, from Flomar Knits, Incorporated, Harrison, New Jersey on or after September 28, 1978 (impact date) and before November 30, 1981 (expiration date of the determination) are covered by an existing determination, a new investigation would serve no purpose. Therefore, it is recommended that this investigation be terminated.

Signed at Washington, D.C., this 7th day of May 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-15061 Filed 5-15-80; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 27, 1980.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 27, 1980.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of May 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
McMillan Shingle, Inc. (workers)	Grand Ronde, Oreg	4/8/80	4/2/80	TA-W-7,983	Red Cedar shingles and red cedar shakes.
Scripto, Inc. (ICWU)	Doraville, Ga	4/8/80	4/2/80	TA-W-7,984	Writing instrument and disposable lighters.
Union Shake Co. (company)	Darrington, Wash	4/29/80	4/18/80	TA-W-7,985	Western red cedar shakes.
Commercial Carriers, Inc. (workers)	Oakland, Calif	4/29/80	4/17/80	TA-W-7,986	Transporting automobiles.
Donald Peckerman, Inc. (ILGWU)	Newark, N.J	4/29/80	4/18/80	TA-W-7,987	Lingerie.
Howard Martin Knitting Mills, Inc. (ILGWU)	Ridgefield, N.J	4/29/80	4/18/80	TA-W-7,988	Ladies' knit sweaters and sportswear.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Armex Corp. (company)	Troy, Mich	4/29/80	4/24/80	TA-W-7,989	Various auto parts.
Condamatic Co., Inc. (company)	Warren, Mich	4/29/80	4/24/80	TA-W-7,990	Various auto parts.
Rainbow Girl Coat Company (workers)	Springfield, Mass	4/4/80	3/6/80	TA-W-7,991	Girl's and women's outercoats.
Associated Transports, Inc. (IAM & AW)	Hazelwood, Mo	4/29/80	4/23/80	TA-W-7,992	Maintenance of transportation fleet of Ford and Mercury vehicles.
Complete Auto Transit, Inc. (IAM & AW)	St. Louis, Mo	4/29/80	4/23/80	TA-W-7,993	Maintenance of transportation fleet of General Motors vehicles.
Jim Causley, Inc. (workers)	Detroit, Mich	4/29/80	4/22/80	TA-W-7,994	Selling and servicing of automobiles.
Dawn Fashions Leather Company (workers)	New York, N.Y	4/28/80	4/24/80	TA-W-7,995	Ladies' sportswear (leather and suede).
Metex Automotive Products Corp. (company)	Edison, N.J	4/29/80	4/21/80	TA-W-7,996	Automotive for catalytic coverters.
Coleman Products Company, Iron River Plant (company).	Iron River, Mich	4/29/80	4/22/80	TA-W-7,920	Wiring assemblies.
Coleman Products Company (company)	Coleman, Wis	4/29/80	4/22/80	TA-W-7,921	Wiring assemblies.
Evart Products Company, Lauman Road Assembly Plant (company).	Evart, Mich	4/29/80	4/22/80	TA-W-7,922	Various plastic components.
Evart Products Company (company)	Evart, Mich	4/29/80	4/22/80	TA-W-7,923	Various plastic components.
Predelivery Service Corporation (UAW)	LaMirada, Calif	4/29/80	4/24/80	TA-W-7,924	New car predelivery service.
A. E. Nettleton Shoe Company (ACTWU)	Syracuse, N.Y	4/29/80	4/22/80	TA-W-7,925	Shoes.
City of Parma (Police, Fire Service Dept.) (workers).	Parma, Ohio	4/14/80	3/25/80	TA-W-7,926	Public service.
DND Teletronics (workers)	Utica, N.Y	4/29/80	4/17/80	TA-W-7,927	Key telephone equipment.
The General Tire & Rubber Company (workers).	Mount Vernon, Ill	4/29/80	4/24/80	TA-W-7,928	Automobile and truck tires.
Millbury Engineering Company (workers)	Millbury, Ohio	4/29/80	4/23/80	TA-W-7,929	Tool and dyes.
Eastern Associated Coal Corporation, Keystone No. 2 and No. 3 Mines (UMWA).	Herndon, W. Va	4/21/80	4/15/80	TA-W-7,930	Metallurgical coal.
Revere Sugar Corp. (International Longshoreman's Association).	Brooklyn, N.Y	4/28/80	4/21/80	TA-W-7,931	Cane sugar—refined sugar.
Armstrong Rubber Company (company)	New Haven, Conn	4/28/80	4/16/80	TA-W-7,932	Corporate sales and management.
Armstrong Rubber Company, Textile Division (company).	Laurel Hille, N.C	4/28/80	4/16/80	TA-W-7,933	Processing of tire cord.
Armstrong Rubber Company, Arco Wheel, Inc. (company).	West Allis, Wis	4/28/80	4/16/80	TA-W-7,934	Tire rims for industrial and recreational equipment tires.
Armstrong Rubber Company, Industrial Products Division (company).	Clinton, Tenn	4/28/80	4/16/80	TA-W-7,935	Tires for industrial and recreational equipment.
General Motors Corp., Delco-Remy Division (IUE).	New Brunswick, N.J	4/29/80	4/22/80	TA-W-7,936	Batteries.
Boyd Lumber Corp., (Shake & Shingle Department) (workers).	Sedro Woolley, Wash	4/28/80	4/18/80	TA-W-7,937	Sawed shakes and shingles.
Bendix Corporation (workers)	St. Joseph, Mich	4/29/80	4/23/80	TA-W-7,938	Disc brakes, master cylinders, wheel cylinders, many types of auto parts.
Stauffer Chemical Company (Bakery, Confectionery & Tobacco Workers Union).	South Portland, Maine	4/23/80	4/17/80	TA-W-7,939	Seaweed used as a good filler, etc.
Lapeer Fabricators, Inc. (UAW)	Lapeer, Mich	4/29/80	4/18/80	TA-W-7,940	Plastic auto mouldings.
Machine-Rite Products (workers)	Lagrange, Ind	4/29/80	4/22/80	TA-W-7,941	Automotive and recreational vehicles.
Bridgman Casting Center (company)	Bridgman, Mich	4/29/80	4/23/80	TA-W-7,942	Grid iron castings.
Keystone Metal Moulding (company)	East Detroit, Mich	4/15/80	4/11/80	TA-W-7,943	Corporate headquarters and sales office.
All Products Company (company)	Farwell, Mich	4/28/80	4/22/80	TA-W-7,944	Auto engine oil pump pick-up screen assemblies.
E. F. Houghton Co. (USWA)	Detroit, Mich	4/29/80	4/23/80	TA-W-7,945	Blending of chemicals.
Britain Industries, Inc., New Britain Tool Division (IAM & AW).	New Britain, Conn	4/28/80	4/22/80	TA-W-7,946	Socket and flat wrenches and various assorted automotive handtools.
Balfour Industries (workers)	Detroit, Mich	4/29/80	4/24/80	TA-W-7,947	Automotive metal stamping.
C. A. Baltz (ILGWU)	Kingston, N.Y	4/29/80	4/23/80	TA-W-7,948	Lingerie.
Bishop & Company (company)	Weissport, Pa	4/29/80	4/25/80	TA-W-7,949	Ladies' tops and sportswear.
U.S. Steel Corp., Texas Works (USWA)	Baytown, Tex	4/10/80	4/3/80	TA-W-7,950	Butt-end welded steel pipe, also carbon steel plate.
MCR Fashions, Inc. (ILGWU)	Hoboken, N.J	4/29/80	4/2/80	TA-W-7,951	Ladies' coats.
Modern Coat Company (ILGWU)	Union City, N.J	4/29/80	4/14/80	TA-W-7,952	Ladies' coats.
U.S. Steel Corp., Chemical Division (O.C.A.W.).	Swanton, Ohio	4/16/80	4/14/80	TA-W-7,953	Polyester resin.
E.T.M. Enterprises, Inc. (workers)	Grand Ledge, Mich	4/29/80	4/21/80	TA-W-7,954	Automobile roofs.
Carol Ann apparel Corp. (ILGWU)	Hastings, Pa	4/29/80	4/24/80	TA-W-7,955	Sub-contractor of dresses, skirts, blouses and pants.
The Moore Co., Inc. (DALU)	Springfield, Mass	4/28/80	4/23/80	TA-W-7,956	Hand tools.
Everlock Detroit, Inc. (workers)	Mount Clemens, Mich	4/29/80	4/21/80	TA-W-7,957	Fasteners for American built cars.
Willow Coat Corp. (ILGWU)	Hoboken, N.J	4/29/80	4/8/80	TA-W-7,958	Ladies' coats.
Harte & Company, Inc. (Oil, Chemical & Atomic Workers International Union).	Mountaintop, Pa	4/29/80	4/21/80	TA-W-7,959	Vinyl sheeting products.
C & H Sportswear (ILGWU)	Kingston, N.Y	4/29/80	4/23/80	TA-W-7,960	Ladies' sportswear and shower curtains.
C. L. Manufacturing (ILGWU)	Kingston, N.Y	4/29/80	4/23/80	TA-W-7,961	Contractor of ladies' sportswear.
Dayco-Waynesville (URW & Company)	Waynesville, N.C	4/29/80	4/23/80	TA-W-7,962	Automotive belts and hoses.
Dunbee, Combex, and Marx (United Toy Workers).	Glen Dale, W. Va	4/28/80	4/23/80	TA-W-7,963	Plastic toys.
National Standard Company (workers)	Niles, Mich	4/28/80	4/23/80	TA-W-7,964	Wire.
South Bay Coat Company (workers)	Falls River, Mass	4/29/80	4/18/80	TA-W-7,965	All weather coats.
Southern Worsted Mills (workers)	Greenville, S.C	4/29/80	4/16/80	TA-W-7,966	Woolen articles.
Perri Sportswear (ILGWU)	Poughkeepsie, N.Y	4/29/80	4/23/80	TA-W-7,967	Rainwear.
Barry Steel Corp. (workers)	Detroit, Mich	4/28/80	4/21/80	TA-W-7,968	Steel for Chrysler, Ford, and General Motors.
Louis Dreyfus Canada Ltd (workers)	Baltimore, Md	4/28/80	4/25/80	TA-W-7,969	Export grain elevator.
Bethlehem Fabricators, Inc. (workers)	Bethlehem, Pa	4/28/80	4/24/80	TA-W-7,970	Racks, steel, and other steel products.
J & J Cedar Products, Inc. (workers)	Elma, Wash	4/29/80	4/25/80	TA-W-7,971	Roofing materials.
Buckeye Group (workers)	Brookpart, Ohio	4/29/80	4/21/80	TA-W-7,972	Switching of trailers that the automobile engines were shipped in.
Virginia Oak Tannery, Inc. (workers)	Luray, Va	4/28/80	4/9/80	TA-W-7,973	Leather products.
ITT, Automotive Electrical Products Division (workers).	Brownsville, Tenn	4/15/80	4/11/80	TA-W-7,974	Wire harnesses.
ITT, Automotive Electrical Products Division (workers).	Fayette, Miss	4/15/80	4/11/80	TA-W-7,975	Wire Harnesses.
ITT, Automotive Electrical Products Division (workers).	Selmer, Tenn	4/15/80	4/11/80	TA-W-7,976	Wire harnesses.
ITT, Automotive Electrical Products Division (workers).	Cairo, Ga	4/15/80	4/11/80	TA-W-7,977	Wire harnesses.
ITT, Automotive Electrical Products Division (workers).	Bainbridge, Ga	4/15/80	4/11/80	TA-W-7,978	Wire harnesses.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ITT, Automotive Electrical Products Division Plant No. 6 (workers).	Petoskey, Mich.	4/15/80	4/11/80	TA-W-7,979	Terminal stampings.
ITT, Automotive Electrical Products Division Plant No. 1 (workers).	Petoskey, Mich.	4/15/80	4/11/80	TA-W-7,980	Wire harnesses.
ITT, Automotive Electrical Products Division (workers).	Bellaire, Mich.	4/15/80	4/11/80	TA-W-7,981	Wire harnesses.
ITT, Automotive Electrical Products Division (workers).	East Jordan, Mich.	4/15/80	4/11/80	TA-W-7,982	Wire harnesses.

[FR Doc. 80-15062 Filed 5-15-80; 8:45 am]
BILLING CODE 4510-28-M

Affirmative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of certifications of eligibility to apply for worker adjustment assistance issued during the period May 5th-9th 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

In the following cases it has been concluded that all of the criteria have been met.

TA-W-6828; Adams Electronics, Bangor, Mich.

The investigation was initiated on January 22, 1980 in response to a petition which was filed on behalf of workers at the Bangor, Michigan plant of Adams Electronics. The workers produce electronic components primarily for the entertainment industry.

U.S. imports of television electronic components such as transistors; diodes, rectifiers and related devices; integrated circuits; variable resistors; and fixed wirewound resistors increased absolutely and/or relative to domestic production from 1977 to 1978 and from 1978 to 1979.

The Department conducted a survey of major television component customers of Adams Electronics. The survey revealed that customers accounting for sales declines at Adams Electronics increased purchases of imported electronic components from 1978 to 1979 and during the first quarter of 1980 compared to the same period of 1979.

In this case, therefore, the certifying officer has determined that:

All workers of the Bangor, Michigan plant of Adams Electronics who became totally or partially separated from employment on or after August 31, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7381; Allegro Shoe Corp., Little Falls, N.Y.

The investigation was initiated on March 17, 1980 in response to a petition which was filed by the Boot and Shoe Workers Independent Union on behalf of workers at Allegro Shoe Corporation, Little Falls, New York. The workers produce women's shoes, boots and sandals.

U.S. imports of women's nonrubber footwear (except athletic) increased in 1979 compared to 1978. Customers who decreased purchases from Allegro Shoe Corporation and increased purchases of imported shoes represented a significant proportion of the firm's decline in sales.

In this case, therefore, the certifying officer has determined that:

All workers of Allegro Shoe Corporation, Little Falls, New York who became totally or partially separated from employment on or after February 12, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7086; Electronic Interconnect Systems, Inc., South Hadley, Mass.

The investigation was initiated on February 12, 1980 in response to a petition which was filed on behalf of workers at Electronic Interconnect Systems, Incorporated, South Hadley, Massachusetts (formerly Holyoke Wire and Cable, a Division of TRW, Incorporated). The workers wire and produce interconnect wire assemblies.

U.S. imports of communication, building and apparatus wire and cable and power wire and cable increased in 1979 compared with 1978.

U.S. imports of automotive wire harnesses increased in 1979 compared with 1978.

Customers of Electronic Interconnect Systems, Incorporated who were surveyed reported that they had either reduced or discontinued purchases of wire and wire assemblies from the subject firm and increased their reliance on foreign sources for wire assemblies during the period under investigation.

In this case, therefore, the certifying officer has determined that:

All workers of Electronic Interconnect Systems, Incorporated, South Hadley, Massachusetts (formerly Holyoke Wire and Cable, a Division of TRW, Incorporated) who became totally or partially separated from employment on or after August 1, 1979 are elibible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7181; Howmet Turbine Components Corp., Crucible Steel Castings Division, Milwaukee, Wis.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at Howmet Turbine Components Corporation, Crucible Steel Castings Division, Milwaukee, Wisconsin. The workers produce steel castings.

Imports of steel castings increased both absolutely and relative to domestic shipments in 1979 compared to 1978.

A Department of Labor survey revealed that customers decreased purchases from Crucible and increased purchases of imported steel castings.

In this case, therefore, the certifying officer has determined that:

All workers of Howmet Turbine Components Corporation, Crucible Steel Castings Division, Milwaukee, Wisconsin, who became totally or partially separated from employment on or after September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7332; Orion's Belt, Inc., Bloomington, Ind.

The investigation was initiated on March 10, 1980 in response to a petition which was filed on behalf of workers at Orion's Belt, Incorporated, Bloomington, Indiana. The workers produce men's leather belts.

U.S. imports of leather belts increased in 1979 compared to 1978. A Department survey revealed that major customers who reduced purchases from Orion's Belt increased purchases of imported leather belts in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that:

All workers of Orion's Belt, Incorporated, Bloomington, Indiana who became totally or partially separated from employment on or after February 22, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7205; Trimfoot Co., Farmington, Mo.

The investigation was initiated on February 25, 1980 in response to a petition which was filed by the Boot and Shoe Workers' Union on behalf of workers at Trimfoot Company, Farmington, Missouri. Workers at the plant produce infant footwear.

U.S. imports of infants' and babies' nonrubber footwear increased absolutely and relative to domestic production in 1979 compared to 1978.

Company imports of infant footwear as a percentage of total Trimfoot Company sales increased in 1979 compared to 1978. Trimfoot Company has indicated that it will continue to use offshore contractors in the future.

In this case, therefore, the certifying officer has determined that

All workers of Trimfoot Company, Farmington, Missouri who became totally or partially separated from employment on or after February 13, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of May 5th–9th, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–15063 Filed 5–15–80; 8:45 am]

BILLING CODE 4510–28–M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of negative determinations regarding eligibility to apply for worker adjustment assistance issued during the period May 5th–9th, 1980.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely,

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–7254; Amherst Coal Co., Paragon Mine, Lundale, W. Va.

The investigation was initiated on March 3, 1980 in response to a petition which was filed by the United Mine Workers of America on behalf of workers at Amherst Coal Company, the Paragon Mine, Lundale, West Virginia. The workers produce metallurgical coal.

The investigation revealed that criterion (3) has not been met.

U.S. imports of coal and coke decreased in 1979 compared to 1978.

A Departmental survey of customers who purchase coal extracted from the Paragon Mine indicated that none of these customers increased their reliance on imported metallurgical coal or coke during the period of investigation.

In this case, therefore, the certifying officer has determined that all workers of Amherst Coal Company, Paragon Mine, Lundale, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7224; B & V Coal Co., Tazwell, Va.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at B & V Coal Company, Tazwell, Virginia. Workers at the mine extract metallurgical coal.

The investigation revealed that criterion (3) has not been met.

Imports of metallurgical coal are negligible. The ratio of imports to domestic production did not exceed six-tenths of one percent from 1974 through 1979.

Since coke is metallurgical coal at a later stage of processing, imports of coke should also be considered in determining import injury to workers mining metallurgical coal.

Imports of coke decreased absolutely and relative to domestic production in 1979 compared to 1978.

The metallurgical coal extracted by B & V Coal Company is all sold to a local preparation plant. The preparation plant exports the preponderance of the coal that it cleans. Both B & V coal and the preparation plant were adversely affected by two strikes that occurred in the first and third quarters of 1978. The preparation plant's sales remained stable or increased in the fourth and second quarters of 1979 compared to the same quarters of 1978 (non strike quarters).

In this case, therefore, the certifying officer has determined that all workers of B & V Coal Company, Tazwell, Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7466; Bernie Shoe Co., Inc., Haverhill, Mass.

The investigation was initiated on March 31, 1980 in response to a petition which was filed on behalf of workers at Bernie Shoe Company, Incorporated, Haverhill, Massachusetts. Workers at Bernie Shoe Company produce women's footwear.

The investigation revealed that criterion (2) has not been met.

Sales of Bernie Shoe Company, Incorporated increased in quantity and in value in 1979 compared with 1978 and in the first quarter of 1980 compared with first quarter of 1979. Production at the company is equal to sales.

Company and union officials agree that layoffs at Bernie Shoe Company were caused by the introduction of new machinery and concomitant new production methods which increased efficiency of production and decreased labor requirements.

In this case, therefore, the certifying officer has determined that all workers of the Bernie Shoe Company, Incorporated, Haverhill, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7268, 7280–97; Chrysler Corp., Highland Park, Mich.

The investigations were initiated on March 3 and March 10, 1980, respectively, in response to petitions which were filed by the United Automobile, Aerospace, and Agricultural Implement Workers of America on behalf of workers at the Newark Parts Depot of Chrysler Corporation, Newark, Delaware, and at the eighteen facilities of Chrysler Corporation listed below. Workers at these nineteen facilities are engaged in the distribution of automotive parts and accessories for use in Chrysler and/or non-Chrysler vehicles.

Facility and Location

San Leandro Parts Depot, San Leandro, CA.
Minneapolis Parts Depot, Plymouth Village, MN.
Denver Parts Depot, Denver, CO.
Los Angeles Parts Depot, Fullerton, CA.
Boston Parts Depot, Natick, MA.
Portland Parts Depot, Beaverton, OR.
New York Parts Depot, Tappan, NY.
Richmond Parts Depot, Richmond, VA.
Cleveland Parts Depot, Solon, OH.
Kansas City Parts Depot, Kansas City, KS.
Atlanta Parts Depot, Atlanta, GA.

Memphis Parts Depot, Memphis, TN.
Chicago Parts Depot, Elkgrove Village, IL.
Indianapolis Parts Depot, Indianapolis, IN.
Centerline Parts Depot, Centerline, MI.
Warren Parts Depot, Warren, MI.
Orlando Parts Depot, Orlando, FL.
Brownstown Parts Depot, Wyandotte, MI.

The investigations revealed that criterion (3) has not been met.

All of the petitioning parts depots, with the exception of the Indianapolis Parts Depot, sell replacement parts and accessories to Chrysler, Dodge and Plymouth dealerships and to other company parts depots. Through Chrysler's National Depot Complex (the Centerline and Warren Parts Depots) and the petitioning field parts depots, dealerships are equipped with the parts required to maintain and repair all car and truck models which Chrysler has marketed in the U.S. during the past five years. Through the Indianapolis Parts Depot, Chrysler distributes parts and accessories suitable for use in Chrysler and non-Chrysler vehicles to unaffiliated customers which serve the automotive aftermarket.

A majority of the parts which Chrysler distributes through the petitioning parts depots, including the Indianapolis Depot, are produced by unaffiliated firms. Further, a significant share of Chrysler's own production of replacement parts consists of components which are ultimately used to service either vehicles manufactured prior to MY 1979 or those which have not been subject to import injury. Consequently, a direct and significant connection cannot be established between production declines at certified Chrysler manufacturing plants and declines in part sales and employment at the nineteen petitioning parts depots.

Previous Department certifications of workers at seven assembly plants (TA-W-5979-83, 6037-38) and at 23 auxiliary manufacturing plants (TA-W-5984-94, 5996-6004, 6039-40, 6543) of the Chrysler Corporation were based on a finding of import injury which was limited to certain car and truck lines produced during MY 1979 (August 1978-July 1979). In the course of these investigations, it was established that part production at most of the certified auxiliary plants was predominantly integrated into the production of finished vehicles at certified company assembly plants. Production of replacement parts for trade-impacted Chrysler car and truck lines accounted for an insignificant portion of the total operations of the 23 certified auxiliary plants.

In this case, therefore, the certifying officer has determined that all workers at the nineteen facilities of Chrysler Corporation listed below are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Facility and Location

Newark Parts Depot, Newark, DE.
San Leandro Parts Depot, San Leandro, CA.
Minneapolis Parts Depot, Plymouth Village, MN.
Denver Parts Depot, Denver, CO.
Los Angeles Parts Depot, Fullerton, CA.
Boston Parts Depot, Natick, MA.
Portland Parts Depot, Beaverton, OR.
New York Parts Depot, Tappan, NY.
Richmond Parts Depot, Richmond, VA.
Cleveland Parts Depot, Solon, OH.
Kansas City Parts Depot, Kansas City, KS.
Atlanta Parts Depot, Atlanta, GA.
Memphis Parts Depot, Memphis, TN.
Chicago Parts Depot, Elkgrove Village, IL.
Indianapolis Parts Depot, Indianapolis, IN.
Centerline Parts Depot, Centerline, MI.
Warren Parts Depot, Warren, MI.
Orlando Parts Depot, Orlando, FL.
Brownstown Parts Depot, Wyandotte, MI.

TA-W-7565; Cormier Construction Corp., Franklin, N.H.

The investigation was initiated on April 7, 1980, in response to a petition filed on behalf of workers and former workers at Cormier Construction Corporation, Franklin, New Hampshire. The workers at Cormier Construction Corporation were engaged in providing the service of erecting commercial buildings.

The investigation revealed that workers of Cormier Construction Corporation did not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Cormier Construction Corporation by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Cormier Construction Corporation and its customers had no controlling interest in one another. The subject firm's operations were not directed towards any commonly owned or corporately affiliated company.

All workers engaged in the erection of commercial buildings at Cormier Construction Corporation were employed by that firm. All personnel actions and payroll transactions were controlled by Cormier Construction Corporation. All employee benefits were provided and maintained by Cormier Construction Corporation. Workers were not, at any time, under employment or supervision by customers of Cormier Construction Corporation. Thus, Cormier Construction Corporation, and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Cormier Construction Corporation, Franklin, New Hampshire are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

TA-W-7233; Dana Corp., Fort Wayne, Ind.

The investigation was initiated on March 3, 1980 in response to a petition which was filed by the Allied Industrial Workers Union on behalf of workers at the Fort Wayne, Indiana Plant of the Dana Corporation. Workers at the Fort Wayne Plant produce axles, and axle components including gears and gear sets, yokes, knuckles, spindles, carrier and differential cases, tubes, bearing caps and axle shafts.

The investigation revealed that criterion (3) has not been met.

A survey of major customers purchasing axles from Dana Corporation in 1977, 1978 and 1979 revealed that customers did not purchase imported axles.

Industry sources indicate that U.S. imports of axles were negligible in 1977, 1978 and 1979.

In this case, therefore, the certifying officer has determined that all workers of the Fort Wayne, Indiana plant of the Dana Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7379; Erler Corp., Toledo, Ohio

The investigation was initiated on March 17, 1980 in response to a petition which was filed by the Pattern, Mold and Model Makers' Association on behalf of workers at the Toledo, Ohio plant of the Erler Corporation. Workers at that plant produce models and prototype plastic parts.

The investigation revealed that criterion (3) has not been met.

The Toledo, Ohio plant of the Erler Corporation produces models and prototype plastic parts for the automotive industry. The petition alleges that increased imports of automobiles contributed importantly to the decline in sales or production and separation or workers producing models and prototype plastic parts at the Toledo plant. Imported automobiles cannot be considered like or directly competitive with models and prototype plastic parts. Inasmuch as models and prototype plastic parts are included in the import and production category

Industrial Patterns, imports of industrial patterns must be considered in determining import injury to workers producing models and prototype plastic parts at the Toledo, Ohio plant of the Erler Corporation.

U.S. imports of industrial patterns are negligible. The ratio of imports to domestic production of industrial patterns did not exceed one-half of one percent during the period 1975 through 1979.

In this case, therefore, the certifying officer has determined that all workers of the Toledo, Ohio plant of the Erler Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6704; Essex Group, Inc., Sycamore, Ill.

The investigation was initiated on December 7, 1979 in response to a petition which was filed by the International Brotherhood of Electrical Workers, Local 1578 on behalf of workers at the Sycamore, Illinois plant of Essex Group, Incorporated. Workers at the Sycmore plant produced electrical wire.

The investigation revealed that criterion (3) has not been met.

Most of the wire produced at Sycamore was sold as bulk electrical wire to outside customers. The remainder was used by other Essex plants to make electrical cords for appliances and auto wire harnesses.

Imported appliances and automobiles cannot be considered to be like or directly competitive with electrical cord for appliances and automotive wire harnesses. Imports of electrical wire, electrical cord, and automotive wire harnesses must be considered in determining import injury to workers producing electrical wire at the Sycamore, Illinois plant of Essex Group.

Department surveys of major Essex customers which purchased electrical wire, electrical cord or auto wire harnesses revealed that, from 1978 to 1979, none of the surveyed electrical wire customers purchased imported electrical wire; and none of the surveyed auto wire harness customers increased purchases of imported auto wire harnesses and decreased purchases of such wire harnesses from Essex; and most of the surveyed electrical cord customers did not purchase any imported electrical cord. Customers which purchased imported electrical cord decreased such purchases in 1979, compared with 1978.

Total company production of electrical wire increased in value in 1979 compared with 1978.

In this case, therefore, the certifying officer has determined that all workers at the Sycamore, Illinois plant of Essex Group, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7215; Formed Tubes, Inc., Haleyville, Ala.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at the Haleyville, Alabama plant of Formed Tubes, Incorporated. The workers produce exhaust pipes and tailpipes.

The investigation revealed that criterion (3) has not been met.

A survey of customers of Formed Tubes revealed that customers either did not purchase imported exhaust pipes and tailpipes or decreased imports in 1979 compared with 1978 and in the January-February period of 1980 compared with the same period of 1979.

In this case, therefore, the certifying officer has determined that all workers at the Haleyville, Alabama plant of Formed Tubes, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7214; Formed Tubes, Inc., Sturgis, Mich.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at the Sturgis, Michigan plant of Formed Tubes, Incorporated. The workers produce exhaust pipes and tailpipes.

The investigation revealed that criterion (3) has not been met.

A survey of customers of Formed Tubes revealed that customers either did not purchase imported exhaust pipes and tailpipes or decreased imports in 1979 compared with 1978 and in the January-February period of 1980 compared with the same period of 1979.

In this case, therefore, the certifying officer has determined that all workers at the Sturgis, Michigan plant of Formed Tubes, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7177; Hudson Shoe Machinery Corp., Haverhill, Mass.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at Hudson Shoe Machinery Corporation, Haverhill, Massachusetts. The workers produce machinery used in shoe, boot and leather goods production.

The investigation revealed that criterion (3) has not been met.

Hudson Shoe Machinery Corporation produces machinery used in shoe, boot and leather goods production. The petitioners allege that increased imports of shoes contributed importantly to the decline in sales or production and the separation of workers from Hudson Shoe Machinery Corporation. Imported shoes cannot be considered like or directly competitive with machinery used in shoe, boot, and leather goods production. Imports of finished machinery used in shoe, boot and leather goods production must be considered in determining import injury to workers producing machinery used in shoe, boot and leather goods production at Hudson Shoe Machinery Corporation, Haverhill, Massachusetts.

Surveyed customers indicated that much of the machinery purchased from Hudson is unique in function and design. Customers who increased purchases of imported machinery indicated that this machinery was functionally dissimilar to Hudson's products and therefore not competitive. One customer whose decrease in purchases from Hudson represented almost all of the total respondents' decreases in the first quarter of 1980 compared to the first quarter of 1979 did not import any shoe machinery.

In this case, therefore, the certifying officer has determined that all workers of Hudson Shoe Machinery Corporation, Haverhill, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7542; Island Creek Coal Co., Island Creek Division, Mine #9, Coal Mountain, W. Va.

The investigation was initiated on March 31, 1980 in response to a petition which was filed by the United Mineworkers of America on behalf of workers at Island Creek Coal Company, Island Creek Division, Mine #9, Coal Mountain, West Virginia. Workers at the mine extracted metallurgical coal.

The investigation revealed that criterion (3) has not been met.

Island Creek Coal Company, Island Creek Division, closed mine #9 in Coal Mountain, West Virginia as a result of the extraction of all available coal.

Since coke is metallurgical coal at a later stage of processing, imports of coke and imports of metallurgical coal should be considered in determining import injury to workers mining metallurgical coal.

U.S. imports of metallurgical coal are negligible. The ratio of imports to domestic production did not exceed six-

tenths of one percent from 1974 through 1979.

U.S. imports of coke decreased absolutely and relative to domestic production during 1979 when compared with 1978.

In this case, therefore, the certifying officer has determined that all workers of the Island Creek Coal Company, Island Creek Division, Mine #9, Coal Mountain, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7331; Jan's Things; New York, N.Y.

The investigation was initiated on March 10, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Jan's Things, New York, New York. The workers produce ladies' dresses.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's and misses' dresses decreased absolutely in 1979 compared to 1978.

A Departmental survey was conducted with a random sample of customers of Jan's Things. The survey revealed that customers who decreased purchases from Jan's Things and increased purchases of imported dresses, in 1979 compared to 1978, increased their purchases from other domestic sources by an amount greater than their increase in imports.

In this case, therefore, the certifying officer has determined that all workers of Jan's Things, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7442; Junior Vanguard, Inc.; New York, N.Y.

The investigation was initiated on March 31, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Junior Vanguard, Incorporated, New York, New York. Workers produce ladies' coats, dresses, pants, skirts, blouses, and suits.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses', and children's costs and jackets, dresses, blouses and shirts, and slacks and shorts decreased in 1979 compared to 1978.

Junior Vanguard, Incorporated produces ladies' garments exclusively for commonly-owned and family-owned retail stores. None of these retail stores import any ladies' garments.

In this case, therefore, the certifying officer has determined that all workers of Junior Vanguard, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7309; Lisa Scott Apparel, Inc., New York, N.Y.

The investigation was initiated on March 10, 1980 in response to a petition which was filed on behalf of workers at Lisa Scott Apparel, Incorporated, New York, New York. Workers at Lisa Scott Apparel produced women's dresses.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's and misses' dresses declined in 1979 compared to 1978.

A survey of customers of Lisa Scott Apparel revealed that most customers either do not purchase imported dresses or decreased imports and those customers importing dresses increased markedly their purchases from other domestic sources in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Lisa Scott Apparel, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7365; Maumee Pattern and Manufacturing Co., Toledo, Ohio

The investigation was initiated on March 17, 1980 in response to a petition which was filed by the Pattern, Mold and Model Makers' Association on behalf of workers at the Maumee Pattern and Manufacturing Company. Workers at the Maumee Pattern and Manufacturing Company produce wood and metal patterns.

The investigation revealed that criterion (3) has not been met.

The Maumee Pattern and Manufacturing Company produces wood and metal patterns for the automotive industry. The petition alleges that increased imports of automobiles contributed importantly to the decline in sales or production and to the separation of workers producing wood and metal patterns at the Maumee Pattern and Manufacturing Company. Imported automobiles cannot be considered like or directly competitive with wood and metal patterns. Imports of industrial patterns must be considered in determinging import injury to workers producing wood and metal patterns at the Maumee Pattern and Manufacturing Company, Toledo, Ohio.

U.S. imports of industrial patterns are negligible. The ratio of imports to domestic production of industrial patterns did not exceed one-half of one percent during the period 1975 through 1979.

The average number of pattern makers employed at Maumee Pattern remained constant in 1979 compared to 1978, and increased in the first quarter of 1980 compared to the same quarter in 1979.

In this case, therefore, the certifying officer has determined that all workers of the Maumee Pattern and Manufacturing Company, Toledo, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7314; M. G. Kinsler Co., Inc., Springfield, Mass.

The investigation was initiated on March 10, 1980 in response to a petition which was filed on behalf of workers at M. G. Kinsler Company, Incorporated, Springfield, Massachusetts. The workers produce ladies' coats.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's coats and jackets decreased absolutely in 1979 compared with 1978.

Customers of M. G. Kinsler Company, Incorporated who were surveyed reported that they had decreased purchases of ladies' coats from the subject firm and did not increase their reliance on foreign sources for similar items during the period under investigation.

In this case, therefore, the certifying officer has determined that all workers of M. G. Kinsler Company, Incorporated, Springfield, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7260; Movie Star, Inc., Barbara Quilting Division, Port Jervis, N.Y.

The investigation was initiated on March 3, 1980 in response to a petition which was filed on behalf of workers at Barbara Quilting Division, Port Jervis, New York of Movie Star, Incorporated. The workers produce women's robes.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's robes, dressing gowns and housecoats decreased absolutely during 1979 as compared to 1978.

The Barbara Quilting Division was founded as a manufacturing arm of Movie Star, Incorporated. Barbara Quilting also performed contract work for other manufacturers during 1978, 1979 and 1980.

A Departmental survey was conducted with customers for whom

Movie Star, Incorporated manufactured women's robes and for whom the Barbara Quilting Division performed contract work. The survey revealed that manufacturers who decreased contracts with Barbara Quilting from 1978 to 1979 increased contracts with other domestic sources during this time period. Most of the retail customers responding to the survey did not purchase imported women's robes in 1978, 1979 or the first two months of 1980. Those customers who reduced purchases from Movie Star and who increased purchases of imported women's robes, from 1978 to 1979 and in the first quarter of 1980 compared to the first quarter of 1979, increased purchases from other domestic sources by an amount greater than their increase in purchases of imports.

In this case, therefore, the certifying officer has determined that all workers of the Barbara Quilting Division, Port Jervis, New York of Movie Star, Incorporated are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7338; Northern Processors, Inc., Caribou, Maine

The investigation was initiated on March 10, 1980 in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at Northern Processors, Incorporated, Caribou, Maine. The workers produce frozen potatoes and frozen peas.

The investigation revealed that criterion (3) has not been met.

U.S. imports of peas decreased both absolutely and relative to U.S. production in 1979 compared to 1978. U.S. imports of potatoes are negligible. The ratio of imports to domestic production of potatoes was less than three-tenths of one percent from 1975 through 1979.

In July 1979, AKF Foods, the parent company of Northern Processors, began a transfer of operations from Northern Processors in Caribou to Potato Service in Presque Isle, Maine, another AKF subsidiary. Workers from Northern Processors were invited to apply for positions at Potato Service.

In this case, therefore, the certifying officer has determined that all workers of Northern Processors, Incorporated, Caribou, Maine are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7464; Overland Western Ltd., Detroit, Mich.

The investigation was initiated on March 31, 1980 in response to a petition which was filed on behalf of workers at Overland Western Ltd., Detroit, Michigan. The workers at Overland Western Ltd. are engaged in providing the service of transporting freight by truck.

The investigation revealed that workers of Overland Western Ltd. do not produce an article within the meaning of Section 222(3) of the Act. Therefore, they may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to Overland Western Ltd. by ownership, or a firm related by control. In any case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the product impacted by imports.

Overland Western Ltd. and its customers have no controlling interest in one another. The subject firm is not corporately affiliated with any company producing a product.

All workers engaged in transporting freight at Overland Western Ltd. are employed by that firm. All personnel actions and payroll transactions are controlled by Overland Western Ltd. All employee benefits are provided and maintained by Overland Western Ltd. Workers are not, at any time, under employment or supervision by customers of Overland Western Ltd. Thus, Overland Western Ltd. and not any of its customers, must be considered to be the "workers' firm".

In this case, therefore, the certifying officer has determined that all workers of Overland Western Ltd., Detroit, Michigan be denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6905; Palomar Electronics Corp., Escondido, Calif.

The investigation was initiated on February 1, 1980 in response to a petition which was filed on behalf of workers at Palomar Electronics Corporation, Escondido, California. Workers at Palomar produced electronic equipment, including amateur band and land mobile transceiver radios, power supplies and wattmeters.

The investigation revealed that criterion (3) has not been met.

The ratios of imports to domestic production for amateur and land mobile radio units, electricity supply meters, and power supplies in 1979 were 2.6, 0.4, and 7.0 percent respectively.

Results of a survey performed by the U.S. Department of Labor of major customers of Palomar Electronics Corporation indicated that customers who responded did not increase their purchases of imported electronic products while decreasing purchases of products produced by the subject firm in 1979 as compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Palomar Electronics Corporation, Escondido, California are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-7206; Printex Corp., Ossining, N.Y.

The investigation was initiated on February 25, 1980 in response to a petition which was filed on behalf of workers at Printex Corporation, Ossining, New York. The workers produce printed fabric.

The investigation revealed that criterion (3) has not been met.

U.S. imports of finished fabric decreased from 1978 to 1979. The ratio of imports to domestic production did not exceed 2.1 percent from 1975 through 1978.

The majority of Printex's printed fabric production went to a division of its parent corporation, Vera Industries, for use in the production of blouses and linens. Vera did not purchase printed fabric from outside sources for these products prior to closing Printex's printed fabric operation. Vera, after closing the printed fabric operation, has been obtaining its printed fabric from domestic sources. Vera does not purchase imported fabric.

In this case, therefore, the certifying officer has determined that all workers of Printex Corporation, Ossining, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA-W-6826; Selma Industries, Inc.; Selma, Ala.

The investigation was initiated on January 21, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Selma Industries, Incorporated, Selma, Alabama. The workers were engaged in employment related to the production of ladies' dresses and sportswear (including blouses, pants skirts and jackets).

The investigation revealed that criterion (3) has not been met.

The Department of Labor investigation revealed that Selma was a warehouse and distribution center for the Puritan Dress Division and the Penny Young Division of Puritan Fashions. Selma Industries, Incorporated handled the distribution

and warehousing of dresses primarily, until it permanently closed in December 1979. At this time the warehousing and distribution function was transferred to a company plant in Ashville, North Carolina.

U.S. imports of women's, misses', and children's dresses decreased, in absolute terms, in 1979 compared to 1978.

A Departmental survey of customers of Puritan Dress and Penny Young revealed that many customers either reduced purchases of imported ladies' dresses from 1978 to 1979 or purchased no ladies' dresses in 1978 or 1979. Most of the surveyed customers who reduced purchases from Puritan Dress and Penny Young and increased purchases of imports in 1979 compared to 1978 also increased purchases from other domestic sources. For those customers who decreased purchases from domestic sources and increased purchases of imports, imported dresses accounted for an insignificant proportion of total dress purchases in 1979.

Production at the Puritan Dress and Penny Young Divisions increased in the first quarter of 1980 compared to the same period in 1979.

In this case, therefore, the certifying officer has determined that all workers of Selma Industries, Incorporated, Selma, Alabama are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7259; Service Cable, Mt. Clemens, Mich.

The investigation was initiated on March 3, 1980 in response to a worker petition which was filed on behalf of workers at Service Cable, Mt. Clemens, Michigan. The workers produced speedometer cables.

The investigation revealed that criterion (3) has not been met.

During September 1979, a portion of the speedometer cable production was transferred from Service Cable's, Mt. Clemens, Michigan plant to the parent company's facility of Merit Plastics at Columbus, Ohio.

The petitioners allege that increased imports affected all U.S. car production thus affecting the petitioners' jobs in supplying parts.

In discussing the term "like or directly competitive" as used in the Trade Act of 1974, the Senate Finance Committee noted that under the Trade Expansion Act of 1962, the courts concluded that imported finished articles are not like or directly competitive with domestic component parts thereof, *United Shoe Workers of America, AFL–CIO v. Bedell*, 506 F.2d 174 (1974). (S. Rept. 93–1298, 93rd Cong., 2d Sess., 1974 p. 122). In that case, the court held that imported finished women's shoes were not like or directly competitive with the shoe counters.

Similarly, speedometer cables cannot be considered to be like or directly competitive with automobiles. Imports of speedometer cables must be considered in determining import injury to workers producing speedometer cables.

U.S. imports of speedometer cables decreased absolutely and relative to domestic production in 1979 compared to 1978.

A Department survey revealed that none of Service Cable's major customers decreased purchases from Service Cable and increased purchases of imported speedometer cables in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of Service Cable, Mt. Clemens, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7257; Signode Corp., Weirton, W. Va.

The investigation was initiated on March 3, 1980 in response to a petition which was filed on behalf of workers at the Weirton Plant of the Signode Corporation, Weirton, West Virginia. Workers at the Weirton plant produce steel strappings (also called bale ties).

The investigation revealed that criterion (3) has not been met.

U.S. imports of bale ties decreased absolutely in 1979 compared with 1978. Data are not available regarding total domestic production of bale ties; however, the ratio of aggregate imports to production at the Weirton, West Virginia plant of the Signode Corporation was less than one percent in both 1978 and 1979.

A Department survey of some of the Weirton plant's major customers found that they purchased no imported strapping (bale ties) in 1978 or 1979.

In this case, therefore, the certifying officer has determined that all workers of the Signode Corporation, Weirton, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7236; Trantex Corp., Springfield, Mass.

The investigation was initiated on March 3, 1980 in response to a petition which was filed by the United Paperworkers International Union on behalf of workers at Trantex Corporation, Springfield, Massachusetts. The workers at the plant produced primarily transfer print paper.

The investigation revealed that criterion (3) has not been met.

U.S. imports of transfer print paper decreased both absolutely and relative to domestic production in 1979 compared with 1978.

Customers who were surveyed reported that they had not decreased purchases of transfer print paper while increasing their reliance on foreign sources for similar items during the period under investigation.

In this case, therefore, the certifying officer has determined that all workers of Trantex Corporation, Springfield, Massachusetts are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7119; Twine Products Corp., New Orleans, La.

The investigation was initiated on February 15, 1980 in response to a petition which was filed on behalf of workers at Twine Products Corporation, New Orleans, Louisiana. Workers at the firm produce agricultural twine.

The investigation revealed that criterion (3) has not been met.

U.S. imports of synthetic twine, which include synthetic agricultural twine, decreased absolutely and relative to domestic production in 1979 compared with 1978. The ratio of imports to domestic production has decreased in every year since 1976. Industry sources report synthetic agricultural twine represents an insignificant percentage of the total category.

Company production of polypropylene (synthetic) agricultural twine increased in terms of quantity in 1978 compared with 1977, and increased in 1979 compared with 1978.

Company production of sisal (natural hard fiber) twine increased in terms of quantity in 1979 compared with 1978.

The Department conducted a survey of Twine Products Corporation's customers for their purchases of synthetic and natural fiber agricultural twine. Survey respondents purchasing synthetic agricultural twine did not report decreased purchases of synthetic agricultural twine from the subject firm and increased purchases of imported synthetic twine during the years 1978 and 1979. Most survey respondents purchasing natural fiber agricultural twine did not decrease purchases from the subject firm and increase purchases of imported natural fiber twine.

In this case, therefore, the certifying officer has determined that all workers of Twine Products Corporation, New Orleans, Louisiana are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7334 and 7335; Utica Cutlery Co., Utica, N.Y., New York Mills, N.Y.

The investigation was initiated on March 10, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at Utica Cutlery Company, Utica and New York Mills, New York. Workers at the plants produce stainless steel flatware, fixed blade cutlery and pocket knives.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation revealed that any declines in production or employment at the Utica Cutlery Company, Inc., were primarily attributable to normal business fluctuations.

Combined employment at the two plants remained stable in 1979 compared to 1978, before declining slightly in the first two months of 1980 compared to the same period in 1979.

A. *Stainless Steel Flatware.* Workers engaged in the production of stainless steel flatware were previously certified eligible to apply for adjustment assistance until October 31, 1979 (TA–W–2101).

Production of stainless steel flatware increased in the fourth quarter of 1979 compared to the third quarter, and increased again in the first two months of 1980 compared to the same period in 1979.

B. *Kitchen Cutlery.* Production of kitchen cutlery increased in the first two months of 1980 compared to the same period in 1979, after remaining relatively stable in the fourth quarter of 1979 compared to the same quarter in 1978.

Company imports of kitchen cutlery declined in 1979 compared to 1978, and in the first two months of 1980 compared to the same period in 1979.

C. *Pocket Knives.* Production of pocket knives remained relatively stable in 1979 compared to 1978, before declining in the first two months of 1980 compared to the same period in 1979.

Imports of pocket knives declined in value in 1979 compared to 1978. In quantity terms, imports were stable in 1979 compared to 1978, however imports declined relative to domestic production.

The petition alleges that several workers engaged in the production of pocket knives were laid off at the end of February 1980. The investigation revealed that the layoffs were temporary and primarily attributable to a shortage of raw materials.

In this case, therefore, the certifying officer has determined that all workers of Utica Cutlery Company, Utica and New York Mills, New York are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA–W–7310; Whitestone Industries, Inc., New York, N.Y.

The investigation was initiated on March 10, 1980 in response to a petition which was filed on behalf of workers at Whitestone Industries, Incorporated, New York, New York. Workers at the Whitestone produced women's suits, dresses and sportswear.

The investigation revealed that criterion (3) has not been met.

U.S. imports of women's, misses' and children's suits, coats and jackets, slacks and shorts, blouses and shirts, and of women's and misses' dresses declined in 1979 compared to 1978.

A survey of customers of Whitestone Industries revealed that most customers either do not purchase imports or decreased import purchases of women's suits, dresses and sportswear in 1979 compared to 1978. Customers surveyed who increased import purchases in 1979 compared to 1978, while decreasing purchases from Whitestone, accounted for an insignificant percent of the total sales decline experienced by Whitestone during this period. In addition, as a percentage of total demand for women's suits, dresses and sportswear by the responding customers, imports decreased in 1979 compared to 1978.

In this case, therefore, the certifying officer has determined that all workers of the Whitestone Industries, Incorporated, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

TA–W–7209; Windermere Corp.; New York, N.Y.

The investigation was initiated on February 25, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at the Windermere Corporation, New York, New York. Workers at the company produce women's coats.

The investigation revealed that criterion (3) has not been met.

Imports of women's, misses', and children's coats and jackets decreased in 1979 as compared to 1978.

Results of a U.S. Department of Labor survey of Windermere's customers indicated that none of the customers who responded to the survey increased purchases of women's coats from foreign sources while decreasing purchases of coats from the subject firm in 1979 as compared to 1978.

In this case, therefore, certifying officer has determined that all workers of the Windermere Corporation, New York, New York are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

I hereby certify that determinations were issued with respect to all of the aforementioned cases during the week of May 5th–9th, 1980.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–15064 Filed 5–15–80; 8:45 am]

BILLING CODE 4510–28–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 80–39]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC), Subcommittee on Aviation Safety Reporting System (ASRS); Meeting

The Subcommittee on Aviation Safety Reporting System (ASRS) will meet June 3–4, 1980, at the Aircraft Owners and Pilots Association (AOPA), 7315 Wisconsin Avenue, NW, Washington, DC, main conference room. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room (about 25 persons including the Subcommittee members and participants).

The Subcommittee, which serves in an advisory capacity only, reviews ASRS operations and NASA actions taken in response to Subcommittee recommendations. The Chairperson is John H. Winant. There are currently 10 members on the Subcommittee. Following is the approved agenda for the meeting.

Agenda

June 3, 1980

9:00 a.m.—Chairperson's Opening Remarks
9:15 a.m.—Executive Secretary's Report
9:30 a.m.—Management Report
1:00 p.m—Discussion of Program Evaluation for the period Ending June 1981
5:00 p.m.—Adjourn

June 4, 1980

8:30 a.m.—Discussion of Future Advisory Subcommittee Tasks
12:00 noon—Adjourn

FOR FURTHER INFORMATION CONTACT:

Herman A. Rediess, NASA Headquarters, Code RTE–6,

Washington, DC 20546. Telephone 202/755-2243.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 9, 1980.

[FR Doc. 80-15028 Filed 5-15-80; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on the Sequoyah Nuclear Plant (Units 1 and 2); Meeting

The ACRS Subcommittee on the Sequoyah Nuclear Plant will hold a meeting on June 2, 1980 in Room 1046, 1717 H St., N.W., Washington, DC 20555 to continue its review of the Tennessee Valley Authority (TVA) application for a license to operate Units 1 and 2.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, June 2, 1980, 8:30 a.m. Until the Conclusion of Business.

The Subcommittees may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, TVA, their consultants, and other interested persons.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Public Law 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555 and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, TN 37402.

Dated: May 12, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-15085 Filed 5-15-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-16797; File No. SR-BSE-80-4]

Boston Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 2, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

1. *Text of Proposed Change*

An interpretation of Section 4 of Article XVI of the Constitution to read as follows:

"Trading of ITS Free List stocks through superior markets available in other ITS market places will constitute conduct inconsistent with just and equitable principles of trade and will be dealt with accordingly."

New Section (b)(21) of Chapter XXXI of the Rules to read as follows:

"Prior to the time a transaction in an issue within the Intermarket Trading System in which no Dealer is registered by the Exchange is consummated, the best ITS System bid or offer at the quoted size, as shown on the montage display system, must be satisfied, if superior in price, by the issuance of an ITS commitment to trade entered from the Exchange Floor. Transactions in ITS Free List issues will be on a strict time priority basis as reflected by the timestamp which is affixed upon receipt of the order. All transactions in Free List issues will be considered effective subject to the review of the quote montage display. Therefore a Member who is in the process of reviewing the quote display after having timestamped his order may not be displaced by another Member who enters an order while the process is in effect."

2. *Procedures of Self-Regulatory Organization*

The Board of Governors approved the proposed amendments on February 28, 1980.

3. *The Exchange's Statement of the Purpose of the Proposed Changes*

To incorporate into the Rules the existing practice that in trading ITS "free list" stocks, the best ITS System bid or offer at the quoted size must be satisfied so as to avoid trade-throughs of superior markets which may be available on other market places.

4. *The Exchange's Statement of the Bases of the Proposed Change*

The bases under the Act for the proposed Rule changes is Section 6(b)(5) and 11(a)(1) since it calls for an order to be executed in the best market to protect investors and the public interests.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes*

No comments were solicited or received. The proposed amendment is to incorporate into the Rules an existing practice.

6. *Burden on Competition*

No burden on competition is perceived by adoption of the proposed amendment. The Exchange believes the proposed Rule will benefit the investors and the public by executing orders in the best market in the ITS system.

On or before June 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date, if it finds such longer period to be appropriate and published its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 6, 1980. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

May 12, 1980.

[FR Doc. 80-15168 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16795; File No. SR-BSE-80-3]

Boston Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 30, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The new Section 33 of Chapter II of the Boston Stock Exhange, Inc. rules would provide that the Boston Stock Exchange Guaranteed Execution System shall be available to each member firm in all issues traded through the Intermarket Trading System ("ITS") in the specialst system. The new system shall pertain to orders from 100 to 399 shares, inclusive.

Execution of these orders, accepted and guaranteed by the specialist, would be pursuant to the proposed policies. Subject to the short sale rule, all agency market orders must be filled at the primary market bid or offer, or better. All agency limit orders would be filled when (a) the bid or offering at the limit price has been exhausted in the primary market, or (b) there has been a price penetration at the limit price; or (c) the issue is trading at the limit price and the broker and specialist agree to a specific volume-related or other criteria requiring a fill. Pre-opening orders would be accepted and filled at the primary market opening, under certain restrictions. In primary market trading halts, orders would be executed based on the reopening price. Primary market size shall govern.

2. *Procedures of Self-Regulatory Organization*

The Board of Governors, effective April 24, 1980, approved the proposed amendment to Chapter II of the Rules by the addition of a new Section 33.

3. *The Exchange's Statement of its Purpose of the Proposed Rule Change*

The Guaranteed Execution System is being adopted to make available an execution system to member firms and their customers which is competitive with execution systems in existence on other Exchanges. The adoption of this system is necessary to more effectively compete for small order business and will enhance the depth and liquidity of the Exchange markets.

4. *The Exchange's Statement of Bases of the Proposed Change*

The bases under the act for the proposed Rule change are Sections 6(b)(5) and 11(b) since such Rule change will work towards a more competitive national market system by increasing the ability of Boston specialists to make in depth markets in securities in which they are registered.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change*

No comments were solicited or received.

6. *The Exchange's Statement on Burden on Competition*

No burden on competition is perceived by adoption of the proposed amendment. The Exchange believes the proposed Rule will benefit the investors and the public by enhancing the depth and liquidity of Exchange markets.

On or before June 20, 1980, within such longer period (i) as the Commission may designate up to 90 days of such date, if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 16, 1980. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

May 9, 1980.

[FR Doc. 80-15168 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Re. No. 34-16801; File No. SR-CBOE-80-7]

Chicago Board Options Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b) (1), of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b) (1), notice is hereby given that on April 17, 1980, the Chicago Board Options Exchange ("CBOE") filed with the Securities and Exchange Commission proposed rule changes as follows:

CBOE's Statement of the Terms of Substance of the Proposed Rule Changes

Rule 1.1. Existing definitions of the terms "put," "call," "exercise price," "aggregate exercise price" and "covered" in the Rule are proposed to be amended to make those terms applicable to options on modified pass-through mortgage backed debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMAs"), and certain additional definitions are proposed to be added to the Rule to clarify the meaning of the modifications to existing definitions.

In particular, paragraphs (n) and (o), defining "put" and "call," respectively, would be amended to provide that the holder of a GNMA option has the right to sell to or purchase from the Clearing Corporation, as the case may be, in accordance with the terms of the option, a remaining unpaid principal balance of GNMAs referred to as the "nominal

principal amount," as defined in paragraph (gg) of the Rule, plus or minus the principal variance permitted by Rule 5.6(c). The "nominal principal amount" of a GNMA option would be fixed, in accordance with the Rules of the Clearing Corporation, at $100,000 remaining unpaid principal balance of GNMAs. Rule 5.6(c) would permit the delivery of a remaining unpaid principal balance of GNMAs upon exercise of a GNMA option varying by any amount less than 2.5% of the nominal principal amount.

Paragraph (s) of the Rule would modify the term "exercise price," in the context of GNMA options, to refer to the specified percentage of the nominal principal amount at which the underlying security may be purchased or sold upon exercise of an option. Further, the definition would provide for adjustment of that specified percentage in the event a GNMA delivered upon such exercise bears a stated rate of interest at a "qualifying rate," defined in paragraph (ii) of the Rule, other than the "designated rate," defined in paragraph (hh) of the Rule to be 8% (subject to change by the Securities Committee), so that the amount paid provides the same yield to maturity as the amount which would have been payable if the stated rate of interest had been equal to the designated rate, assuming a 30-year term and prepayment at the end of the twelfth year of the mortgage obligations underlying GNMAs.

Paragraph (t) of the Rule is proposed to be amended so that the term "aggregate exercise price," in the context of GNMA options, would mean the exercise price of an option multiplied by the nominal principal amount of GNMAs underlying the option. The definition would provide for adjustment of the aggregate exercise price in the event the remaining unpaid principal balance of a GNMA delivered upon exercise of a GNMA option varies from the nominal principal amount to reflect both the actual remaining unpaid principal balance of the GNMA delivered and the "appropriate differential," defined in paragraph (kk) of the Rule. The "appropriate differential" is an amount calculated with reference to variations in the remaining unpaid principal balance actually delivered upon exercise of a GNMA option and the "current cash market price," as defined in paragraph (11) of the Rule, of GNMAs bearing the same stated rate of interest as that borne by the GNMAs delivered.

Paragraph (y) of the Rule is proposed to be amended so that the term "covered," in the context of GNMA options, would correlate appropriately (i) short positions in GNMA call options with long positions in either the underlying security or in GNMA call options and (ii) short positions in GNMA put options with long positions in such options, based on the exercise prices of the offsetting options positions or the remaining unpaid principal balance of the offsetting GNMA position.

Paragraph (ff) of the Rule would define the term "GNMA" in a manner confining that term to GNMAs bearing a "qualifying rate" of interest, defined in paragraph (ii) of the Rule. What constitutes a qualifying rate would be subject to change from time to time on the basis of the then current "GNMA production rate," defined in paragraph (jj) of the Rule to mean a rate of interest .50% below the current Federal Housing Administration-Veterans Administration mortgage rate. A qualifying rate would be any rate equal to or less than the current GNMA production rate, provided that, (i) in the event of a change in the GNMA production rate, already outstanding GNMAs bearing interest at the changed GNMA production rate would not be deemed to bear a qualifying rate for the periods specified, and (ii) if the change is a decrease, outstanding GNMAs bearing an interest rate which was a qualifying rate immediately before the change would be deemed to continue to bear a qualifying rate for the periods specified. Finally, the definition of the term GNMA would provide that, for purposes of the Rules, any two or more separate certificates representing GNMAs bearing the same qualifying rate delivered in accordance with the rules of the Clearing Corporation would be deemed to be a single GNMA (representing the aggregate of the remaining unpaid principal balances of such separate certificates).

Paragraph .01 under Interpretations and Policies pursuant to Rule 1.1 make clear that the current standard form prospectus covering GNMAs is form HUD 1717.

Paragraph .02 under Interpretations and Policies pursuant to Rule 1.1 would set forth a hypothetical example illustrating the meanings of various of the definitions set forth in the Rule.

Paragraph .03 under Interpretations and Policies pursuant to Rule 1.1 would establish that the time for determining the cash market price of GNMAs for purposes of calculating the appropriate differential would be immediately prior to preparation of advice by the Clearing Corporation concerning the precise amounts of aggregate exercise prices payable with respect to exercised GNMA options.

Paragraph .016 of Interpretations and Policies pursuant to Rule 4.3. The stated policy would permit members to maintain wire connections for the purpose of obtaining timely information on price movements in GNMAs.

Rule 4.17. The Rule is proposed to be amended to confine its application to options on stocks.

Rule 5.1. The Rule is proposed to be be amended to apply to GNMA options, specifying that all option contracts of GNMAs shall be deemed to refer to GNMAs bearing a stated rate of interest equal to the designated rate and providing for designation of such options by reference to the expiration month for the longest term series in addition to the other criteria set forth for all options.

Rule 5.3. A new paragraph (d) would be added to the Rule to provide for GNMA options, empowering the Board of Directors to establish such additional criteria with respect to GNMA eligibility as underlying securities as the Board deems necessary or appropriate in the interests of maintaining a fair and orderly market or for the protection of investors.

Rule 5.4. The Rule is proposed to be amended to provide for the withdrawal by the Securities Committee of approval of securities underlying options, including GNMAs.

Rule 5.6. Paragraph (a) of the Rule is proposed to be amended to provide for determination by the Securities Committee of the expiration month and year in the case of GNMA options, to establish particular expiration months for series of such options, to set a 15-month expiration cycle for such series, and to provide for the fixing of exercise prices by reference to current cash market prices for GNMAs.

A new paragraph (c) would be added to the Rule permitting the remaining unpaid principal balance of GNMAs delivered upon exercise of an option to vary, in accordance with the Rules of the Clearing Corporation, in any amount less than 2.5% of the nominal principal amount.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.1. The paragraph would establish hours for trading GNMA options corresponding to the hours during which GNMAs ordinarily are traded in the cash market, but ending at 3:00 p.m. (Chicago time).

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.2. The paragraph is proposed to be amended to provide for commencement of the opening rotation in GNMA options following the availability of quotations

for GNMAs on the quotation display mechanism(s) approved by CBOE and to provide for those occasions on which such quotations are not available.

Rules 6.3 and 6.4. These Rules are proposed to be amended to provide for trading halts and suspensions with respect to GNMA options in the event current quotations are unavailable.

Rule 6.41. Paragraph (a) is proposed to be amended to provide that bids and offers for GNMA options shall be expressed in terms of a percentage of the nominal principal amount, assuming a stated rate of interest equal to the designated rate. A new paragraph .02 would be added to the Interpretations and Policies pursuant to the Rule to establish that such bids and offers shall be expressed in terms of 1/64 of 1% of the nominal principal amount unless a different percentage is approved by the Floor Procedure Committee.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.45. The paragraph is proposed to be amended to treat orders to sell GNMA options at a price of 1/64 of 1% in the same fashion as orders to sell stock options at a price of 1/16.

Rule 6.54. The Rule and the Intrepretations and Policies thereunder are proposed to be amended to treat orders for GNMA options priced at one cent per $1,000 of nominal principal amount in the same manner as orders for stock options priced at one cent per share.

Paragraph .01 of Interpretations and Policies pursuant to Rule 6.56. The paragraph would be revised to specify 9:00 a.m. (Chicago time) of the following business day as the time by which unmatched trades in GNMA options must be resolved.

Rule 6.73. Paragraph (b) of the Rule is proposed to be amended to provide that, with respect to GNMA options, contingency and one-cancels-the-other orders may be executed by a Floor Broker on the basis of the most reliable price information as to GNMAs reasonably available to the Floor Broker.

Rule 8.7. Paragraph (b) of the Rule is proposed to be amended to establish levels of generally acceptable spreads between market maker bids and offers for GNMA options depending upon the last transaction price for such options.

Rule 9.7. Paragraph (a) of the Rule is proposed to be amended to require special approval of customers' accounts prior to acceptance by members of orders from customers to purchase or write GNMA options. Paragraph (e) of the Rule is proposed to be amended to require customers whose accounts have been approved for GNMA options transactions to be provided with a current Clearing Corporation prospectus on GNMA options.

Rule 9.15. The Rule is proposed to be amended to provide for the delivery of the Clearing Corporation prospectus on GNMA options.

Rule 9.21. The Rule is proposed to be amended to require that written materials concerning GNMA options disseminated thereunder must be accompanied or preceded by a current Clearing Corporation prospectus on GNMA options, and that advertisements with respect to GNMA options must state the name and address of a person from whom such a prospectus may be obtained.

Rule 11.2. The Rule is proposed to be amended to differentiate between positions of block size and smaller positions in GNMA options in allocating exercise notices.

Paragraph .01 of Interpretations and Policies to Rule 10.1. The paragraph is proposed to be amended to specify 8:00 a.m. (Chicago time) as the time by which unmatched transactions in GNMA options rejected overnight by the Clearing Corporation must be resolved.

Rule 11.3. The Rule is proposed to be amended to require, in connection with the exercise of GNMA options, the payment of accrued interest thereon and to specify that payment of the exercise price shall not be required until the precise amount thereof shall have been communicated to the customer by the member.

Rule 12.3. The Rule is proposed to be amended to add a new paragraph (6) establishing 3% of the market value of the nominal principal amount of GNMAs underlying an option as the required margin in connection with a short position in such an option, increased or decreased on the assumption that the GNMA delivered upon exercise of that option will bear interest at a rate equal to the then current highest qualifying rate. Further, as proposed to be amended, the Rule would require margin to be calculated on the assumption that the GNMAs held in a long position covering a short position in GNMA call options will be the GNMAs delivered upon any exercise.

Rule 12.5. The Rule is proposed to be amended to specify that GNMA positions shall be valued at current cash market prices for GNMAs bearing the same stated rate of interest as those in the positions.

CBOE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule changes is as follows:

Purpose of Proposed Rule Changes

The proposed rule changes contemplate the creation and conduct of an organized trading market on CBOE for options on Government National Mortgage Association passthrough securities ("GNMAs"). CBOE intends the proposed rule changes to become effective 30 days following Commission approval. Although most of CBOE's current rules may be applied without change to GNMA options trading, certain trading practices characterizing the existing over-the-counter cash market for GNMAs (and, to a certain extent, the futures markets for GNMAs) require conforming changes in CBOE's rules to ensure synchronization of trading in both options on GNMAs and in the underlying securities themselves. These practices primarily concern (i) permissible variance in the remaining unpaid principal balances of GNMAs delivered upon settlement of a purchase or sale, (ii) payment of accrued interest on GNMAs purchased or sold, (iii) yield equivalent delivery, whereby GNMAs bearing any stated rate of interest equal to or less than the current GNMA production rate (except for brief periods to accommodate transitions from one such rate to another) may be delivered upon settlement of a purchase or sale; and (iv) monthly settlements. Except for the changes necessitated by the foregoing practices in the GNMA trading markets, the proposed rule changes simply modify existing CBOE rules presently applicable only to trading in stock options in order to make those rules applicable to trading in GNMA options as well. The same substantive bases and policies underlying CBOE's existing rules have been retained in the proposed rule changes, except for those few new principles necessary to conform the menchanics of GNMA options trading to customary practices in the markets for the underlying securities. Certain of the proposed amendments, meriting more detailed discussion, are discussed below.

Changes have been proposed in paragraphs (s) and (t) of Rule 1.1, defining the terms "exercise price" and "aggregate exercise price," to adapt these terms to GNMA options (changes which, in turn, require new definitions of certain other terms set forth in paragraphs (ff)–(ll) of the Rule). As amended, Rule 1.1 establishes the framework for the exercise and settlement of a put or a call option on a yield instrument where the underlying security may bear one of several interest rates and where the aggregate principal amount actually delivered upon settlement of any such exercise (but not

the yield) may vary, in accordance with customary practices in the markets for the underlying securities, from the nominal principal amount of the option contract in any amount less than 2.5% (in accordance with Rule 5.6(c)). These provisions, particularly the provision requiring adjustment of the aggregate exercise price in the event of delivery of GNMAs varying in remaining unpaid principal balance from the nominal principal amount by addition of the appropriate differential (defined in paragraph (kk) of Rule 1.1), are intended to ensure that the aggregate amount paid by exercise of a GNMA option and the GNMAs delivered upon such exercise yield predictable economic results to both option writers to whom exercises are allocated and exercising holders in light of prevailing market prices for the underlying GNMAs. The required adjustment of the aggregate exercise price in the event the remaining unpaid principal balance of GNMAs delivered upon exercise of an option shifts to the writer of a GNMA call option and the holder of a GNMA put option the economic risks associated with obtaining and being able to deliver the appropriate remaining unpaid principal balance of GNMAs upon exercise of [that option. In this regard, CBOE believes its GNMA options market will function in a fairer and more equitable fashion than the over-the-counter cash market for GNMA options]. Set forth in paragraph .02 of the Interpretations and Policies under the Rule is a hypothetical example of the manner in which the aggregate exercise price of a call contract will be determined (making the adjustments prescribed in Rule 1.1) when the GNMAs delivered upon such exercise vary in stated interest rate from the nominal interest rate of 8% and in remaining unpaid principal balance from the nominal principal amount of $100,000.

Rule 4.17, currently imposing restrictions upon certain out-of-the-money options on underlying stocks, was developed only after considerable trading experience and remains the subject of ongoing review and possible revision. In the absence of such experience for GNMA options, CBOE does not believe it appropriate to adopt parallel provisions for options on GNMAs. Accordingly, CBOE proposes to limit the applicability of Rule 4.17 initially to options on stocks and to monitor whether there appears to be a need for any corresponding rule governing GNMA options.

Rule 5.3 is to be amended to afford CBOE's Board of Directors authority to impose such additional criteria with respect to GNMAs deliverable upon exercise of GNMA options as future experience indicates are necessary or appropriate in the interest of maintaining a fair and orderly market or for the protection of investors. Similarly, Rule 5.4 would be amended to permit withdrawal of approval of GNMAs as securities underlying CBOE options.

Although not reflected in Rule 5.6, governing the terms of options, amended to accommodate options on GNMAs, it will be the policy of CBOE to open additional series of options on GNMAs at intervals (currently anticipated to be 1 percentage point intervals whenever the bid price for GNMAs bearing interest at the then current highest qualifying rate in the over-the-counter cash market reaches the mid-point between intervals) appropriate to current market conditions in light of such factors as volatility and trading volume.

The amended Interpretations and Policies under Rule 6.2 and the amendments proposed to Rules 6.3 and 6.4 (dealing with trading rotations, trading halts and suspension of trading) reflect the dependence of GNMA options trading on the availability of current bid and offer information with respect to GNMAs from the over-the-counter cash market, to be obtained by means of one or more quotation information mechanisms approved by CBOE. GNMAs, of course, are not ordinarily traded on the basis of last sale reports, but, rather on the basis of such quotation information.

The changes to Rule 6.41 and the Interpretations and Policies thereunder reflect that premiums for GNMA options will be expressed in terms of a percentage of the nominal principal amount of GNMAs underlying such options, and that quotations for GNMA options ordinarily will be expressed in terms of 1/64th of 1%.

Under Rule 6.73(b), a Floor Broker handling an order in an GNMA option that is dependent upon a particular bid or offer price for GNMAs would be responsible for satisfying the dependency requirement on the basis of the most reliable information reasonably available to him concerning current quotations for GNMAs. Thus, the Floor Broker would not be limited to quotation information obtained from CBOE-approved quotation information systems, but could utilize such additional information as may be obtained from other reliable sources.

Separate market-maker obligations for GNMA options are proposed in Rule 8.7(b) with respect to the maximum spread between bid and ask prices, with the size of the maximum spread depending upon the price at which GNMA options of the series quoted were last traded. The absence of specific continuity standards reflects the unique aspects of the markets for GNMAs, including the dealer nature of those markets and the lesser volatility (compared to the stock markets) which historically has characterized them.

CBOE's Rules relating to account approval and disclosure (Rules 9.7, 9.15 and 9.21) would be amended to provide for separate account approval and special disclosure requirements for GNMA options in recognition of the special characteristics of the GNMA markets and CBOE's GNMA options market.

Rule 11.2 would be amended to provide for differences in the allocation of option exercises on the basis of whether open short positions are of block size (i.e., ten or more contracts) or smaller to reflect the fact that, in the underlying markets for GNMAs, "round lost" are regarded as units of $1,000,000 remaining unpaid principal balance or larger.

Rule 11.3, as amended, would provide for the payment of accrued interest on underlying GNMAs on exercise of a put or a call in accordance with customary practices in the over-the-counter and futures markets for underlying GNMAs. Further, the Rule would be amended to make clear that payment of the aggregate exercise price upon exercise of a put or a call on GNMAs will not be required until the precise amount payable can be determined in light of the underlying GNMAs delivered (because of the varying remaining unpaid principal balances and stated rates of interest permitted to be delivered).

Rule 12.3 would be amended to provide minimum margin requirements for option contracts on GNMA's carried in a short position in a customer account. The 3% margin requirement specified reflects the margin treatment accorded GNMA positions under the Commission's net capital rule, and was arrived at after consultation with institutions and market professionals active in the GNMA market. Rule 12.5 would reference positions in GNMAs to current over-the-counter cash market prices for GNMAs bearing the same stated rates of interest as those in the positions.

Basis Under the Act For Proposed Rule Change

The proposed rule changes are adopted pursuant to Section 6(b)(5) of the Act as amended, in that the rules proposed hereby are designed to prevent

fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in options on GNMAs.

The proposed rule changes will serve the same purposes of the Act and the rules and regulations thereunder applicable to CBOE as those existing CBOE rules to which the proposed rule changes are parallel. Because the proposed rule changes contemplate applying long-established regulatory principles and techniques which ensure the fairness, orderliness and openness of the CBOE's trading market for stock options to the trading of GNMA options, and because existing provisions of the Act, the Commission's rules thereunder and the rules of CBOE ensuring the protection of investors and the integrity of market professionals in securities transactions will become fully applicable to transactions in GNMA options, the public interest will be advanced by commencement of CBOE's GNMA options market. Implementation of the proposed rule changes will represent the first application of the full range of traditional federal securities law principles and techniques to GNMAs.

CBOE's GNMA options market will provide the same increased investment flexibility with respect to GNMAs as the present options market provides with respect to stocks. CBOE's discussions with institutional investors and dealers has strengthened its conclusion that such a market is both feasible and in the interests of investors. The basic economic function of a GNMA option will be essentially similar to that of an option on common stock: to separate the risks and opportunities of investing in GNMAs and to redistribute those risks and opportunities between the holder and the writer of the option. CBOE expects that GNMA options will be used primarily to hedge against adverse price fluctuations in GNMAs resulting from changes in interest rates and other economic developments which affect the money and the capital markets.

Comments received by CBOE from Members, Participants or Others on Proposed Rule Changes

In August, 1979, a Task Force on GNMA options was formed to assist in development by CBOE of a GNMA options market. Comments received informally from members of that Task Force and from other potential participants in a GNMA options market were generally in favor of developing such a market in accordance with the principles contained in the proposed rule changes. Formal comments on the proposed rule changes have not been solicited or received.

CBOE's Statement of the Burden on Competition

CBOE does not believe that the proposed rule changes will impose any burden on competition.

On or before June 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 15, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Shirley E. Hollis,

Assistant Secretary.

May 12, 1980.

[FR Doc. 80-15165 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. 34-16799; File No. SR-NASD-78-8; Amdt. No. 3]

National Association of Securities Dealers, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on May 9, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The NASD's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

The following is the full text of proposed new Part XII of Schedule D of Article XVI of the Association's By-Laws. (New language is indicated by italics.)

XII

Procedures for Access to the NASDAQ System by Non-NASDAQ Market Makers

These procedures permit a registered NASDAQ market maker, upon approval by the Corporation, to enter quotations into the NASDAQ System on behalf of another market maker who does not subscribe to Level 3 NASDAQ service.

A. *Definitions*

1. *An "access market maker" is a member of the Association who does not subscribe to Level 3 NASDAQ service, but is or intends to be a market maker in a security for which quotations are displayed on the NASDAQ System.*

2. *An "entering subscriber" is a registered NASDAQ market maker who has entered into an arrangement with an access market maker to enter quotations in the NASDAQ System on behalf of such access market maker.*

B. *The entering subscriber may enter quotations in the NASDAQ System on behalf of an access market maker only upon submission and approval by the Association of the following:*

1. *A fully executed copy of the access arrangement agreement which shall contain all agreements and conditions concerning the access arrangement.*

2. *An application for registration as an access market maker for each security.*

C. *Access market makers and entering subscribers shall be limited to one access arrangement in each security.*

D. *Quotations displayed by the entering subscriber on behalf of the access market maker shall be accompanied by the entering subscriber's market maker identifier and a special symbol designating that an access arrangement exists. The identity of the access market maker must be made available by the entering subscriber upon request.*

E. *All transactions resulting from the display of quotations in the NASDAQ System by the entering subscriber shall be executed by the entering subscriber and he shall be responsible for the transaction. Both the entering subscriber and the access market maker shall be subject to and be responsible*

for compliance with the provisions of Schedule D.

F. *Access market makers shall pay to the Corporation an access fee of $70 per month for the first security and $52.50 per month for each additional security which is subject to an approved access arrangement.*

Procedures of Self-Regulatory Organization

Proposed new Part XII of Schedule D was formulated by the NASDAQ Committee and circulated for membership comment on March 2, 1978. After consideration of the comments received, the Board of Governors approved the proposal at its May 1978 meeting. An amendment to the proposed rule reducing the fees to be charged pursuant to the proposed rule and committing the Board of Governors to reviewing the program after one year of operation was approved at the September 1979 meeting of the Board of Governors. Other technical, non-substantive amendments have been made by the Association staff in response to Commission staff comments.

The NASD's Statement of Purpose of Proposed Rule Change

Proposed new Part XII of Schedule D permits non-NASDAQ market makers to gain access to NASDAQ Level 3 Service through NASDAQ market makers. Under the proposal, an "access market maker" may display his quotations in the NASDAQ System through an "entering subscriber", a registered NASDAQ market maker who agrees to enter quotations on behalf of the access market maker. Both the access market maker and the entering subscriber will be subject to compliance with Schedule D. All transactions will be executed by the entering subscriber, who will assume full responsibility for the transactions. A special symbol disclosing that an access arrangement exists will accompany the entering subscriber's quotation, and the identity of the access market maker must be made available upon request.

Each access arrangement will be required to be registered with and approved by the Association. Furthermore, access market makers and entering subscribers will be limited to one access arrangement in each security. Access market makers will be charged an access fee by the Association for each security under an approved access arrangement.

Proposed Part XII is a new service and the Association's Board of Governors will evaluate the program after the first year of operation.

The NASD's Statement of Basis Under the Act for Proposed Rule Change

Section 15A(b)(11) provides that the rules of a national securities association shall include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

Comments Received from Members, Participants or Others on Proposed Rule Change

Seven (7) comment letters were received from the membership regarding proposed new Part XII of Schedule D. The members who responded uniformly objected to the cost of access service. Copies of the comment letters are attached to this filing as Exhibit 2.

The NASD's Statement on Burden on Competition

Several of the comments received criticized the proposal as imposing an undue burden on competition. The Association's response to this criticism is that, far from constituting a burden on competition, the proposal will actually enhance competition. Currently, non-NASDAQ market makers are not permitted access to the NASDAQ System for market making activities. The proposed access service will permit non-NASDAQ market makers to display their quotations in the NASDAQ System through NASDAQ market makers and therefore increase competition among market makers. Furthermore, the Association believes that, based upon the cost of NASDAQ terminals and the expenses involved in operating a trading department, the fees for the proposed access service are reasonable.

On or before June 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 16, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

May 12, 1980.

[FR Doc. 80-15170 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16800; File No. SR-NYSE-80-16]

New York Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 18, 1980 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The proposed amendments would make a number of changes with respect to Exchange Rules 109, 110 and 112. These rules primarily deal with the regulation of Competitive Traders.

The change in Rule 109 and 112.25 would eliminate the restriction regarding members' acceptance of "stops" and would subject stock acquired through stops to the same restrictions applicable to other types of proprietary trades.

Other amendments in the filing would harmonize certain rules with Section 11(a) of the Act, eliminate certain obsolete and redundant provisions and effect other changes of a technical or "housekeeping" nature.

Exchange's Statement of Basis and Purpose

The basis and purpose of the proposed amendments to Rules 109, 110 and 112 are as follows:

Exchange's Purpose of Proposed Rule Change

The purpose of the proposed changes is to update the Exchange's rules with respect to Competitive Traders to reflect current regulatory standards, particularly Section 11(a) of the Securities Exchange Act of 1934 ("the Act"). Other changes are "housekeeping" in nature or update the text of the rules to incorporate changes made in other rules applicable to Competitive Traders.

Exchange's Basis Under the Act for Proposed Rule Change

The proposed rule changes are designed to remove unnecessary requirements and restrictions imposed on Competitive Traders which might act as barriers to the participation in the market. They are consistent with Section 6(b)(8) of the Act which provides that the rules of an exchange shall not impose any burden on competition not necessary or appropriate in furtherance of the Act; and on Section 6(b)(5) which, in part, requires that an exchange's rules be designed to remove impediments to a free and open market.

In that the proposed rule changes are designed to eliminate unnecessary rules which apply to Competitive Traders, they are based on that part of Section 6(b)(5) of the Act which provides that exchanges may not have rules which permit unfair discrimination between customers, issuers, brokers or dealers; Sections 6(f) and 11A(c)(1)(F) which encourage the SEC to ensure equal regulation; and Section 11A(a)(1)(C)(ii) which states that the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

Finally, the proposed rule changes harmonize Exchange requirements with Section 11(a) of the Act.

Comments Received From Members, Participants or Others on Proposed Rule Change

Written comments were not solicited and none were received.

Exchange's Burden on Competition

The proposed rule changes are not expected to impose any burden on competition.

On or before June 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with rspect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 6, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Shirley E. Hollis,

Assistant Secretary.

May 12, 1980.

[FR Doc. 80-15166 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16798; File No. SR-NYSE-80-18]

New York Stock Exchange, Inc, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 6, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Exchange's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would eliminate the use of carbon paper inserts in machine order forms used on the Floor of the New York Stock Exchange.

The Exchange's Statement of Basis and Purpose

The multi-part Machine Order Form currently used on the Floor of the New York Stock Exchange contains carbon inserts which, when discarded on the Floor, have proven to be extremely slippery and have been found to be a major cause of injury. Therefore, in an effort to reduce the number of accidents on the Floor, the Exchange's Market Performance Committee has determined that the carbon paper inserts may not be used in the order forms after May 1, 1980.

The rule change is proposed to ensure safe, efficient and undisrupted conduct of business on the Floor. Accordingly, it is consistent with the obligation imposed on national securities exchanges in Section 6(b)(5) of the Act to adopt rules which are designed to protect investors and the public interest.

Comments Received From Members, Participants or Others on Proposed Rule Change

No comments were solicited or received with respect to the proposed rule change.

Burden on Competition

The Exchange has determined that no burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room,

1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 6, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

May 12, 1980.

[FR Doc. 80-15167 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-16792; File No. SR-OCC-80-4]

The Options Clearing Corp.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 1, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would clarify OCC's authority to disapprove an application for Clearing Membership where the applicant or an associated person of the applicant is subject to a statutory disqualification.

Statement of Basis and Purpose

The purpose of the proposed rule change is to make it clear that OCC may disapprove an application for Clearing Membership not only where the applicant itself is subject to a statutory disqualification, but also where an associated person is subject to such a disqualification.

Section 3(a)(39) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), specifies four "statutory disqualifications" that may bar an applicant from membership or participation in a self-regulatory organization. The disqualifications specified in clauses (A), (B) and (C) of that Section are potential bars to participation whether they exist with respect to the applicant itself or an associated person. For example, a newly-formed corporation would be subject to a statutory disqualification under Section 3(a)(39)(A), despite having no business history of its own, if a controlling person was suspended from membership in a self-regulatory organization. However, the disqualification specified in Section 3(a)(39)(E) (past violations of securities laws, conviction of certain criminal offenses, willful false statements, etc.) is a potential bar to participation only if it exists with respect to the applicant itself. Thus, under a literal reading of Section 3(a)(39), a newly-formed corporation would not be subject to a statutory disqualification even though its sole stockholder and director had willfully violated the securities laws or had recently been convicted of a felony involving the purchase or sale of securities.

This anomaly is of no practical concern to most self-regulatory organizations. While a national securities exchange or a national securities association would not, as a technical matter, be authorized under the 1934 Act to deny membership to an applicant merely because of a Section 3(a)(39)(E) disqualification affecting an associated person, it would nonetheless have the authority to bar that person from association with the applicant. See Sections 6(c)(2) and 15A(g)(2) of the 1934 Act.

Registered clearing agencies have no express authority under the 1934 Act to bar persons from association with a participant. See Section 17A(b)(4)(A) of the 1934 Act. Yet clearing agencies do have a statutory obligation to safeguard securities and funds in their custody or control or for which they are responsible. The admission of participants whose associated persons have a history of securities law violations, forgery, embezzlement, or similar crimes, or the making of false statements to regulatory authorities, could materially interfere with the performance of that obligation.

Clearing agencies have the authority under Section 17A(b)(4)(B) of the 1934 Act to prescribe, by rule, standards of experience and competence that all applicants for participation must meet. OCC's present standards of experience and competence are set forth in the stated policies adopted under Article V, Section 1 of its By-Laws. One of those policies provides that OCC's Membership Committee will not, absent special circumstances, recommend the approval of any application for Clearing Membership if the applicant is subject to a statutory disqualification. The proposed rule change would revise that stated policy to make it clear that the Membership Committee will also recommend disapproval (again, absent special circumstances) if any person associated with the applicant is subject to a statutory disqualification.

The proposed rule change would also make it clear that if an applicant or associated person was convicted during the ten years preceding the filing of the application of a felony or misdemeanor, the Membership Committee would have the authority to determine whether the offense involved any of the elements specified in clauses (i) through (iv) of Section 15(b)(4)(B) of the 1934 Act. Otherwise, it might be argued that the Committee could not recommend disapproval unless the Securities and Exchange Commission had made such a determination.

The proposed rule change relates to OCC's capacity to safeguard securities and funds subject to its control and for which it is responsible.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any burden on competition.

On or before June 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within on or before June 6, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

Text of Proposed Rule Change, Amendment to Article V of the By-laws, Clearing Members; Qualifications

Section 1. [No Change.]

** * * Interpretation and Policies.*

1. *Financial Responsibility* [No Change]

2. *Operational Capabilitiy* [No Change]

3. *Experience and Competence*

The Membership Committee will not recommend the approval of any application for Clearing Membership if:

a. the applicant *or any person associated with the applicant* is subject to a "statutory disqualification," as defined in Section 3 of the Securities Exchange Act of 1934, as amended, and the Membership Committee finds that there are no special circumstances warranting the waiver of such disqualification with respect to such applicant;

b. the applicant or any natural person associated with the applicant has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade; or

c. the applicant lacks substantial experience in clearing securities transactions and has failed, in the opinion of the Membership Committee, to employ back-office personnel with sufficient experience to compensate for the applicant's lack of background in clearing.

An applicant or associated person convicted of a felony or misdemeanor within ten years prior to the filing of an application for Clearing Membership shall be deemed subject to a statutory disqualification, within the meaning of clause (a) above, if the Membership Committee finds that the felony or misdemeanor was of a type specified in clause (i), (ii), (iii), or (iv) of Section 15 (b) (4) (B) of the Securities Exchange Act of 1934, as amended.

In addition, the Membership Committee will not recommend the approval of any application for Clearing Membership unless:

d. at least two key operations employees of the applicant have attended an OCC operations readiness review session and successfully completed OCC's operational and financial examination for operations employees; and

e. if the applicant has not applied for authorization to clear all types of options transactions (i.e. customer transactions, firm transactions and market maker/specialist/registered trader transactions), the applicant shall have undertaken to apply to the Membership Committee for further approval before commencing to clear any type of transaction for which approval is not currently being sought.

[FR Doc. 80-15174 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21569; 70-6461]

Appalachian Power Co.; Proposed Issuance of Unsecured Promissory Notes

May 12, 1980.

Notice is hereby given that Appalachian Power Company ("Applachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) 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.

Appalachian proposes to issue, from time to time through June 30, 1983, not in excess of $100,000,000 principal amount of unsecured promissory notes outstanding at any time. The notes will be issued to four banks pursuant to a revolving credit agreement ("Agreement"); the banks and the amounts of their proposed commitments are as follows:

Bank:	
The Chase Manhattan Bank, N.A.	$25,000,000
Citibank, N.A.	25,000,000
Continental Illinois National Bank and Trust Co. of Chicago	25,000,000
Manufacturers Hanover Trust Co	25,000,000
Total	$100,000,000

The proposed Agreement provides that Appalachian will pay to each bank, quarterly, a commitment fee of ½ of 1% per annum on the average daily unused amount of such bank's commitment, computed from the effective date of the Agreement. Appalachian would have the right at any time to terminate in whole, or from time to time to reduce in part, the unused commitments of the banks.

Borrowings will be evidenced by a note of Appalachian which will be due and payable not less than 90 days from the date of such note nor later than June 30, 1983, the exact maturity to be determined by Appalachian at the time of each borrowing. The notes will bear interest from the date of issuance and will be payable on the last day of March, June, September and December in each year, at maturity (whether by acceleration or otherwise), and after maturity on demand. Such interest will be: (i) Prior to maturity, at a fluctuating rate per annum equal at all times to 105% of the highest published prime commercial lending rate of any of the banks for 90 day unsecured domestic loans; and (ii) from maturity, whether by acceleration or otherwise, at a fluctuating rate per annum equal at all times to the sum of 1% plus 105% of such prime rate. No compensating balances will be required and the notes will be prepayable at any time without premium or penalty.

The proceeds from the issuance of the notes will be used to pay outstanding short-term debt. At April 15, 1980, Appalachian had approximately $147,000,000 of short-term debt outstanding.

Appalachian claims exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(2) thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $8,500, including $5,000 of estimated legal fees and miscellaneous expenses. It is stated that the Virginia State Corporation Commission and the Tennessee 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 5, 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 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 rquest 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-15171 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16793; File Nos. SR-CBOE-80-9, etc.]

Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Changes and Order Approving Proposed Rule Changes

May 8, 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; File Nos. SR-CBOE-80-9, SR-AMEX-80-12, SR-MSE-80-9, SR-PSE-80-6, SR-Phlx-80-11.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that the self-regulatory organizations listed above ("SROs") have each filed with the Commission copies of proposed rule changes [1] to add interpretations to their respective rules governing the opening of new options series.[2] The interpretations would provide that when either put option contracts or put and call option contracts are first opened for trading on an underlying security, the respective SROs may open a series of put option contracts corresponding to each series of call option contracts open or to be opened for trading on the same underlying security. Accordingly, when initiating put options on an underlying security regarding which calls already are traded, the SROs would not be limited to listing series with exercise prices generally surrounding the current primary market price of the underlying security, as the current rules would require.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before June 6, 1980. 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 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.

On May 6, 1980, the Commission approved rule proposals by the SROs listed above to list put classes on a number of underlying securities regarding which calls currently are traded.[3] The Commission previously had noted in its release announcing the termination of the options expansion moratorium that the listing of puts and calls on the same underlying security would provide investors with an additional investment vehicle in the formulation of trading strategies, and may improve the markets for both puts and calls through their concurrent use by market professionals in hedging and arbitrage transactions.[4] In order to achieve the full benefits of expanded puts trading, the Commission believes that the SROs should be permitted immediately the flexibility to list puts classes corresponding to existing call classes. For the reasons set forth above, and because the SROs intend to begin their puts expansion programs on May 9, the Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice thereof.

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. 80-15175 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[1] The proposed rule changes were filed on the following dates: Chicago Board Options Exchange, Incorporated ("CBOE"), May 8, 1980; American Stock Exchange, Inc. ("Amex"), May 8, 1980; Midwest Stock Exchange, Incorporated ("MSE"), May 8, 1980; Pacific Stock Exchange Incorporated ("PSE"), May 8, 1980; and Philadelphia Stock Exchange, Inc. ("Phlx"), May 7, 1980.

[2] *See* CBOE Rule 5.6; Amex Rule 903; MSE Article XLI, Rule 6; PSE Rule VI, Sec. 4; and Phlx Rule 1012.

[3] Securities Exchange Act Release No. 16788.

[4] Securities Exchange Act Release No. 16701, (March 26, 1980).

[Rel. No. 21558; 70-6458]

Indiana & Michigan Electric Co.; Proposed Financing of Pollution Control Facilities

May 8, 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., a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10 and 12(d) of the Act and Rule 44(b)(3) 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.

I&M is in the process of constructing certain high efficiency electrostatic precipitators, ash disposal systems, a stack, cooling towers and other water pollution control systems ("Project") at its Rockport Generating Station ("Plant"), currently under construction near the City of Rockport ("City") in Spencer County, Indiana. It is estimated that the Plant will in the aggregate cost approximately $1,600,000,000. By resolution of June 2, 1977, the City determined that, pursuant to the Act, it would authorize and issue one or more series of its pollution control revenue bonds ("Bonds") to finance the cost of engineering, design, acquisition and construction of the Project, including reimbursement or repaying to I&M of monies expended by I&M for planning, engineering, acquisition and construction of the Project.

I&M proposes to enter into an Agreement of Sale ("Agreement") with the City which will provide for the construction and installation of facilities comprising the Project by the City, and the issuance by the City of Bonds (i) in an initial principal amount of up to $50,000,000 ("Series A Bonds"), and (ii) additional Bonds in principal amounts which, when added to the principal amount of the Series A Bonds, are sufficient to cover the cost of construction of the Project. The proceeds of the sale of the Series A Bonds will be deposited by the City with Lincoln National Bank and Trust Company of Fort Wayne, as Trustee ("Trustee"), under an Indenture ("Indenture") to be entered into between the City and Trustee pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project. The Agreement also will provide for the sale of the Project to I&M, the payment by I&M of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Trustee of the City's interest in, and of the monies receivable by the City under, the Agreement.

Proceeds received by I&M in reimbursement of its cost of construction of the Project will be applied to the payment of unsecured short-term indebtedness of I&M and for other corporate purposes. As of March 31, 1980, such short-term indebtedness of I&M amounted to $128,330,000.

The Agreement will provide that each installment of the purchase price for the Project payable by I&M will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the City to pay, when due, (i) the interest on the Series A Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Series A Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Series A Bonds, any additional bonds or any refunding bonds. The Agreement will also obligate I&M to pay the fees and charges of the Trustee, as well as certain administrative expenses of the City.

I&M shall have the option to prepay the purchase price of the Project in whole (i) upon the occurrence of certain events by paying amounts sufficient to redeem all Bonds then outstanding, the fees and expenses of the Trustee, and all other amounts payable under the Indenture, or (ii) at any time by depositing monies in the Bond Fund or delivering to the Trustee governmental obligations sufficient in either case to provide for the release of the Indenture in accordance with its terms. Upon prepayment of the entire purchase price of the Project, I&M may terminate the Agreement.

I&M may also prepay the puchase price of the Project in part, such payments to be paid to the Trustee for deposit in the Bond Fund and credited against the purchase price and used for the redemption or purchase of outstanding Bonds in the manner and to the extent the outstanding Bonds are redeemable or subject to purchase as provided in the Indenture.

I&M will convey the pollution control facilities, to the extent that they have already been constructed and are then in place at the plant site, subject to the lien of the I&M first mortgage, and I&M will be entitled under the Agreement to be reimbursed from the proceeds of the Bonds for its costs of construction. The existing facilities will thereupon become a part of the Project which I&M will repurchase from the City pursuant to the Agreement.

It is contemplated that the Series A Bonds will be sold by the City pursuant to arrangements with a group of underwriters. In accordance with the laws of the State of Indiana, the interest rate to be borne by the Series A bonds will be fixed by or on behalf of the common council of the City. I&M has been advised that the annual interest rates on obligations, interest on which is tax exempt, can be expected at the time of issuance of the Series A Bonds to be ½% to 2½% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject ot federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the City within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Michigan Public Service Commission and the Public Service Commission of Indiana have jurisdiction over the

proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any intertested person may, not later than June 5, 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 said application-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 shuld 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 applicant-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 application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rules 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. 80-15173 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21561; 70-6457]

Indiana & Michigan Electric Co.; Proposed Issuance of Unsecured Promissory Notes

May 9, 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., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50(a)(2) 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 transaction.

I&M proposes to issue, from time to time through June 30, 1983, not in excess of $100,000,000 principal amount of unsecured promissory notes outstanding at any time. The notes will be issued to seven banks pursuant to a revolving credit agreement ("Agreement"); the banks and the amounts of their proposed commitments are as follows:

The Chase Manhattan Bank, N.A.	$10,000,000
Chemical Bank	20,000,000
Citibank, N.A.	15,000,000
Continental Illinois National Bank and Trust Company of Chicago	15,000,000
The Fidelty Bank	10,000,000
Manufacturers Hanover Trust Company	20,000,000
National Bank of Detroit	10,000,000
Total	100,000,000

The proposed Agreement provides that I&M will pay to each bank, quarterly, a commitment fee of 1/2 of 1% per annum on the average daily unused amount of such bank's commitment, computed from the effective date of the Agreement. I&M would have the right at any time to terminate in whole, or from time to time to reduce in part, the unused commitments of the banks.

Borrowings will be evidenced by a note of I&M which will be due and payable not less than 90 days from the date of such note nor later than June 30, 1983, the exact maturity to be determined by I&M at the time of each borrowing. The notes will bear interest from the date of issuance and will be payable on the last day of March, June, September and December in each year, at maturity (whether by acceleration or otherwise), and after maturity on demand. Such interest will be: (i) Prior to maturity, at a fluctuating rate per annum equal at all times to 107% of the highest published prime commercial lending rate of any of the banks for 90 day unsecured domestic loans; and (ii) from maturity, whether by acceleration or otherwise, at a fluctuating rate per annum equal at all times to 1% plus 107% of such prime rate. No compensating balances will be required and the notes will be prepayable at any time without premium or penalty.

The proceeds from the issuance of the notes will be used to pay outstanding short-term debt. At April 15, 1980, I&M had approximately $135,000,000 of short-term debt outstanding.

I&M claims exemption from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(2) thereof.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $8,500.

including estimated legal fees and miscellaneous expenses of $5,000. 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 3, 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 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 rule 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. 80-15176 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21565; 70-6432]

Middle South Utilities, Inc. and Its Subsidiary Companies; Proposed Allocation of Consolidated Tax Liabilities by Method Other Than Prescribed by Rule 45(b)(6)

May 12, 1980.

Notice is hereby given that Middle South Utilities, Inc., ("Middle South"), 225 Barronne Street, New Orleans, Louisiana 70161, a registered holding company, and its subsidiary companies named above have filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South and its subsidiary companies join annually in the filing of consolidated Federal income tax returns. By Order dated May 23, 1963 (HCAR No. 14877), the Commission permitted a deviation from the tax-allocation provisions Rule 45(b)(6) whereby each of the companies included in the consolidated tax returns of the Middle South System would be given full investment tax credit contributed by it to the total investment credit allowed in the consolidated returns. Subsequent to the date of that Order, Middle South acquired or created several additional subsidiaries, including System Fuels, Inc., ("SFI") and Middle South Energy, Inc. ("MSE"). By Order dated February 11, 1975 (HCAR No. 18807), the Commission authorized Middle South to allocate consolidated tax liability by a method whereby each year's reduction of consolidated tax resulting from exploration and development costs, would be allocated in its entirety to SFI which was then engaged in oil and gas exploration. Such reduction would be placed in a deferred income tax account against which would subsequently be charged taxes payable by SFI on taxable income arising from recovery of exploration and development costs. This would permit SFI to sell fuel to the operating companies at a cost price unaffected by fluctuations in tax components caused by timing variations between book and tax treatment of capitalized costs. That Order also authorized the system to allocate to MSE a then newly organized company, which was to serve as a future generating company for the system, the reduction in consolidated liability resulting from net operating losses contributed by MSE. Such losses resulted primarily from deduction of interest expense on borrowed funds during the period of construction of generating plants.

Further modifications of the system of allocation is now requested, as follows:

(a) Allocation through 1980 of tax benefits of deductions to SFI with respect to uranium and coal development and exploration activities in the same manner as the treatment allowed SFI for oil and gas exploration and development activities by Order dated February 11, 1975.

(b) Allocation to System operating utilities of the tax benefits of their net operating loss contributions to the consoldiated group. Arkansas Power & Light Company ("AP&L") and Arkansas Missouri Power Company ("Ark-Mo") experienced net operating losses in 1979. These losses will offset the taxable income of profitable System companies in the 1979 Federal consolidated tax return. A modification providing for the allocation of the benefits of the net operating losses of operating utilities to the utilities incurring such tax losses is sought in order to equitably allocate the tax deductions generated thereby in the interests of investors and consumers. Any tax credits remitted to loss operating utilities as a result of such modification would be applied to reduce credits in future years to which such operating utilities might otherwise be entitled under the separate return limitations of Rule 45(b)(6).

(c) Allocation of consolidated minimum Federal income tax among the members of the consolidated group in accordance with the ratio that the portion of the total preference items on which such tax is based bears to the total preference items of all of the members of the consolidated group.

(d) Separate allocation of the portion of the consolidated Federal income tax liability applicable to long term capital gains, which is taxed at a lower rate than the rate applicable to the ordinary income, in accordance with the proportion of the net long-term capital gain of each member having long-term capital gains to consolidated net long-term capital gain. Net long term capital gains would be excluded from the taxable income base for allocation of ordinary income tax.

(e) Modification of the Commission's Order of May 23, 1963 to provide that as a minimum each company shall be allocated investment tax credit which would be allowable on the basis of its allocated consolidated tax liability and that the remaining consolidated investment tax credit be allocated in accordance with the Order of May 23, 1963 on the basis of remaining available investment tax credit of each member.

Each requested modification would be subject to the limitation in Rule 45(b)(6)(i) that the aggregate tax liability allocated to a subsidiary should not exceed the amount of tax of such subsidiary based upon a separate return computed as if such subsidiary had always filed its tax return on a separate return basis. With the exception of (a) above, each modification is requested for 1979 and future years.

The table below sets forth the tax allocation under existing authorization and the tax allocation under the methods now proposed:

[In thousands of dollars]

	Present allocation	Proposed allocation
MSE	$(8,691)	$(2,802)
SFI	(433)	(140)
AP&L		(2,520)
ARK-MO		(34)
Associated Natural Gas Co	427	329
Louisiana Power & Light Co	33	8
Mississippi Power & Light Co	6,177	4,414
New Orleans Public Service Inc	2,487	744
Net consolidated tax	0	0

The fees, commissions and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $7,000, including legal fees and disbursements estimated not to exceed $5,000.

Notice is further given that any interested person may, not later than June 5, 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 filing 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 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 declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-15172 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 8, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission

pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 (the "Act") and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

	Par value
Emerson Radio Corp., Common Stock (File No. 7-5521)	$0.10
Hexel Corporation, Common Stock (File No. 7-5522)	(1)
Bay Financial Corp. (Del.), Common Stock (File No. 7-5523)	(1)
Sunshine Mining Co. (Del.), Common Stock (File No. 7-5524)	.50
Ocean Drilling & Exploration Co., Common Stock (File No. 7-5525)	.50
International Recifier Corp. (Del.), Common Stock (File No. 7-5526)	1.00
Southmark Properties, Common Stock (File No. 7-5527)	1.00
Bell Industries, Common Stock (File No. 7-5528)	(1)
Hiram Walker Consumers Home, Ltd., Common Stock (File No. 7-5529)	1.00
State Mutual Investors (Del.), Shares of Beneficial Interest (File No. 7-5530)	(1)
Patrick Petroleum Company (new), Common Stock (File No. 7-5531)	.10
Realty & Mortgage Investors of the Pacific, Shares of Beneficial Interest (File No. 7-5532)	(1)
Combined International Corporation, Common Stock (File No. 7-5533)	1.00
Kyoto Ceramic Co., Ltd., ADR representing 2 shares of Common (File No. 7-5534)	.208
Houston Oil Royalty Trust, Shares of Beneficial Interest (File No. 7-5535)	(1)
Northwest Energy Co. (Utah), Common Stock (File No. 7-5536)	1.00
Deluxe Check Printers, Inc., Common Stock (File No. 7-5537)	1.00
WICOR Inc., Common Stock (File No. 7-5538)	1.00
Keene Corp. (Del.), Common Stock (File No. 7-5539)	.10
SNF Companies, Common Stock (File No. 7-5540)	.50
House of Fabrics, Inc. (Del.), Common Stock (File No. 7-5541)	(1)

[1] No par value..

These securities are listed and registered on another national securities exchange.

Interested persons are invited to submit on or before June 6, 1980, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protecton of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-15177 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21563; 70-6455]

West Penn Power Co.; Proposed Issuance and Sale of Preferred Stock and First Mortgage Bonds

May 9, 1980.

Notice is hereby given that West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed a declaration and amendments thereto with this Commission 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 following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to issue and sell an aggregate amount of its cumulative preferred stock not to exceed $30 million in par valuve in one or more series, each such series to have such par value as may be designated but not less than $25 per share and not more than $100 per share. West Penn proposes to sell the preferred stock pursuant to the competitive bidding requirements of Rule 50 under the Act, unless market conditions, because of the size of any series or other conditions, make competitive bidding impractical or undesirable. In such event, West Penn proposes, subject to further authorization by the Commission, either to place the preferred stock privately with institutional investors or to negotiate with underwriters for the sale of the stock.

Each series of the preferred stock may have a sinking fund if required under the circumstances. In the event any series has a par value of less than $100 per share, the voting power of such series will be proportionately less than it would be for a share with a par value of $100 where all series of preferred stock vote together. Each series of the preferred stock will be redeemable at any time at the option of West Penn, except that prior to 5 years after the first day of the month in which the stock is issued (or such other date as the Commission may authorize) no series of the stock shall be redeemable directly or indirectly with, or in anticipation of, monies borrowed or the proceeds of the sale of preferred stock at a cost of money less than the cost of money to West Penn in respect of such series. The annual dividend rate to be borne by each series (which will be a multiple of

$0.04) and the price to be paid to West Penn (which shall not be less than (98% and not more than 102¾% of par) will be determined (1) by competitive bidding, (2) by negotiations between West Penn and private investors, or (3) by negotiations with underwriters for the sale of such series. It is expected that the successful bidders or, in th event of a negotiated transaction, the underwriters will make a public offering of the preferred stock, unless the size of any series offered makes such public offering impracticable.

West Penn states that under present market conditions for preferred stock it is difficult to determine what par value and sinking fund provisions, if any, would result in the most advantageous terms and conditions for the sale of the stock and also difficult to determine what the most advantageous timing of the sale of the stock would be. Therefore, West Penn intends to decide on the par value of any series and the sinking fund provisions to be applicable to any series at a later time, which may be before or after the date on which an invitation for bids, in the event of competitive bidding, is issued, or the date on which negotiations for a private placement or a negotiated sale to underwriters is commenced.

West Penn also proposes to issue and sell an aggregate amount of not more than $30 million aggregate principal amount of first mortgage bonds in one or more series, each such series to have a single maturity of not less than 5 and not more than 30 years. West Penn proposes to sell the bonds pursuant to the competitive bidding requirements of Rule 50 under the Act, unless market conditions, because of the size of any series or other conditions, make competitive bidding impractical or undesirable. In such event, West Penn proposes, subject to further authorization by the Commission, either to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds.

Each series of bonds will be redeemable at any time at the option of West Penn, except that prior to 5 years after the first day of the month in which the bonds are issued (or such other date as the Commission may authorize) no series of the bonds shall be redeemable directly or indirectly with, or in anticipation of, monies borrowed at an interest cost to West Penn of less than the cost of money to West Penn in respect of such series. The interest rate (which will be a multiple of ⅛ of 1%) and the price to be paid to West Penn (which will not be less than 100%, unless the company shall have authorized a lower percentage [not less than 93%], and not more than 102¾% of the principal amount of the bonds) in each case will be determined by competitive bidding or, if authorized by the Commission, (a) by negotiations between West Penn and such private investors with whom the series of bonds is being privately placed or (b) by negotiations with underwriters for the sale of such series. It is expected that sucessful bidders, in the event of competitive bidding, or the purchasing underwriters, in the event of a negotiated transaction, will make a public offering of the bonds, unless the size of any series offered makes such public offering impracticable. The bonds will be issued under and secured by the Indenture dated as of March 1, 1916, between West Penn and the Chase Manhattan Bank, N.A., Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental indenture to be dated as of the first day of the month in which the bonds are issued.

West Penn states that under bond market conditions it is difficult to determine whether it would be more advantageous for West Penn to sell bonds having a 30-year or some shorter maturity. West Penn desires to have available sufficient flexibility to adjust the timing of the sale and the terms of any series of bonds to developments in the market for such securities when and as they occur in order to obtain the best possible price and interest rate for the bonds.

West Penn will attempt to sell the bonds and preferred stock in June 1980; however, in the event that either the bonds or the preferred stock or any series thereof is not sold on or about June 24, 1980, because of market conditions, West Penn will so notify this Commission and will seek, subject to further order of the Commission, to sell such securities on or before December 31, 1980.

West Penn proposes to use the proceeds from the sale of the preferred stock and bonds, together with other funds of the company, to pay or pre-pay, to the extent desirable, short-term debt and to operate its utility business, including the financing of its construction program. On March 31, 1980, West Penn had no short-term debt outstanding, but it expects that approximately $27 million of short-term debt will be outstanding on May 31, 1980, and $40 million on September 30, 1980, assuming that the bonds and stock have not been sold in June. West Penn's gross construction expenditures for 1979 were $99.7 million, and the two-year

total for 1980 and 1981 is estimated at between $265 and $285 million.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that registration by the Pennsylvania Public Utility Commission of a securities certificate with respect to the bonds and preferred stock is required for their issue and sale. It is further stated that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice if further given that any interested person may, not later than June 6, 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 filing 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. 80-15178 Filed 5-15-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region III Advisory Council Executive Board; Public Meeting

The Small Business Administration Region III Advisory Council Executive Board will hold a public meeting at 9:00 a.m., Monday, June 9, 1980, at the William J. Green Federal Building, 600 Arch Street, Philadelphia, Pennsylvania, Conference Room 3306, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Richard E. Barber, Regional Administrator, U.S. Small Business Administration, Suite 646, West Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pennsylvania 19004–(215) 596–5901.

Dated: May 12, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-15084 Filed 5-15-80; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 97
Friday, May 16, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 22, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-984-80 Filed 5-14-80; 3:53 pm]

BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 20, 1980.

PLACE: Commission conference room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedom of Information Act Appeal No. 80-1-FOIA-33, concerning a request by a respondent party for access to notes taken during a Fact Finding Conference.
2. Freedom of Information Act Appeal No. 80-2-FOIA-110, concerning a request for copies of a complaint which alleges violations of the Age Discrimination in Employment Act.
3. Final report on the Commission's implementation of Executive Order 12160 on Federal Consumer Programs.
4. Report on Commission Operations by the Executive Director. Closed to the public:

Litigation authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued May 13, 1980.

[S-6570-06 Filed 5-14-80; 11:12 am]

BILLING CODE 6570-06-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 11 a.m., May 19, 1980.

PLACE: 1700 G Street NW., Amphitheater, second floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

Amendments of Regulations Concerning Borrowing
Amendment as to Sales with Recourse

Announcement is being made at the earliest practicable time.

No. 348, May 14, 1980.

[S-981-80 Filed 5-14-80; 3:38 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 31856, May 14, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., May 19, 1980.

CHANGE IN THE MEETING: Addition of the following item to the open session: 11. Joint petition for clarification of separate orders of conditional approval of agreements Nos. 9427-6 and 9552-4, Germany-North Atlantic Ports Rate Agreement and North Atlantic/West Europe Rate Agreement, respectively.

[S-980-80 Filed 5-14-80; 3:09 pm]

BILLING CODE 6730-01-M

5

[NM-80-20]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Wednesday, May 14, 1980.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW, Washington, D.C. 20594.

STATUS: Closed under Exemption 10 of the Government in the Sunshine Act.

MATTER TO BE CONSIDERED:

A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Discussion of civil case—U.S. Court of Appeals for the District of Columbia, Case No. 80-1445, Aerospace Management Services International vs. National Transportation Safety Board.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

May 14, 1980.

[S-982-80 Filed 5-14-80; 3:38 pm]

BILLING CODE 4910-58-M

6

[NM-80-21]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, May 23, 1980.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Study*—Commuter Airline Safety Study.
2. *Fiscal year 1980 Safety Objective*—Increased Surveillance of Part 135 Operators.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

May 14, 1980.

[S-983-80 Filed 5-14-80; 3:38 pm]

BILLING CODE 4910-58-M

7

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

TIME AND DATE: 10 a.m., May 24, 1980.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED: 10 a.m.—Meeting—Board of Regents:

(1) Approval of Minutes, 17 March 1980; (2) Certification of Graduates; (3) Faculty Appointments; (4) Report—Dean, School of Medicine—Faculty Salaries.

New Business: 2 p.m.—Graduation of the Charter Class—School of Medicine. Scheduled Meetings: September 8, 1980.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, 202/295–3025.

May 13, 1980.

M. S. Healy,

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

[S–979–80 Filed 5–14–80; 11:39 am]

BILLING CODE 3810–70–M

federal register

Friday
May 16, 1980

Part II

Department of Agriculture

Food and Nutrition Service

National School Lunch Program; Nutritional Requirements

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210

[Amdt. 38]

National School Lunch Program; Nutritional Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final regulation.

SUMMARY: This final regulation amends the National School Lunch Program regulations to effect four significant changes: 1) To recommend different portion sizes for different age/grade groups of children; 2) to allow schools to serve lunch to children age 1 to 5 years at two service periods; 3) to increase the required quantities of certain meat alternates to be nutritionally equivalent to meat and the other meat alternates; and 4) to change the bread requirement to specify the number of servings required by week and to increase the total number of servings required. The preamble also discusses the monitoring, second helping, and "smaller portions" provisions that the Department published with the interim regulations, August 22, 1978 (43 FR 37165).

EFFECTIVE DATE: July 1, 1980. Compliance to begin with the 1980–81 school year.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Acting Director, School Programs Division, USDA–FNS, Washington, D.C. 20250, (202) 447–8130.

SUPPLEMENTARY INFORMATION:

Background

General

The National School Lunch Act of 1946 empowered the Secretary of Agriculture to set nutritional standards for the National School Lunch Program. Section 9 of the Act, as amended, states: "Lunches served by schools participating in the school lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research." In the 33 years since the passage of the Act, this power has not been significantly altered.

To insure that lunches served across the nation would meet nutritional requirements, whether these meals were prepared by a registered dietitian or a relatively inexperienced volunteer, the Department devised meal "patterns"—checklists of food types (e.g., vegetables, meat) which studies showed would supply children with the necessary nutrients for good health. The "Type A" pattern, once the predominant lunch pattern, became the sole allowable lunch pattern as the program grew and developed. It is designed to provide a flexible framework for foodservice managers to use in planning nutritious lunches from a wide variety of foods and within a diversity of regional, cultural, ethnic, and idiosyncratic food preferences.

Current regulations specify four components (meat/meat alternate, bread/bread alternate, fruit/vegetable, and milk) that schools must serve to obtain federal reimbursement. They also specify six different sets of minimum amounts in which these components are to be served to children of different ages: three sets for infants, two sets for preschool children and one for school age children (grades K–12). The set of minimum amounts for school age children is based on the Recommended Dietary Allowances (RDA) for 10–12 year old children; the Program's nutritional goal for these children is to provide, on average over a period of time, approximately ⅓ of this RDA for specified nutrients. Because this nutritional goal is based on one standard for all children in grades K–12, the lunch may provide excessive amounts of food for younger children, causing unnecessary waste, and may provide too little food for older children.

Current regulations encourage School Food Authorities, if consistent with State policy, to serve younger children lesser amounts and older children larger amounts than the prescribed quantities of some foods to meet the nutritional needs of children of varying ages.

From time to time, the Department has revised the meal pattern to reflect new knowledge about the nutritional needs, food consumption habits, and food preferences of children and to improve the pattern's effectiveness. To further these ends, the Department issued proposed regulations on September 9, 1977 (42 FR 45328).

Proposal

The primary change which the proposed regulations introduced for public comment was to specify for the first time quantities of the four lunch components for five different age/grade groups. Although program regulations and guidance have recommended and encouraged portion size variations to accommodate the food needs of children of various ages, many program administrators at the State and local levels have not implemented variations. The Food and Nutrition Service (FNS) suspected that this might contribute to plate waste among younger children and to possible dissatisfaction among older children. FNS was also concerned that the nutritional needs of older children were not being met adequately. In an effort to promote smaller portion sizes for younger children, to more accurately meet the nutritional needs of children of all ages while at the same time maintaining the original flexibility of the meal pattern, and to bring the lunch requirements into conformance with revisions of the RDA, the Department proposed to require different minimum portion sizes for children of different age/grade groups (42 FR 45328; September 9, 1977). In addition, the Department introduced for comment eight other principal changes in the lunch requirements:

(1) Require the service of lunch to preschool children ages one through five years at two service periods which, in combination, will provide appropriate quantities of the required components;

(2) Expand the bread alternates to include enriched or whole-grain rice, macaroni, noodles, and other enriched or whole-grain pasta products;

(3) Specify the number of servings of bread or bread alternates to be served for a school week;

(4) Specify that cooked dry beans or peas or peanut butter alone can be used to meet no more than one-half of the meat/meat alternate requirement for all children;

(5) Specify that eggs may be used to meet only one-half of the meat/meat alternate requirement for children ages three and above, and that eggs may be used to meet the full meat/meat alternate requirement for children ages one and two years;

(6) Specify that eggs, cooked dry beans or peas, or peanut butter may be combined with meat, poultry, fish, or cheese or may be used with one another in equal quantities to meet the total meat/meat alternate requirement;

(7) Provide that, to meet individual food needs and to reduce plate waste, children 12 years and older may request smaller portion sizes of the required lunch components than are specified; and

(8) Specify that unflavored fluid lowfat milk, skim milk, or buttermilk must be available to children.

In addition, the Department increased the equivalency for the meat alternates eggs and dry beans and peas so that one large egg or 1/2 cup of dry beans or peas replaced only one, not two, ounces of meat.

The Department provided a 47-day comment period for the proposed regulations. It received a total of 2,042 comments from all sectors of the public. Of this number, 1,474 comments were received within the comment period. In addition, during October and November

1977, the Department held public hearings in eight major cities across the nation (Chicago, New York, Denver, Boston, Atlanta, San Francisco, Seattle, and Dallas). The purpose of these hearings was to consider public comments and concerns about the operations, procedures, and effectiveness of the Child Nutrition Programs, including the proposed lunch patterns.

Interim Regulations

On August 22, 1978 (43 FR 37165) the Department published interim regulations based on an analysis of the comments received on the proposed regulations. In the interim regulations the Department changed the proposed regulations in the following ways:

(1) Moved five year old children from group II to group III;

(2) Increased the minimum milk portion for group I children from 1/2 cup to 3/4 cup, and for group III children from 3/4 cup to 1/2 pint;

(3) Dropped the proposed restriction that would have limited the use of eggs, cooked dry beans or peas, and peanut butter alone to one-half of the meat/meat alternate requirement, thereby allowing schools to meet the full requirement with any one or more of these meat alternates;

(4) Changed the requirement that schools serve unflavored fluid lowfat milk, skim milk, or buttermilk to a requirement that schools serve two types of milks, one of which must be lowfat, skim, or buttermilk;

(5) Dropped the recommendation that schools use no more than three eggs per five school lunches served per week per child as a meat/meat alternate or in food preparation and replaced it with a recommendation that, in schools unable to or deciding not to offer a choice of meat/meat alternates each day, no one meat alternate or form of meat (ground, sliced, pieces, etc.) be served more than three times per week.

The Department also authorized two types of field testing: 1) A voluntary testing by School Food Authorities, with the approval of their administering agency (State agency or FNS Regional Office) and 2) a more controlled testing by the Department using standardized methodology within sample schools. Administering agencies granting approval to School Food Authorities to participate in the voluntary field test were responsible for overseeing and providing guidance to schools and for insuring that all provisions of the interim regulations were being implemented.

The Department's controlled test was designed to be a comprehensive evaluation which included four studies as follows:

(1) Determination of the effects of changes in the school lunch meal pattern requirements;

(2) Demonstration projects for involving students, faculty, and parents in the school lunch program;

(3) Demonstration projects for controlling sugar, fat, and salt in school lunches; and

(4) Demonstration projects for providing one-third of the RDA for energy in school lunches.

The field test period was scheduled to extend from August 22, 1978 through February 2, 1979, but due to inclement weather the testing period did not end until February 16, 1979. After the conclusion of the testing period, State agencies and School Food Authorities participating in the voluntary testing and School Food Authorities participating in the Department's more controlled testing were free to choose either to continue with the interim lunch patterns or to revert to the current meal pattern until regulations are made final.

While School Food Authorities were field testing the interim regulations, the Department accepted public comments. The Department provided a 178-day comment period extending from August 22, 1978 to February 15, 1979. A total of 351 comments were received. Of this number, 317 comments were received within the comment period. In addition, 719 comments were received from people who did not appear to fully understand the Department's position on meat alternates.

The Decision To Publish Final Regulations in Two Parts

Originaly, the Department had planned to publish as a unit final regulations covering all the provisions of the interim regulations. However, several events made this original plan inappropriate.

First, the preliminary results from the field tests were not available for drafting regulations, due to contracting delays.

Second, the Department learned that significant changes were to be made in 1980 revision of the RDAs. The Department believed that FNS and the Science and Education Administration, USDA, should have an opportunity to assess the impact of revised (1980) RDAs on meal requirements before issuing final regulations.

Third, thorough training at all levels of operation would be necessary to guarantee responsible, full implementation if the Department were to decide to require schools to vary portion sizes by age/grade group. The need to insure total understanding of the new meal patterns by all participating school food-service personnel became especially important in view of the Department's commitment to strengthen the monitoring of compliance with meal requirements. (See the AIMS proposal at 44 FR 62455.)

Fourth, the comments on the interim regulations raised major concerns which needed to be investigated thoroughly, especially in the areas of administration and cost impacts. Further validation of these possible impacts would be available from the field test data results.

Finally, members of the Child Nutrition Advisory Council recommended that the Department not publish final regulations until the results of the field tests were available.

Therefore, the Department decided that full publication and implementation of the meal pattern regulations had to be delayed to allow decisions to be based on the best available data and with full consideration of local level implementation problems. However, five provisions were not affected by the above events. These provisions were published as Amendment 33 to Part 210 on August 17, 1979 (44 FR 48149). They are:

1. The expansion of bread alternates to include rice and pasta;
2. The requirement that schools offer unflavored lowfat, skim or buttermilk;
3. The requirement that schools devise a program of student involvement;
4. The requirement that schools devise a program of parent involvement; and
5. The recommendation that schools which do not offer a choice of meat/meat alternate each day serve no one meat alternate or form of meat more than three times per week and other menu planning recommendations.

Note—Those of the above provisions which are part of § 210.10 are reprinted in this document; however, the preamble discussion of those provisions (which appears at 44 FR 48149) is not reprinted.)

Final Regulations

This rulemaking document discusses the final seven provisions of the interim regulations. They are:

1. Varying portion sizes for children of various ages;
2. Allowing children 12 years and older to request smaller portion sizes;
3. Allowing schools to serve lunch to children age 1 to 5 years at two service periods;
4. Increasing the required quantities of certain meat alternates to be nutritionally equivalent to meat and the other meat alternates;
5. Changing the bread requirement to specify the number of servings required

by week and to increase the total number of servings required;

6. Requiring that the lunch pattern be monitored on weekly or on a daily basis; and

7. Providing for second helpings.

Implementation

These regulatory changes are effective as of the start of the 1980–81 school year. As will be evident, most of these changes simply provide States, School Food Authorities, and schools more options in administering the Program. Only two amendments require immediate, positive action:

(1) The change in equivalency for certain meat alternates [eggs, cooked dry beans and peas, and cottage cheese (the change inequivalency for cottage cheese will appear in program guidance, not in regulations)] and

(2) The change in the bread requirement.

Some schools may have difficulty in complying with the new equivalencies for some meat alternates if they use commercially-prepared products because their suppliers of these products cannot change their production to comply by the beginning of the 1980–81 school year. In these cases, School Food Authorities may apply to the State agency for an exception from this requirement until their suppliers can comply. However, this exception shall not extend beyond the 1980–81 school year, nor shall it apply to products produced on site. State agencies should carefully review each request for an exception to determine that it is necessary and unavoidable. The exception should be documented in writing and must set forth an effective period not to exceed the 1980–81 school year.

The new bread requirement may require some schools to increase their weekly servings of bread or bread alternate. However, field test results indicate that most secondary schools are currently meeting the higher bread/bread alternate requirement (8 servings/week). Therefore, before increasing serving sizes, schools should carefully evaluate their present serving sizes to determine if they need to change portions at all.

Discussion of the Seven Provisions of This Rulemaking

1. Varying Portion Sizes for Children of Various Ages

Background: Current regulations specify four components (meat/meat alternate, bread/bread alternate, fruit/vegetable, and milk) that schools must serve to obtain federal reimbursement. They also specify six different sets of minimum amounts in which these components are to be served to children of different ages: three sets for infants, two sets for preschool children and one for school age children (grades K–12). The set of minimum amounts for school age children is based on the RDA for 10–12 year old children; the Program's nutritional goal for these children is to provide, on average over a period of time, approximately ⅓ of this RDA for specified nutrients. Because this nutritional goal is based on one standard for all children in grades K–12, the lunch may provide excessive amounts of food for younger children, causing unnecessary waste, and may provide too little food for older children.

Current regulations encourage School Food Authorities, if consistent with State policy, to serve younger children lesser amounts and older children larger amounts than the prescribed quantities of some foods to meet the nutritional needs of children of varying ages.

Many program administrators at the State and local levels have not implemented variations. The Food and Nutrition Service (FNS) suspected that this might contribute to plate waste among younger children and to possible dissatisfaction among older children. FNS was also concerned that the nutritional needs of older children were not being met adequately. In an effort to promote smaller portion sizes for younger children to more accurately meet the nutritional needs of children of all ages while at the same time maintaining the original flexibility of the Type A pattern, and to bring the lunch requirements into conformance with revisions of the RDA, the Department proposed to require different minimum portion sizes for children of different age/grade groups in grades K–12 (42 FR 45328; September 9, 1977).

The Department proposed to specify five different sets of minimum amounts for children of five age groups. (In the proposed regulation, the groups were composed as follows: Group I—ages 1–2; II—ages 3–5; III—ages 6–8; IV—ages 9–11; V—ages 12 and older.) To assist schools in categorizing children, the Department provided, in addition to ages, approximate school grades. (In the proposed regulation, the grades were: I—preschool; II—preschool and K; III—grades 1–3; IV—grades 4–6; V—grades 7–12. "K" was moved to group III in the interim regulations.) School Food Authorities could base their determinations primarily on grade levels; however, the Department encouraged School Food Authorities to serve quantities of food to children solely on the basis of age, whenever possible. In no case were School Food Authorities to plan to serve a substantial number of children a pattern designed for a younger age/grade grouping. (For ease of discussion the following will use "group" to mean "age/grade group".)

During the comment period on the proposed regulations, the Department received 777 comments on this particular provision: 434 commentors favored it; 343 opposed. The majority of adverse comments addressed the following areas: (1) Possible increases in the cost of the lunch (particularly due to the increased 3 oz. of meat/meat alternate for group V); (2) problems in using prepackaged lunches; (3) difficulties in implementation when children of various age/grades are mixed in multiple serving lines; and (4) problems in providing decreased serving sizes of milk. Some commenters felt that this provision should be a recommendation and that implementation be discretionary at the State agency or local level.

On August 22, 1978 the Department published interim regulations based on an analysis of the comments received on the proposed regulations. In response to concerns about the reduced quantities of milk specified for groups I and III, the Department increased these requirements to 3/4 cup and 1/2 pint respectively. The milk requirement for group I was increased to strengthen the nutritional integrity of the lunch pattern for these children. The requirement for group III was increased to make the minimum milk requirement the same for all 3 groups of children served in a conventional school system—elementary through senior high.

Public Comments on Interim Regulation

In response to the interim regulation, the Department received approximately 284 comments on this provision. Only 10%, or 29, of the commentors explicitly favored the provision and less than 4% favored it without qualification. Two hundred and fifty-five commentors opposed the provision, raising major concerns. Their objections fell into three broad categories: administrative, economic, and nutritional.

A. Favorable Comments

The majority of the favorable comments received were from individuals who had worked with or had observed the implementation of the regulations in an elementary school. These commentors felt that the reduced portion sizes for group III, particularly in the fruit/vegetable component, resulted in reduced plate waste. However, one of

these commentors said that the increased bread requirement for this group resulted in increased plate waste.

A few commentors felt that a variation in portion size was necessary to meet the nutritional needs of different ages of children and that the portion sizes in the interim regulations were appropriate. A few commentors found that their food costs decreased with the interim regulations. Some commentors who favored varying portion sizes recommended alternate age/grade groupings which more closely fit their academic structure.

Three commentors recommended that the Department return to its position on the milk portion for group III set forth in proposed regulations and require only six ounces as a minimum for this group. These commentors said that the six ounce requirement was nutritionally sound and would decrease milk and food waste and food costs.

B. Unfavorable Comments

1. Administrative Objections

Commentors indicated that foodservice workers, teachers, and principals will encounter administrative problems if varied portion sizes are required.

Approximately 44 percent of the 229 comments received from foodservice personnel at the district and the school level mentioned at least one administrative problem that they foresaw as a result of the interim meal patterns.

Many commentors simply felt that this portion of the regulations was too difficult to implement. They pointed out that the National School Lunch Program was designed to allow relatively nontechnically oriented personnel to operate the program while serving nutritious lunches to children. If the Department made a provision of this complexity a requirement, more schools might turn to foodservice management companies. Other commentors felt that the workload on the school foodservice personnel would be unmanageable—one district foodservice supervisor recounted the increased tensions and poor morale which she observed among the foodservice workers of one field test school in her district.

Other more specific concerns follow:

a. Incompatible with Academic Grade Structure and Lunch Periods: Adminstrative problems would be lessened if a school could serve a single lunch pattern. However, a number of commentors stated that the provision would require them to serve two or three patterns in many of their schools, for example, in K–12 schools or satelliting schools. Commentors also indicated that their classes often are composed of mixed grade levels and that the children come to the lunchroom in classes, not grades, so that it is difficult to determine grade or age levels. Other commentors indicated that although children may enter the lunchroom in grades, the grades are not scheduled to enter in a set order.

b. Increase in Paperwork/ Recordkeeping: Some commentors felt that this provision of the regulations would require an excessive amount of time in paperwork tasks such as maintaining production sheets and general recordkeeping. One manager indicated that the extra paperwork burden would take her away from what she felt were more productive duties—supervising her workers and talking with students.

c. Poor Student Acceptance: Some commentors felt that group V students would not want the increased portions of meat/meat alternate, that all students would not want the increased portions of bread/bread alternate, or that group III students would want more than the minimum portions. Some commentors also felt that when students of different grades ate in the same cafeteria, they would either not understand why one student received more or less food than they did, especially if all students paid the same price for the lunch, or they would become impatient with increased service time.

d. Storage Problems: Some commentors, especially commentors connected with central kitchens, satellite kitchens, schools that serve K–12, or schools that rely on preportioned items, indicated that they would need to store portion sizes separately, and that this would strain their storage facilities.

e. Problems Pricing the Lunch: Some commentors suggested that schools would need to vary the price of the lunch either because the cost of the lunch varied due to different portion sizes or because parents would exert pressure, complaining that their children were required to pay the same price for different sized lunches.

f. Complications in Menu Planning: Some commentors felt that this provision would make planning and production more difficult, particularly in kitchens which serve more than one group or which serve satellite meals to different groups.

g. Problems with Prepackaged or Preportioned Products: Some commentors mentioned problems that they encountered in field testing the regulations, for example, trying to fit the increased bread/bread alternate portions into preportioned containers. Central kitchens that prepare satellite meals indicated that they would have permanent administrative problems in fulfilling this requirement, such as keeping the various portions separate and identified for delivery.

h. Need to Restandardize Recipes: Commentors mentioned the need to restandardize recipes as a result of this provision, particularly recipes for casseroles.

i. Difficulty in Getting Lunch Counts to Prepare Meals: This is of particular concern to satellite operations.

j. Complications in Purchasing: Some commentors said that the need to serve three different portion sizes within a single school made purchasing difficult.

k. Other: Other commentors felt that the goals of the interim regulations could be accomplished under present regulations or that this provision should be a recommendation rather than a requirement.

2. Economic Concerns

About 41% of foodservice personnel foresaw that this provision would increase costs. Specifically, they predicted:

a. a general increase in food and labor costs and,

b. in particular, an increase in food costs due to the increased meat/meat alternate requirement for group V.

Several commentors indicated that school foodservice operations are already struggling to stay within their budgets due to such factors as inflation, decreasing amounts of local revenues, low reimbursement rates, and a low charge to the child. Some commentors saw as the result of this provision either an increase in price to the paying child or a decrease in the quality of the lunch, both of which potentially lead to a decrease in participation. In addition, satellite operations mentioned some specific costs peculiar to them.

a. Increase in Food and Labor Costs: Some of the factors that commentors suggested would lead to an increase in program costs were: Longer hours spent by managers or supervisors in planning menus and preparing production sheets, longer hours spent by workers preparing and serving food, more time spent counting lunches for different groups, the increased quantity of bread/bread alternate required, and the increased cost of prepackaged meals bought from vendors.

b. Increase in Food Costs Due to the Increased Meat/Meat Alternate Requirement for Group V: Commentors' estimates of how this change would affect the lunch varied from estimates of little or no change to estimates of an increase of 50% over present costs. The

wide range of these estimates may result from variations in the portion sizes that schools now serve. One commentor, who estimated the cost of meat/meat alternate at 10 cents an ounce, said that the schools in his State had lowered their serving size of this food component from three ounces to two ounces because of its effect on plate cost.

c. Satellite Operations: Commentors involved in satellite operations mentioned a few specific increased costs; for example, the cost of two or three colors of foil to identify different portion sizes and the cost of extra vans for transporting the portion sizes in correct quantities to each school and in an order that eases delivery problems.

3. Nutritional Objections

Commentors raised two main nutritional objections: a) that the bread requirement of the interim regulations was excessive and b) that the meat/meat alternate requirement was excessive. Both of these are related to a parallel concern which is both nutritional and administrative: that the interim regulations contribute to plate waste.

a. Bread Requirement Excessive: This subject is treated in the discussion of the bread requirement.

b. Meat/Meat Alternate Requirement Excessive: Some commentors felt that the increased meat/meat alternate requirement for group V resulted in too much protein in the lunch. Some felt that the increase in meat/meat alternate would result in an increase in the content of fat in the lunch—a result which would be incompatible with the Department's menu planning recommendation to keep sugar, fat, and salt at a moderate level. Some commentors also felt that the increase in meat/meat alternate would cause students to waste the other components of the lunch. Commentors' primary concern about this requirement, however, was economic—that the increased meat/meat alternate requirement would increase the costs of their programs past the capability of their budgets.

It should be noted here that the Department's primary reason in proposing an increase in the meat requirement for group V was to provide more iron in the school lunch, since the protein provided by meat is available in the present meal pattern at a level substantially greater than ⅓ of the RDA. The pattern, which includes 2 ounces of meat with an increased amount of bread/bread alternate, provides 32% of the RDA for iron for group IV, but only 26% of the RDA for iron for group V. The addition of an extra ounce of meat would increase the latter percentage to 30%.

The improvement in the iron level of the lunch needs to be balanced against the increase in the amount of fat in the lunch. When skim milk is served in place of whole milk, and only 2 ounces of meat are served, the amount of fat provided in the lunch approximates 24% calories from fat. With skim milk and 3 ounces meat, the percentage of calories from fat is 29%, which is close to the 30% suggested in the dietary goals. When whole milk is selected the percentage of fat is even greater, 34% with 2 ounces and 37% with 3 ounces of meat.

c. Other Nutritional Concerns: A few commentors felt that the decreased portions for group III would fail to satisfy these children's appetites. These commentors felt that the amount of food that a student consumes depends as much on the particular student as on his or her age. Related to this concern, some commentors believed that the local foodservice worker who serves her students daily is the best judge of students' food needs and consumption habits and that these workers should be allowed the flexibility to adjust portion sizes.

Student Results

Many of the concerns raised by the commentors were examined in the study of the effect of meal pattern changes in the interim regulations and in the demonstration projects. The results from these projects provide information on the extent to which changes in required minimums for serving sizes would affect:

—the quantity of food served
—food costs
—student participation
—plate waste
—administrative problems
—student, parent, and faculty opinions

1. *The Quantity of Food Served.* The study found that a change in the required minimums for serving sizes (e.g., from 2.0 to 3.0 ounces for meat/meat alternates for group V) would not necessarily lead to exactly corresponding changes in the quantity of food served, because many schools currently do not serve precisely the minimum amounts. The average meat/meat alternate serving sizes in 47 schools serving group V in the demonstration projects was 2.44 ounces when the required minimum was 2.0. If a 3.0 minimum were adopted, the average serving size in these schools would most likely increase by an amount somewhere between 0.56 and 1.0 ounces. If the required minimum sizes for group III were reduced from 2.0 to 1.5 ounces, the average serving size for these children would probably decrease by an amount between 0.4 and 0.5 ounces. Overall, there would be a small net increase in the quantity of meat/meat alternate food served if both the one ounce increase for group V and the half ounce decrease for group III were adopted nationwide.

On requirements regarding bread equivalents, the study found that 47 schools serving group V were serving an average of 8.5 servings per week when the requirement was one serving per meal.

For group III, the impacts of changing required minimums for (1) bread equivalents and (2) fruits and vegetables were difficult to determine from the available data because many of the schools serving group III in the demonstration projects also served at least one other group (e.g., groups III and IV in a K–6 school). Results indicated that it is likely that the change in the number of required bread equivalents per week will have little impact, since many schools may already be serving more than the 5-serving per week minimum. The study also indicated that changing the fruit and vegetable requirement for group III from ¾ cup to ½ cup could lead to nearly a full ¼ cup reduction in portion sizes. Accordingly, since plate waste is generally greatest with fruits and vegetables, schools can use this reduction in the requirement as an opportunity to reduce portion sizes and hence plate waste without appreciably reducing the amount of food actually eaten.

2. *Food Costs.* The study found that in schools serving group V, food costs would increase by $0.05 to $0.09 per meal if the required minimum for meat/meat alternates were raised from 2.0 to 3.0 ounces for this group. This represents about a 8–14 percent increase in the total food cost for lunches, which at present averages about $0.65. In schools serving group III, food costs would decline by about $0.10 to 0.12 per meal if the required meat/meat alternate and fruit/vegetable minimums were lowered from 2.0 to 1.5 ounces and ¾ cup to ½ cup for this group. Overall, these changes would result in a net increase in secondary schools' food costs of between $500,000 and $970,000 and a net decrease in elementary school costs of between $750,000 and $915,000 per day nationwide. In school districts that could share costs between elementary and secondary schools, the decreased cost per meal would be between $0.01 and 0.07. In districts containing only schools serving group V, costs per lunch would increase by about $0.05 to $0.09. Prior to implementation of the interim

regulations, the total cost of meat/meat alternate servings averaged $0.10 per ounce while the average cost after implementation was about $0.08. This difference reflects some substitution of cheaper types of meat/meat alternates to increase the portion size.

3. *Student Participation.* The study results indicate that the changes in meal patterns provided by the interim regulations had no observable effect on participation in the lunch program in the short time during which the regulations were tested. The results show that other factors besides portion sizes are more important determinants of participation levels—such as the price of the lunch and certain characteristics of the schools and cafeterias (e.g., whether there is onsite or off-site preparation).

However, it is conceivable that increased portion sizes of meat/meat alternates in secondary schools might have an adverse effect on participation if the price charged to students were to increase. Earlier studies have shown that participation in the school lunch program is responsive to price increases. For example, a $0.05 increase in lunch prices might be expected to lower participation by paying children by about 4 percent. Results from this study also showed that participation in the NSLP tended to be lower in schools charging higher prices.

4. *Plate Waste.* The study indicates that if the required minimum serving size for meat/meat alternate items for group V was increased from 2.0 to 3.0 ounces, students might throw away an additional 0.1 to 0.2 ounces of meat/meat alternate per meal on the average. A decrease in the required minimum meat/meat alternate portion size from 2.0 to 1.5 ounces for group III might reduce plate waste by 0.05 to 0.1 ounces of meat/meat alternate items per meal.

For the bread requirements, little or no change in plate waste would be expected, since the number of bread equivalents actually served would probably change very little.

For a reduction in the group III requirement for fruits and vegetables from ¾ cup to ½ cup, plate waste might decline by about 0.1 cups (or .8 ounces) per serving on average.

5. *Administrative Problems.* Foodservice managers at the schools in the study were asked whether the interim regulations affected the time required for menu planning, food procurement, food preparation, and serving. Over half reported that increased time was needed for menu planning. A fifth reported increases in time needed for food procurement, and a third reported increases in time needed for food preparation and serving. Virtually no schools reported that the interim regulations reduced the time needed for any of these activities. Despite these concerns, two-thirds of the foodservice managers thought they would not need any increase in staff under the new regulations.

The foodservice managers also were asked whether they felt that any of the issues listed in the following table would be problems for them. Their responses, summarized in the table, indicate that the most common problems would be (1) menu planning to include sufficient servings of bread/bread alternate items, (2) obtaining preportioned meat items for the 1.5 ounce minimum for elementary schools, and (3) adjusting recipes to provide varied portion sizes. However, further analysis shows that the first of these issues (on bread/bread alternates) may have been misinterpreted by the respondents and probably is not a problem.

Many schools serving group V in the demonstration projects did not increase their average serving size to at least 3.0 ounces when they were so required. Some of the data also suggest that elementary schools required to serve two distinct age groups (e.g., groups III and IV in a K–6 school) encountered difficulties in providing different serving sizes to these groups.

Frequency of Administrative Problems Reported by Foodservice Managers in Phase II

[n=Number of Foodservice Managers Answering Question]

Administrative problem	Rank	Number of schools reporting problem
Menu planning to include sufficient servings of bread/bread alternate (n=337)	1	136
Obtaining preportioned meat items to meet 1½ oz. requirements (n=279)	2	135
Adjusting recipes to meet varied portion size requirement (n=315).	3	93
Obtaining preportioned meat items to meet 3 oz. requirement (n=197)	4	69
Budgeting to account for the increased portion sizes required for group V (n=191)	5	68
Sufficient refrigeration storage for additional choices of milk (n=327)	6	56
Obtaining preportioned lunches of varying portion size for group III (n=115)	7	32
Difficulty in forecasting to account for group V children who take smaller servings of food (n=174).	8	30
Obtaining preportioned lunches of varying portion size for group IV (n=118)	9	25
Obtaining preportioned lunches of varying portion size for group V (n=87)	10	16

6. *Student, Parent, and Faculty Opinions on Changes in Portion Sizes.* The changes in portion sizes appeared to have little effect on the opinions of students, parents, or faculty. Even among group V students in schools for which it is known that portion sizes of meat/meat alternates increased by 25% or more, there was no discernable difference in student satisfaction with the lunch, with frequency of participation, or with perceived adequacy of serving sizes of meat.

A substantial proportion of elementary (nearly 50%) and secondary (60–70%) students believed that the portion sizes of meat in both phases were too small. This is probably due to the fact that meat items are generally among the more popular items served in the lunch.

C. Independent Development Since the Publication of Proposed and Interim Regulations

On October 30, 1979 (44 FR 62442), the Department published proposed regulations that together with an interim rule published September 14, 1979 would compose a comprehensive monitoring system, the Assessment, Improvement and Monitoring System (AIMS). The AIM System would require all States to monitor school meal programs on a regular basis. Each State would be required under this system to identify problems in School Food Authorities and to institute corrective action, including overclaims, so as to meet six performance standards. One proposed performance standard would specifically address meals claimed for reimbursement, requiring States agencies to insure that these meals contain food components and quantities as required by regulations and as documented by reviewable production and student participation records.

The Department recognizes that no standard, nationwide system of monitoring quantities of components exists. Therefore, the present AIMS proposal only requires States to insure that School Food Authorities serve all the necessary food *components* in each meal. In connection with AIMS, the Department is currently developing and testing methods for monitoring meal pattern compliance which will enable State agencies to determine accurately if required *quantities* are served. When this comprehensive monitoring system is developed, it will be published as a proposed rule.

Decision: Because the comments and the study results indicate that a system *requiring* schools to vary portions would be difficult, if not impossible at this time to implement accurately, the Department has decided *not to require schools to vary portions.* Therefore, schools serving K–12 children may

continue to offer one portion size of each component—the group IV portion size—to all children regardless of age. The group IV pattern is the same as the current pattern for school age children with two exceptions:

1. The equivalency for certain meat alternates (eggs, cooked dry beans and peas, and cottage cheese) is increased (see subsequent discussion) and

2. The bread/bread alternate requirement is increased (see subsequent discussion).

In addition, the following constraints appear as they did in the proposed and interim regulations:

1. Cooked dry beans or peas may be used as a meat alternate or as part of the vegetable/fruit component, but not as both food components in the same meal.

2. An enriched macaroni product with fortified protein as defined in Appendix A may be used as part of a meat alternate or as a bread alternate, but not as both food components in the same meal.

3. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of the vegetable/fruit requirement. Therefore, for K–12 children such juice may meet ⅜ cup, rather than the former one-fourth cup, of the vegetable/fruit requirement.

The Department has also modified the current meal pattern for preschool children (ages 1–4), redefining the age range of these groups and increasing the minimum milk and vegetable/fruit quantity requirements for the youngest children.

The Department continues to encourage schools to vary portion sizes for children of various ages. Current regulations do not give States guidance in varying portions for school age children. (As noted above, current regulations do specify smaller portions for preschool children (§ 210.10(b)(3)(i) and (ii)). Therefore, the Department is adding recommended portion sizes for group III and group V children to the regulations.

There is a significant difference in the Department's intention with regard to the portion sizes specified for group III and for group V. The Department intends the group III portions to be the minimum amounts of food served to these children. Where schools decide to vary portions downward, they shall not serve less than these minimum amounts. For example, a school could not serve group III less than 1.5 ounces of meat/meat alternate, though a school could serve these children more.

The Department intends the group V portions to be *target* portions. Schools may serve group V children less than these amounts as long as they do not serve group V less than the specified amounts for group IV. However, whenever possible, schools should try to serve the larger amounts.

These regulations would allow schools to vary portion sizes on a day-by-day basis, increasing or decreasing portion sizes when the nature of the menu item, the overall nutritional composition of the meal, and the cost allow. This regulation would also allow schools to vary portion size by menu item. For example, a school might offer its group V students a choice between two meat/meat alternate entrees, one a 2 ounce and one a 3 ounce portion. Or a school could serve its group III students the smaller ½ cup of fruit/vegetable and 2 ounces of meat/meat alternate. However, if a school decides to vary portions by menu item, it must insure that all children in the group, regardless of their ability to pay, are offered the same choices.

School Food Authorities that have the capability to serve quantities of food to children solely on the basis of their ages are encouraged to do so. For schools where this is not feasible, the School Food Authority shall adapt the age/grade groups provided in the table to those which most closely approximate the ages served in each school under its jurisdiction. In no case shall the School Food Authority plan to serve a substantial number of children foods from a specified pattern that is designated to serve a younger age/grade grouping. If a school situation is such that it is impossible for lunchroom personnel to distinguish different groups, for example, if third and fourth graders enter the lunchroom together, then that school should serve all children the standard group IV portions.

Under federal regulations, it is no longer necessary for schools to obtain State approval to vary portions. However, as always, schools must comply with any State or local regulations that affect varying portions. For example, if a State requires schools to serve group V children three ounces of meat/meat alternate, the school cannot serve group V a two ounce portion.

During the interim comment period, the Department received a few comments advocating that the Department change the minimum milk requirement for K–3 children back to the six ounce requirement of the proposed regulations. One school district currently serves a six ounce portion to this age group and believes that the smaller portion improves overall consumption and decreases costs. The Department sees no nutritional objections to this change at this time. The school lunch pattern for group III currently provides more than ⅓ the RDA for the major nutrients in milk (calcium, protein, vitamin A, and riboflavin) when six ounces of milk are provided to children in grades K–3. However, the Department changed the requirement from six ounces in the proposal to eight ounces in the interim regulations because commentors said that they could not procure milk in 6 ounce containers. The Department is still concerned about possible administrative problems. Therefore, it is keeping the minimum requirement at 8 ounces. However, because a few School Food Authorities have secured supplies of 6 ounces milk portions, and are currently serving that portion size, we see no compelling reason to halt those actions. Therefore, those School Food Authorities who served this age/grade group the 6 ounce portion prior to May 1, 1980 may continue to do so. For review and audit purposes, such School Food Authorities must document the date that they began serving 6 ounce portions and their reasons for adopting this portion size.

The infant meal pattern has not been changed.

2. Allowing Children 12 Years and Older To Request Smaller Portion Sizes

Background: Current regulations require specific portion sizes of the four food components for 10 to 12 year old children and allow schools to serve older children larger portions. (§ 210.10(a)(3)). There is no provision for serving older children smaller portion sizes of all components. In an effort to avoid unnecessary food waste problems, the Department requires senior high schools, and junior high and middle schools if approved by the local School Food Authority, to offer children the opportunity to decline two of the five required food items of the lunch. However, at least three of the food components which children do take must meet the quantity requirement. The other two components, if taken, could be smaller than the required portion sizes.

The 1977 proposed regulations increased the quantity requirement for children in group V. At that time in conjunction with the proposed provision, the Department also proposed to allow older children to request smaller portion sizes. This was an effort to accommodate variations in individual food preferences, to minimize unnecessary food waste, and to prevent overproduction.

The Department received 337 comments on the provision to allow group V children to request smaller

portions: 295 commentors favored the provision; 42 opposed. Those opposing the provision believed that the provision would be difficult to implement in schools which used automated foodservice equipment and prepackaged meals and that the provision was incompatible with the present "offer versus serve" provision. They felt that "offer versus serve" should be extended to all junior highs in lieu of serving smaller serving sizes upon request or that "offer versus serve" should be eliminated entirely and this provision substituted.

Since public opinion was in favor of this provision and since the Department continued to believe that the individual food needs of this group and the concern of unnecessary plate waste needed to be addressed, it did not change this provision in the interim regulations. The Department planned to study problems associated with automated foodservice equipment and prepackaged meals during its field test.

Public Comments on Interim Regulation

The Department received only 17 comments on the interim provision: 8 favored the provision; 9 opposed it.

Those commentors who favored the provision felt that it would help to decrease plate waste. One commentor suggested that this provision might be more effective at reducing waste than the "offer versus serve" provision, because students when paying the price for a lunch would be more likely to request smaller portions than to reject an entire component.

Another commentor said that students liked the option, although few took advantage of it. A third commentor favored the provision because he felt that it would allow children to take "taste portions" of new foods and so would enable schools to teach children about new foods while avoiding plate waste.

Those commentors who opposed the provision opposed it primarily for administrative reasons. Several commentors felt the provision would slow down meal service or detract from service efficiency thereby creating a need for longer serving periods. They said that schools would not be able to utilize prepackaged meals, pre-dished components, pre-served trays, and bulk service systems for food delivery, such as conveyor belts and circle-serve systems. In addition, one commentor questioned how this provision would affect the validity of production records. Another commentor suggested that implementation of this provision would require more workers on the serving lines, increase costs, and severely hamper choices offered students under "offer versus serve."

Other commentors thought that this provision would only transfer waste from the child's plate to the serving pan. Some commentors felt that student acceptance of the opportunity afforded by this provision would be minimal. One commentor said that students would usually prefer not to accept an item rather than to request a smaller portion. Another commentor thought that students would only request smaller portions if the students before them in line had also done so. A third commentor felt that the type of menu offering, and not the size of the portion, governed plate waste.

One commentor worried that this provision would downgrade the nutritional integrity of the Program. He said that ". . . when coupled with offer vs. served [sic] it could result in a meal consisting of a half slice bread, one half serving of fruit, one half serving of salad being a fully reimbursable meal." As alternatives, he suggested requiring either (1) that the smaller portion sizes at least meet the minimum level for group IV or (2) that within the offer vs. serve provision, the Department require full portions to be served if one or two menu components are rejected.

Study Results

The study results indicate that, in the majority of schools serving group V, proportionally few students asked for smaller portions. Eighty-four percent of these schools reported that 10 percent of fewer of their students asked for smaller portions. (The other 16 percent of schools said that 11–50 percent of their students requested smaller portions.)

Decision

Because the Department is not requiring schools to increase portion sizes for group V and because of administrative difficulties connected with this provision, the Department is not requiring School Food Authorities to allow group V children to request smaller portion sizes.

At this time this provision would be difficult, if not impossible, to plan for and monitor responsibly. However, schools which choose to vary portions and which increase the portions for group V may allow these children to request smaller portions so long as the portions are no less than the required portion sizes for group IV.

It should be noted that all schools utilizing "offer versus serve" may offer their children taste portions as long as the children take, in addition, three components that meet at least the group IV quantity requirement.

3. Allowing Schools to Serve Lunch to Children Age 1 to 4 Years at Two Service Periods

Background: Knowledge of the food consumption habits of young children indicates that these children eat better and waste less if they are served more small meals rather than three full meals. Yet, unless one adopts a liberal interpretation of the term "lunch period," current program regulations do not allow schools to serve the components of the lunch in any fashion other than as a unit (§ 210.8(e)(3)). From time to time, the Department has granted variations from this rule on a school-by-school basis under § 210.10(h); for example, the Department has allowed Jewish schools to serve milk one-half hour or more before serving the rest of the lunch. However, § 210.10(h) applies only to cases where there is an "ethnic, religious, economic, or physical need." In the 1977 proposed regulations, the Department suggested that schools be required to serve young children in two daily service periods.

The proposal would have applied to children age 1 to 5 years (preschool and kindergarten children). The lunch would continue to provide approximately one-third of the RDA for children of these ages, but would be served in two parts. The foods from each service period, in combination, would be required to meet the lunch's specified quantities and components for children of these ages. To allow optimum flexibility at the local level, the Department did not specify how schools were to divide the lunch service. Therefore, the school could serve any combination of components at a service or could serve small portions of all components at two services as long as the services in combination provided the required total quantities and components.

During the comment period on the proposed regulation, the Department received 175 comments on this provision. Of these, 44 favored the provision and 131 opposed it. The Department received a significant number of comments from State and local school foodservice personnel, school administrators, and teachers and from testimony given during the child nutrition hearings of October and November, 1977, which opposed this provision because of operational difficulties.

A majority of the comments questioned the feasibility and practicality of two meal services for 5-year-olds in the kindergarten when the kindergarten session was only a half-day. Because the school day is so short, commentors felt that this provision

might force schools either to lengthen the school day for students or to not offer lunch through the Program to this class. Commentors also felt that the problems of this provision were compounded in schools which also offer the School Breakfast Program. Schools would need to revise daily class schedules for kindergarten children as well as staffing schedules for foodservice personnel to provide an additional meal service.

School foodservice personnel were also concerned that the cost of producing a lunch for this age group would increase due to additional labor, custodial service, and supervision needed to serve and clean up an additional meal service period each day.

In response to these comments, the Department modified this provision when it published interim regulations by removing 5-year-old children from the groups to which the provision applied.

Public Comments on Interim Regulation

During the comment period on the interim regulation, the Department received only 16 comments on this provision. Of these, four commentors favored the provision, 12 opposed it.

Those who favored the provision felt that it would decrease plate waste among younger students. However, one commentor suggested that the Department make an exception for children age 4 in a school situation, for example, children in a Headstart program sponsored by a local school district. He reasoned much as the commentors on the proposed regulation concerning 5 year olds: that the service of lunch at two service periods for these children would cause operational difficulties, could adversely affect the continuity of the instructional program, and might discourage School Breakfast Program expansion and outreach efforts.

Those who opposed this provision opposed it primarily because of the difficulties that they foresaw for schools' Headstart and preschool programs. Commentors mentioned the following problems:

1. An increase in labor costs;
2. A strain on equipment for refrigerated and hot storage leading to a higher risk of food contamination;
3. Problems in scheduling foodservice personnel to accomplish breakfast service, lunch service, and general maintenance operations such as clean-up as well as two services for groups I and II;
4. Problems in scheduling children to the lunchroom, for example, children who attend school for a half day only;
5. Problems in scheduling the transportation of meals;
6. Problems with using vendor prepackaged meals;
7. Special problems of storage and delivery when children eat in classrooms.

At least two commentors felt that requiring the service of lunch to these children in two service periods would cause local School Food Authorities to drop the lunch program.

Three commentors who opposed the provision suggested that the Department make it a recommendation rather than a requirement.

The National Advisory Council on Child Nutrition in its March 1979 meeting also discussed this provision. It felt that serving young children in two periods would contribute to better food consumption and curtail waste. The Council recommended that the Department allow schools the option of serving kindergarteners also in two service periods.

Study Results

The study did not provide the Department with any data on this question.

Decision

Because of the administrative problems connected with this provision, the Department is not requiring schools to serve children age 1–4 years in two service periods. It is, however, allowing this as an option. The Department believes that since School Food Authorities are close to the particular problems of their schools, they are in a position to evaluate the adverse impacts such a requirement might have. However, the Department recommends that schools serve these children, as well as 5-year-old children, in two service periods. (If 5-year-old children are served in two service periods, the total food served to them must still meet the group III requirement.)

4. Increasing the Required Quantities of Certain Meat Alternates to be Nutritionally Equivalent to Meat and the Other Meat Alternates

Background: The meat or meat alternate requirement of the meal pattern specified in program regulations has been as follows:

Two ounces (edible portion as served) of lean meat, poultry, or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above listed foods.

In both the proposed and interim meal pattern regulations, the Department suggested that the quantities of eggs and cooked dry beans and peas be changed to make these meat alternates more nutritionally adequate, i.e., comparable in protein content, to the other meats and meat alternates per serving.

Proposed equivalencies are 1 egg=1 ounce cooked lean meat and ½ cup cooked dry beans or peas=1 ounce cooked lean meat. The following chart shows a comparison of the nutritional value of various meats and meat alternates using the quantities proposed in both the proposed and interim meal pattern regulations.

Nutritive Value of Meat Alternates Used in the School Lunch Pattern, 1976

	Amount	Food energy (kcal)	Protein (grams)	Fat (grams)	Calcium (milligrams)	Iron (milligrams)	Vitamin A (IU)	Thiamin (milligrams)	Riboflavin (milligrams)	Niacin (milligrams)	Ascorbic acid (milligrams)	Magnesium (milligrams)	Vitamin B6 (milligrams)	Vitamin B12 (milligrams)
Meat (lean), poultry, fish.	1 oz	73	6.8	4.8	3	.8	40	.05	.06	1.5	0	6.6	.102	.48
Eggs, large	1	81	6.4	5.7	27	1.1	590	.05	.15	0	0	5.5	.047	.80
Cheese, Cheddar-type, process.	1 oz	105	6.6	8.5	198	.3	345	0	.11	0	0	11.9	.023	.23
Beans, dry cooked	½ cup	115	7.3	.5	37	2.3	0	.13	0	.8	0	89.6	.264	0
Peanut butter	2 tbsp	185	7.9	15.9	19	.6	0	.03	.03	4.6	0	36.7	.082	0
Cottage cheese	2 oz	59	7.0	2.6	34	.08	92	.01	.09	.1	0	3.0	.038	.35

The one negative effect resulting from this change in equivalency is the increase in portion size for these meat alternates. For example, when dry beans are served to meet the full 2-ounce requirement, the portion size would be one cup of beans rather than ½ cup as now required. In most areas of the country this quantity would be considered excessive. In order to address this concern the 1977 proposed meal pattern regulations proposed to allow meat alternates to meet no more than one-half of the meat/meat alternate requirement. Although the majority of

commentors favored this provision, a number opposed it. Those opposing felt that since there was no nutritional reason for this prohibition, the meat alternates should receive full credit for meeting the meat/meat alternate requirement. They felt that the proposed restriction would unnecessarily limit menu planning flexibility. In addition, this restriction would have resulted in both awkward proportions of individual meat alternates (for example, ¾ egg for group III, 1½ eggs for group V) and possibly unacceptable proportions of ingredients in combination recipes such as casseroles. As a result of these concerns, the one-half restriction was removed from the provision in the interim regulations.

The interim regulations allowed a single or any combination of meat alternates to meet the full meat/meat alternate requirement with one condition—that such use does not result in excessive or unrealistic portion sizes. Because the local unit is most aware of its children's eating habits, the planning of realistic portion sizes for eggs and dry beans and peas was left to the School Food Authority. When the local School Food Authority determined that a serving size of meat alternate was excessive, it was to reduce the quantity of meat alternate and to supplement it with an additional meat or meat alternate to meet the full requirement.

Public Comments on Interim Regulation

Twenty-seven commentors commented on this provision of the interim regulation: 5 favored it; 22 opposed it. The commentors who favored this provision contrasted it with the corresponding provision in the proposed regulations which would have limited the use of any one meat alternate to 50 percent of the component requirement. These commentors felt that the interim regulations were more realistic to implement, particularly if meat shortages occur, and provided greater flexibility in menu planning.

The commentors who opposed this provision opposed it for two main reasons: 1) Four commentors preferred the restriction in the proposed regulations because they felt it was nutritionally more sound and 2) many commentors objected to the increased equivalency standard because they felt that it would result in overly large portions which would be unacceptable to children and therefore would be wasted. One commentor mentioned that schools would need new recipes to produce palatable products that meet the required levels of meat alternates.

Study Results

This provision was not field tested.

Decision

The commentors who opposed the provision in the interim regulations because they believed that the 50 percent restriction as proposed was more nutritionally sound were concerned that most meat alternates are "incomplete proteins," which lack sufficient amounts of one or more essential amino acids to promote growth and development. While it is true that only animal sources provide "complete proteins" and the meat alternates authorized (except for eggs) are from plant sources and are therefore incomplete proteins, this is not a significant issue of concern. Milk is a source of complete protein. Since milk is offered with every lunch the amino acids lacking in meat alternates from plant sources are supplied by the milk in the lunch. Also, these meat alternates can be served in combination with other foods which contain needed amino acids, that is, "complimentary proteins" such as beans and rice can be served together. Therefore, when considering the total meal, there is no problem nutritionally with serving a meat alternate to meet the full meat/meat alternate requirement.

Because the current quantities of eggs, cooked dry beans and peas, and cottage cheese are not nutritionally equivalent to meat and other meat alternates, the Department is increasing the required quantities of these meat alternates. Schools should monitor consumption to determine if a portion size is excessive and, when necessary, decrease the portion size of the particular meat alternate, supplementing the meal with another meat or meat alternate.

Since cottage cheese is not mentioned specifically in the meal requirement section of the regulations, the issue of cottage cheese was not addressed in the proposed or interim meal pattern regulations. However, the same problem of nutritional equivalency exists with cottage cheese as with eggs and dry beans and peas. In order for the quantity of protein in cottage cheese to be equivalent to the protein in 1 ounce of cooked lean meat, the quantity requirement for cottage cheese must be increased from 1 ounce to 2 ounces. Revised equivalencies for cottage cheese will appear in the revised 1980 edition of the *Food Buying Guide for School Food Service* (PA–1257) rather than in regulations.

5. Changing the Bread Requirement To Specify the Number of Servings Required by Week and To Increase the Total Number of Servings Required

Background: Current regulations require schools to serve one slice or one serving of whole-grain or enriched bread or bread alternate daily. Over a week's time, then, schools must serve a minimum of five slices or servings.

In the 1977 proposed regulations, the Department changed the bread requirement in two ways: 1) It increased the quantity required for all groups and 2) it changed the duration of the requirement from a daily to a weekly (5 day) requirement. The proposal would have required that schools serve 5, 8, or 10 servings/week and at least one-half slice of bread or an equivalent amount of bread alternate daily. Schools serving lunch 6 or 7 days per week would increase the 5 day requirement by approximately 20% (⅕) for each additional day.

The purpose of increasing the amount of bread required in the meal pattern was to address the changes in the RDAs between 1968 and 1974. The older RDAs generally were lower than the 1974 RDAs for niacin, riboflavin, thiamin and B_6. The increase in the amount of bread would also increase the level of these nutrients as well as the level of iron in the lunch, which is a particular problem, especially for older children. Although the 1980 RDAs have now been released, the changes from the 1974 RDAs do not substantially alter the nutritional adequacy of the lunch because few of the changes affect school age children.

During the comment period on the proposed regulations, the Department received 480 comments: 408 favored the provision; 72 opposed it. The majority of those opposing felt that: (1) The quantity required was too large and (2) bread should remain a traditional component of a meal. Since the Department believed that the increased quantities were necessary to meet the nutritional needs of children for iron and other nutrients provided by the bread/bread alternate component and since the majority of comments were favorable, the Department did not change this provision in the interim regulations.

Public Comments on Interim Regulations

During the comment period on the interim regulations, the Department received approximately 149 comments on this provision. Commentors addressed the provision as two separate issues: (1) Should the Department specify servings by week and (2) should the Department increase the number of required servings.

Sixteen commentors addressed the issue of a weekly requirement: 10 favored it, 6 opposed it.

Those who favored a weekly requirement did not provide reasons for their position; however, one commentor did say that the provision would improve menus. Those who opposed the provision were concerned primarily with meeting the nutritional needs of the student who does not eat the school lunch five days a week, particularly the junior or senior high school student who could take advantage of offer versus serve. They were also concerned with meeting the needs of all students on the occasions when school meets for less than 5 days a week. One commentor felt that this provision would change the Program's "nutritional/accounting concept of nutrients on a daily basis."

Approximately 143 commentors addressed the issue of increased number of required servings: about 7 favored increasing servings and 136 opposed.

Commentors who favored the increased servings generally felt that the increase would not be difficult to implement. One commentor said that the junior and senior high school students whom she observed enjoyed the additional bread and bread alternate items in the menu.

Those who opposed an increase felt that school lunches were already criticized for being too starchy and that the new requirement only worsened this situation. Commentors felt that the extra starch would lead to student obesity and sluggishness in the classroom. The added starch would not be accepted by some students, in particular, high school girls. Many commentors felt that the added bread/bread alternate servings would contribute to plate waste, either directly, by causing students to waste bread/bread alternate or indirectly, by causing students to fill up on bread and to waste the less popular components of the lunch, such as fruits and vegetables. Some commentors felt that preportioned containers must be redesigned to accommodate increased portions and that increased servings would increase food costs.

Study Results

Analysis of questions asked of foodservice managers during the field test indicate that 41 percent had difficulty planning menus to include sufficient servings of bread/bread alternate. However, analysis of other field test data indicates that most schools are already meeting or almost meeting the interim requirements for bread. Therefore, if foodservice managers can be trained to evaluate more accurately the amounts of various items served within the current meal pattern, the suggested change in the bread requirement should have little impact on the Program.

Decision

Because of nutrition concerns and the study results, the Department is increasing the bread requirement.

The comments on starch are based on misinformation concerning nutrition. Foods high in complex carbohydrates are not necessarily obesity-promoting foods. The Dietary Guidelines issued by USDA and DHEW, as well as the Surgeon General's Report, encourage an increased consumption of such foods in order to increase the amount of fiber in the diet. In addition, the study results indicate that many schools are already serving the larger portions that these regulations require.

Since the Department is not requiring schools to vary portions, the new bread requirement is 5 slices per week for children age 1 to 2 and 8 servings per week for all other children. The Department has also addressed the situation where schools operate less than 5 days a week by providing that they may decrease the 5 day requirement by approximately 20% (⅕) for each day less than 5.

Further, the Department is increasing the daily minimum requirement to one serving for groups II–V. In footnotes to the Table of meal pattern requirements in the proposed and interim regulations, the Department specified ½ serving of bread as the daily minimum, but offered no justification. The Department added the footnote to insure that some bread would be included in each meal, yet limited the daily minimum to ½ serving because of the smaller group I requirements and the option of dividing the bread between two serving periods for that group. Upon development of the *Menu Planning Guide,* the inadequacy of this requirement became apparent.

To prevent an excessive amount of bread/bread alternate appearing on one day's menu, good menu planning dictates that the weekly requirement for bread/bread alternates be spread as evenly as possible over the week.

The Department is currently developing and testing methods for monitoring meal pattern compliance. The present AIMS proposal (October 30, 1979; 44 FR 62442), does not specify a period of review time for which a determination must be made on meal pattern compliance. In developing a formalized meal pattern monitoring system, the bread requirement as a weekly requirement will be kept in mind and may be subject to a further review when the monitoring system is finalized.

6. Requiring that the Lunch Pattern be Monitored on a Weekly or on a Daily Basis

Background: Current Program regulations do not explicitly mention monitoring duration. Section 210.10–(a)(2) requires that each lunch contain certain quantities of food. This would indicate that schools are to be held to a daily standard; that is, each lunch each day must meet requirements. This is how the regulation has been interpreted in practice.

The Department proposed to change this monitoring standard. It proposed to require that schools plan lunches to contain the specified food components and quantities daily, but for ease and practicality of local management and to promote flexibility, it required that schools' menus be evaluated over a week's time to determine if total quantities of food for each meal were provided. The Department recognized that a quantity shortage may occur occasionally. The 1977 proposed regulation would have allowed managers to identify such a shortage and compensate for it by providing extra foods from that component later in the week.

Monitoring of general regulatory compliance, including lunch requirements, would have continued under the supervisory assistance efforts of State administering agencies described in § 210.14 of the regulations. However, the proposed regulations would have encouraged State agencies to review lunch menu records on this weekly basis for quantity and component compliance. State agencies were still encouraged to review each day's menu records and make recommendations which would help the school or School Food Authority serve nutritious, well-planned acceptable lunches every school day. If a School Food Authority failed to meet the lunch requirements over a week's time, the proposed regulations would have required State agencies to develop, implement, and monitor a plan of action,

in cooperation with the local authority, to correct the failure. Only repeated failures to meet requirements would necessitate reclaiming reimbursement.

The Department did not receive any detailed comments on this proposed provision. When it issued interim regulations, it kept the provision unchanged.

Public Comments on Interim Regulation

During the comment period on the interim regulation, the Department again did not receive any detailed comments on this provision.

Study Results

This provision was not field tested.

Independent Developments

On October 30, 1979 (44 FR 62442), the Department published proposed regulations that together with an interim rule published September 14, 1979 would compose a comprehensive monitoring system, the Assessment, Improvement and Monitoring System (AIMS). The AIM System would require all States to monitor school meal programs on a regular basis. Each State would be required under this system to identify problems in School Food Authorities and to institute corrective action so as to meet six performance standards. A specific performance standard would address meals claimed for reimbursement, requiring State agencies to insure that these meals contain food components and quantities as required by regulations and as documented by reviewable production and student participation records.

The present AIMS proposal which is currently in the early finalization stages, requires States to insure that School Food Authorities serve all the necessary food *components* in each meal. The Department is developing and testing methods for monitoring meal pattern compliance which will enable State agencies to determine accurately if required *quantities* are served. When this comprehensive meal pattern quantity monitoring system is developed, it will be published as a proposed rule for public comment. Once finalized, it would be incorporated into the AIMS review system.

Decision

The Department is not acting on this provision at this time, because it is currently re-evaluating all aspects of meal pattern monitoring. Once the details of a feasible system are established, the monitoring frequency that is most appropriate will be clearer. However, at this time State agencies, other monitors, and auditors should monitor the bread requirement over a week's time, since that is a weekly requirement. This does not mean that monitors must remain in a school for an entire week. Rather, they can determine that the daily requirement of ½ serving of bread or the equivalent quantity of bread alternate for group I and one serving for groups II–V is served on the day of the visit, and rely on records for documentation that the school has fulfilled the weekly requirement.

7. Providing for Second Helpings

Background: Current regulations require School Food Authorities to "plan for and prepare lunches on the basis of participation trends, with the objective of providing one lunch per child per day." Second lunches are reimbursable only when a School Food Authority has planned for one lunch per child, but, due to fluctuations in participation levels, has prepared too many. A School Food Authority may claim some of these meals for free or reduced price levels of reimbursement so long as the number of meals claimed does not exceed the number of children approved for free or reduced price meals. (§ 210.11(a))

The Department did not include a provision for second helpings in the 1977 proposal, but solicited comments on the concept. The Department was concerned that some provision on second helpings might be needed because the proposed lunch patterns provided less than one-third of the RDA for food energy (kilocalories) for all children and reduced the meat/meat alternate and fruit/vegetable portion sizes for group III.

In the preamble to the interim regulations, the Department again solicited comments on this topic. While the majority of commentors favored second helpings, the Department did not receive any substantive suggestions on procedures or means of reimbursement. Therefore, the Department also developed and field tested one method of reimbursement for second helpings.

Public Comments on Interim Regulation

During the comment period on the interim regulation, the Department received only nine comments on this topic: four favored second helpings; five opposed them.

One commentor who favored second helpings felt that all portion sizes should be decreased and children offered seconds. She felt that this would decrease plate waste. Another commentor suggested that the Department provide the opportunity for second helpings rather than increase portion sizes for group V. Another commentor who had field tested the regulations in an elementary school said that her school had prepared seconds of potatoes or bread for children whose appetites were not satisfied with the new portion sizes.

The commentors who opposed the suggestion felt that it was unfeasible. Two of the commentors who had tested the suggestion said that it allowed junior and senior high students under "offer versus serve" to avoid the vegetable and fruit entrees, while filling up on seconds of other components. In addition, they thought that it conflicted with the Department's recommendation to modify fat, sugar, and salt intake. A commentor who had been involved in Study 4 said that offering second helpings led to abuse as students would take an "extra" lunch for their friends. This commentor said that offering second helpings would also increase food and labor costs, would not decrease plate waste, would contribute to poor employee morale, and would cause purchasing and storage problems. One commentor felt that the Department should assess the impact of increased portion sizes before providing for second helpings. He also thought that an acceptable accounting method for second helpings would be difficult to monitor, particularly in the category of free and reduced price meals since the total number of free and reduced price meals served in one day cannot exceed the number of eligible children based on approved applications. Another commentor said that second helpings could only be offered after the last group was served to insure that all children are served at least once.

Again, the Department received no comments offering suggestions for a feasible reimbursement procedure.

Study Results

The study, referred to as Study 4, was designed to assess at least six areas of the school foodservice which might be affected by the serving of second helpings: (1) The Nutrient contribution of the lunches as served and as consumed, particularly for food energy; (2) the level of children's consumption by various age/grade groups of different food components; (3) the rate of student participation; (4) food costs; (5) student's attitudes and opinions regarding the lunch program; and (6) general administration. The study was limited to on-site food production and service. Sixteen schools selected from four States participated. The data from that study will not be available until later this year. However, the first preliminary data indicate major difficulties encountered by schools in providing second helpings, including increased

labor time for the preparation and service of additional food, inadequate space and equipment for production and storage of additional food, insufficient time for the service and cleanup of meals, and increased time for menu planning.

The Department has not yet analyzed the data to determine whether caloric intake did in fact increase because of the provision of second helpings. However, the 1980 RDAs make a specific determination irrelevant. The new recommendations for energy intake are expressed as ranges to account for variance among individuals. It appears that the caloric content of meals served in the school lunch program generally meets one-third of the lower values of these ranges.

In designing the study, the Department considered and rejected alternate methods of increasing the minimum level of energy provided by school lunches. The alternates considered were (reasons for rejection appear in parentheses): (1) Require increased portion sizes or another lunch component in the pattern (increase plate waste, meal cost, and/or level of fat and simple sugars); (2) require a dessert item (increase overall level of fat and sugar since most dessert items are high calorie low nutrient density foods); (3) increase vegetable/fruit component (increase plate waste, since all food consumption studies show that this component is the one most often wasted); and (4) increase meat/meat alternate component (increase meal cost).

Decision

The Department is not formulating a provision on seconds at this time. Seconds are likely to involve administrative complexities and increased costs that many schools cannot handle. The Department plans to conduct further reviews to thoroughly evaluate the 1980 RDAs' recommendations on caloric intake, to analyze completely the Study 4 data, and to formulate and cost out specific proposals for seconds.

Summary of Rule

Provision 1: Varying portion sizes for children of various ages. Rule: Recommends rather than requires that schools vary portion sizes, but ensures that where portion sizes are varied downward, no children are served less than the minimum amounts prescribed for their group. (This would be done by setting minimum quantities for four age/grade groups (I—age 1–2, II—ages 3–4, III—ages 5–8 (K–3), IV—ages 9 and older (grades 4–12) and recommended quantities for group V (grades 7–12)).

Provision 2: Allowing group V children to request smaller portion sizes. Rule: Allows these children to request smaller portions if the portions are not smaller than those required for group IV.

Provision 3: Allowing schools to serve lunch to young children at two service periods.

Rule: Allows schools, with State approval, to serve lunch to children ages 1 to 5 at two service periods.

Provision 4: Increasing the required quantities of certain meat alternates (eggs, cooked dry beans and peas, and cottage cheese) to be nutritionally equivalent to meat and the other meat alternates.

Rule: Changes the quantities required for eggs and dry beans and peas to be nutritionally equivalent to meat and other meat alternates and allows a single or any combination of meat alternates to meet the full meat/meat alternate requirement when such use does not result in excessive or unrealistic portion sizes. Revised equivalencies for cottage cheese will appear in the revised edition of the *Food Buying Guide.*

Provision 5: Changing the bread requirement to specify the number of servings by week and to increase the total number of servings required.

Rule: Changes the bread requirement to specify the number of servings by week and to increase the total number of servings required. Minimum allowable servings per day are: ½ serving for group I and one serving for groups II–V.

Provision 6: Requiring the lunch pattern to be monitored on a weekly or on a daily basis.

Rule: No provision in this rule.

Provision: Providing for second helpings.

Rule: No provision in this rule.

Other Changes

The only other change that the Department is making in this rulemaking document is to add a provision giving FNS the freedom to deal with the effect of natural disasters, such as floods and tornadoes, on program operations. Currently, program regulations do not allow FNS to grant schools permission to temporarily modify the lunch requirements, other than the milk requirement, when a natural disaster has damaged their physical plant or otherwise made a complete meal service impossible.

§ 210.19b [Deleted]

Accordingly, § 210.19b is deleted and § 210.10 is revised to read as follows:

§ 210.10 Requirements for lunches.

(a)(1) This section, including the following table, sets forth the Federal lunch requirements. School Food Authorities that are able to serve quantities of food to children solely on the basis of their ages should do so. However, School Food Authorities that cannot serve children on the basis of age may serve children on the basis of grade level. School Food Authorities that cannot serve children on the basis of age or grade level shall serve all school age children group IV portions.

(2) *Table*—The table presents the minimum Federal lunch requirements for groups I to IV and larger recommended amounts for group V. The requirements and recommendations are designed to provide a nutritious and well-balanced lunch to each child: the nutrients of the lunch, averaged over a period of time, should *approximate* one-third of the Recommended Dietary Allowance for children of each group. Except as otherwise provided in this section, and in any appendix to this Part, schools should plan and produce sufficient quantities of food to insure that all lunches contain all the food components in at least the amounts indicated. Schools are required to plan and produce sufficient quantities of food to serve groups I to IV *no less than* the specified amounts for those children. Schools are required to plan and produce sufficient quantities of food to serve group V *no less than* the specified amounts for group IV and are encouraged to serve these older children the larger amounts specified in the table. Schools may serve all children the specified amounts for group IV.

(i) *Milk:* As noted in the table, schools must offer unflavored fluid lowfat milk, skim milk, or buttermilk as a beverage. Therefore, if a school serves another form of milk (whole or flavored), it must offer its children unflavored fluid lowfat milk, skim milk, or buttermilk as a beverage choice. School Food Authorities that served ¾ cup (6 fluid ounces) of milk to group III children prior to May 1, 1980 may continue to do so. Such School Food Authorities shall document the date on which they began such service and their reasons for adopting this portion size.

(ii) *Meat or Meat Alternate:* (A) The quantity of meat or meat alternate must be the quantity of the edible portion *as served.* When the school determines that the portion size of a meat alternate is excessive, it shall reduce the portion size of that particular meat alternate and supplement it with another meat/meat alternate to meet the full requirement. To be counted as meeting

the requirement, the meat or meat alternate must be served in a main dish or in a main dish and only one other menu item.

(B) The Department recommends that if schools do not offer children a choice of meat/meat alternates each day, they serve no one meat alternate or form of meat (ground, diced, pieces, etc.) more than three times in a single week.

Textured vegetable protein products, cheese alternate products, and enriched macaroni with fortified protein may be used to meet part of the meat/meat alternate requirement. (See Appendix A).

(iii) *Vegetable or Fruit:* Full strength vegetable or fruit juice may be counted to meet not more than one-half of the vegetable/fruit requirement. Cooked dry beans or peas may be used as a meat alternate or as a vegetable, but not as both food components in the same meal.

(iv) *Bread or Bread Alternate:* The bread requirement, unlike the other component requirements, is to be met over a week's time. Schools must serve daily at least a one-half serving of bread/bread alternate to children in group I and one serving to children in groups II–V. Schools serving lunch six or seven days per week should increase this specified quantity by approximately 20 percent (1/5) for each additional day. When schools operate less than five days per week they may decrease this specified quantity by approximately 20% (1/5) for each day less than five. As noted in the Table, all bread or bread alternate products must be enriched or whole-grain. The servings for biscuits, rolls, muffins, and other similar bread alternates are specified in the *Food Buying Guide.*

An enriched macaroni product with fortified protein as defined in Appendix A may be used as part of a meat alternate or as a bread alternate, but not as both food components in the same meal.

(3) With State approval, schools that serve children 1–5 years old may, and are encouraged to, divide the service of the specified quantities and components of foods into two distinct service periods. Schools may divide the quantities and/or components between these service periods in any combination that they choose.

BILLING CODE 3410-30-M

SCHOOL LUNCH PATTERN - APPROXIMATE PER LUNCH MINIMUMS

COMPONENTS		Group I age 1-2 (Preschool)	Group II age 3-4	Group III age 5-8 (K-3)	Group IV age 9 and older (4-12)	Group V 12 years and older (7-12 2/)
		MINIMUM QUANTITIES				RECOMMENDED QUANTITIES
Milk	unflavored, fluid lowfat, skim, or buttermilk must be offered 1/	3/4 cup (6fl. oz.)	3/4 cup (6fl.oz.)	1/2 pint (8fl. oz.)	1/2 pint (8fl. oz.)	1/2 pint (8fl. oz.)
Meat or Meat Alternate (quantity of the edible portion as served)	lean meat, poultry, or fish	1 oz.	1 1/2 oz.	1 1/2 oz.	2 oz.	3 oz.
	cheese	1 oz.	1 1/2 oz.	1 1/2 oz.	2 oz.	3 oz.
	large egg	1	1 1/2	1 1/2	2	3
	cooked dry beans or peas	1/2 cup	3/4 cup	3/4 cup	1 cup	1 1/2 cup
	peanut butter	2 Tbsp	3 Tbsp	3 Tbsp	4 Tbsp	6 Tbsp
	or an equivalent quantity of any combination of any of above					
Vegetable or Fruit	2 or more servings of vegetable or fruit of both	1/2 cup	1/2 cup	1/2 cup	3/4 cup	3/4 cup
Bread or Bread Alternate (servings per week)	must be enriched or whole-grain -at least 1/2 serving 3/ for group I or one serving 3/ for groups II - V must be served daily	5	8	8	8	10

Footnotes

1. If a school serves another form of milk (whole or flavored), it must offer its children unflavored fluid lowfat milk, skim milk, or buttermilk as a beverage choice.
2. The minimum portion sizes for these children are the portion sizes for group IV.
3. Serving = 1 slice of bread; or 1/2 cup of cooked rice, macaroni, noodles, other pasta products, other cereal products such as bulgur and corn grits; or as stated in the Food Buying Guide for biscuits, rolls, muffins, and similar products.

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(4) School Food Authorities that increase portion sizes for group V may allow these children to request smaller portion sizes of the lunch components as long as the portion size is not less than the portion required for group IV.

(5) Schools must offer students in senior high schools and, when approved by the local School Food Authority, students in junior high or middle schools, all five food items contained within the four food components of the lunch; however, these students need not take all five items. Such students may choose three or four of the five food items of the lunch. The choice of fewer than all five items shall not affect the charge for the lunch. State and local educational agencies shall define "senior high," "junior high," and "middle school."

(6) To provide variety and to encourage consumption and participation, School Food Authorities should, whenever possible, provide a selection of foods and types of milk from which children may make choices. When a School Food Authority offers more than one lunch, or when it offers a variety of foods and types of milk for choice within the required lunch pattern, the School Food Authority shall offer all children the same selections regardless of whether the children are eligible for free or reduced price lunches or pay the full price.

(b) When infants up to 1 year of age participate in the Program, an infant lunch pattern shall be offered. Foods within the infant lunch pattern shall be of texture and consistency appropriate for the particular age group being served. The amount of food in the lunch may be offered to the infant during a span of time consistent with the infant's eating habits. The infant lunch pattern shall contain, as a minimum, each of the following components in the amounts indicated for the appropriate age group:

(1) 0 to 4 months—four to six fluid ounces of infant formula; and zero to one tablespoon of infant cereal; and zero to one tablespoon of fruit or vegetable of appropriate consistency or a combination of both.

(2) 4 to 8 months—six to eight fluid ounces of infant formula; and one to two tablespoons of infant cereal; and one to two tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and zero to one tablespoon of meat, fish, poultry, or egg yolk, or zero to one-half ounce (weight) of cheese or zero to one ounce (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(3) 8 months to 1 year—six to eight fluid ounces of infant formula, or six to eight fluid ounces of whole fluid milk and zero to three fluid ounces of full-strength fruit juice; and three to four tablespoons of fruit or vegetable of appropriate consistency or infant cereal or combination of such foods; and one to four tablespoons of meat, fish, poultry, or egg yolk, or one-half to two ounces (weight) of cheese or one to four ounces (weight or volume) of cottage cheese or cheese food or cheese spread of appropriate consistency.

(c) If emergency conditions temporarily prevent a school that normally has a supply of unflavored fluid lowfat milk, skim milk, or buttermilk from obtaining delivery of such milk, the State agency or FNSRO where applicable, may approve the service of lunches during the emergency period with an available alternate form of milk or without milk.

(d) The inability of a school to obtain a supply of unflavored fluid lowfat milk, skim milk, or buttermilk on a continuing basis shall not bar it from participation in the Program. In such cases, the State agency, or FNSRO where applicable, may approve the service of another type of fluid milk. The Department recommends that the State agency, or FNSRO where applicable, approve for service the available fluid milk with the lowest fat and sugar content.

(e) The inability of a school to obtain a supply of any type of fluid milk on a continuing basis shall not bar it from participating in the Program. In such cases the State agency, or FNSRO where applicable, may approve the service of lunches without milk if the school uses an equivalent amount of canned, whole dry, or nonfat milk in the preparation of the lunch.

(f) In American Samoa, Puerto Rico, and the Virgin Islands, schools may serve a starchy vegetable, such as yams, plantains, or sweet potatoes, to meet the bread/bread alternate requirement.

(g) Substitutions may be made in foods listed in the table of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such foods. Such substitutions shall be made only when supported by a statement from a recognized medical authority that includes recommended alternate foods.

(h) FNS may approve variations in the food components of the lunch on an experimental or on a continuing basis in any school where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(i) The Secretary, with the concurrence of officials of the Trust Territory of the Pacific Islands, has established a meal pattern which is consonant with local food consumption patterns and which, given available food supplies and foodservice equipment and facilities, provides optimum nutrition consistent with sound dietary habits for participating children. The requirements for that pattern are attached to and made a part of the written agreeement required under § 210.3. Because the Commonwealth of the Northern Mariana Islands was part of the Trust Territories when this special meal pattern was established, this meal pattern shall also apply to the Commonwealth and be made part of their written agreement.

(j) In the event of a natural disaster, FNS may temporarily allow schools to serve lunches for reimbursement that do not meet the requirements of this section.

(Catalog of Federal Domestic Assistance No. 10.555.)

(Sec. 9, Pub. L. 79–396, 60 Stat. 233, (42 U.S.C. 1758(a)).)

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Impact Statement has been prepared and is available from Stanley C. Garnett, Acting Director, School Programs Division, USDA, FNS, Washington, DC 20250 (202) 447–8130.

Dated: May 7, 1980.

Carol Tucker Foreman,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 80–14720 Filed 5–15–80; 8:45 am]

BILLING CODE 3410–30–M

federal register

Friday
May 16, 1980

Part III

Department of Labor

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Construction Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska:	
AK80–5115	Apr. 25, 1980.
Arizona:	
AZ79–5110	Mar. 16, 1979.
Connecticut:	
CT79–2010	Apr. 6, 1979.
CT79–2011	Apr. 6, 1979.
Florida:	
FL79–1040	Feb. 6, 1979.
Idaho:	
ID79–5112	May 25, 1979.
Massachusetts:	
MA79–2006	Feb. 23, 1979.
Montana:	
MT80–5113	Apr. 18, 1980.
Nevada:	
NV79–5107	Mar. 9, 1979.
Texas:	
TX80–4001	Jan. 4, 1980.
TX80–4002	Jan. 4, 1980.
TX80–4004	Jan. 4, 1980
TX80–4006	Jan. 4, 1980.
TX80–4028	Apr. 25, 1980.
Virginia:	
VA78–3074	Nov. 3, 1978.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being supereded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

District of Columbia:	
DC79–3039 (DC80–3040)	Oct. 19, 1979.
Florida:	
FL79–1068 (FL80–1072)	Apr. 13, 1979.
Kansas:	
MO79–4065 (MO80–4030)	June 1, 1979.
Maryland:	
DC79–3039 (DC80–3040)	Oct. 19, 1979.
Missouri:	
MO79–4065 (MO80–4030)	June 1, 1979.
Nebraska:	
NE79–4026 (NE80–4038)	Feb. 9, 1979.
Texas:	
TX79–4034 (TX80–4033)	July 13, 1979.
TX79–4037 (TX80–4037)	June 1, 1979.
Virginia:	
DC79–3039 (DC80–3040)	Oct. 19, 1979.
Wisconsin:	
WI78–2115 (WI80–2038)	Oct. 20, 1978.

Cancellation of General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor intends to withdraw 30 days from the date of this notice the following General Wage Determinations:

Puerto Rico:
PR78–3093 dated November 3, 1978 in 43 FR 51587 for building construction
PR78–3092 dated November 3, 1978 in 43 FR 51587 for heavy and highway construction
PR78–3019 dated March 31, 1978 in 43 FR 13738 for residential construction
Virgin Islands:
VI79–3024 dated September 7, 1979 in 44 FR 52579 for building and residential construction.

Signed at Washington, D.C. this 9th day of May 1980.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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MODIFICATION PAGE 1

DECISION NO. AK80-5115 - Mod. #1 (45 FR 28053 - April 25, 1980) STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
SURVEY CREWS: Party Chief	$16.84	1.99	3.00		.20
DECISION #AZ79-5110-Mod. #3 (44 FR 16306-March 16, 1979) Maricopa County, Arizona					
Change:					
Glaziers	$ 7.89	.90	.30		.01
Marble Workers	12.16	.65	1.10		.19
Painters:					
North of a line drawn east and west through the town of Winkelman, Arizona:					
Zone A:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	11.57	.60	.50		.08
Spray; Paperhangers	11.82	.60	.50		.08
Creosote Applier	11.90	.60	.50		.08
Swing Stage:					
Brush; Sandblaster	11.97	.60	.50		.08
Spray	12.22	.60	.50		.08
Zone B:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	12.57	.60	.50		.08
Spray; Paperhangers	12.82	.60	.50		.08
Creosote Applier	12.90	.60	.50		.08
Swing Stage:					
Brush; Sandblaster	12.97	.60	.50		.08
Spray	13.22	.60	.50		.08
Zone C:					
Brush and Roller; Sandblaster (Nozzleman); Sandblaster (Pot Tender)	14.07	.60	.50		.08
Spray; Paperhangers	14.32	.60	.50		.08
Creosote Applier	14.40	.60	.50		.08
Swing Stage:					
Brush; Sandblaster	14.47	.60	.50		.08
Spray	14.72	.60	.50		.08
Terrazzo Workers; Tile Setters	12.16	.65	1.10		.19

MODIFICATION PAGE 2

DECISION NO. CT79-2010 - Mod. #11 (44 FR 20913 - April 6, 1979) Fairfield, Lichfield & Windom Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Litchfield County: Remainder of County	11.10	1.22	3%+.60	g	1/8%
LABORERS (Heavy and Highway Construction)					
Laborers	8.65	.60	.80		.10
Asphalt Rakers, concrete & power buggy ops., concrete saw ops., chain saw ops., fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops., powdermen & wagon drill operators and precast erectors	8.90	.60	.80		.10
Air track ops., block pavers; and curb setters	9.15	.60	.80		.10
Blasterers	9.40	.60	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.60	.80		.10
Bottom man	9.15	.60	.80		.10
Line Construction:					
Fairfield Co.: Dorien, Greenwich, New Canaan, Stamford and that portion of Norwalk, West of five mile river					
Commercial, Railroad & Utility Work					
Lineman, Cable Splicer & Dynamite Man	12.50	.70	3%+.75	p	3/4%
Groundman, Truck Driver	9.58	.70	3%+.75	p	3/4%
Groundman Experienced	8.59	.70	3%+.75	p	3/4%
Materal Man	10.58	.70	3%+.75	p	3/4%
Heavy Equipment Operator	11.35	.70	3%+.75	p	3/4%
Equipment Operator, Field Mechanic and Tractor Trailer Driver	10.69	.70	3%+.75	p	3/4%

DECISION NO. CT79-2011 - Mod. #13

(44 FR 20921 - April 6, 1979) Hartford, Middlesex, New Haven, New London, & Tolland Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS (Heavy and Highway Construction)					
Laborers	8.65	.60	.80		.10
Asphalt Rakers, concrete & power buggy ops., concrete saw ops., chain saw ops., fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops., powdermen & wagon drill operators and precast erectors	8.90	.60	.80		.10
Air track ops., block pavers; and curb setters	9.15	.60	.80		.10
Blasterers	9.40	.60	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.60	.80		.10
Bottom man	9.15	.60	.80		.10
Decision #FL79-1040 - Mod. #4 (44 FR 10230 - February 6, 1979)					
Hillsborough, County, Florida					
Sprinkler Fitters	$11.36	.75	1.05		.10

DECISION #ID79-5112-Mod. #5

(44 FR 30570 - May 25, 1979) Statewide, Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers: Remaining Counties and Idaho County (south half)	$13.11	.77	$1.37		
Glaziers: Bonner, Boundary, Kootenai and Shoshone Counties	11.79	.42	.50	4%	.02
Roofers; Bannock, Bear Lake, Binhgam, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	10.80	.75	.40		

DECISION NO. MA79-2006 Mod.#3

(44 FR 10944 -February 23, 1979) Berkshire, Franklin, Hampden, and Hampshire Counties, Massachusetts	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction: for all four Counties					
Linemen	12.50	.70	3%+.75	d	3/4%
Equipment Operator	11.19	.70	3%+.75	d	3/4%
Driver Groundman	9.58	.70	3%+.75	d	3/4%

DECISION NO. MT80-5113 - Mod. #2

(45 FR 26626 - April 18, 1980)

Cascade, Deer Lodge, Callatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Cascade and Glacier Counties:					
Carpenters	$11.25	.80	.75		.04
Piledrivermen; Saw Filers; Sawmen	11.50	.80	.75		.04
Millwrights	12.25	.80	.75		.04
Deer Lodge County:					
Carpenters	11.67	.80	.75		.04
Millwrights, Piledrivermen	11.92	.80	.75		.04
Missoula County:					
Carpenters	11.13	.80	.75		.04
Millwrights,	12.27	.80	.75		.04
Piledrivermen	11.43	.80	.75		.04
Gallatin County	11.13	.80	.75		.04
Hill County	11.13	.80	.75		.04
Valley County:					
Carpenters	10.69	.80	.75		.04
Millwrights	11.69	.80	.75		.04
Piledrivermen	10.94	.80	.75		.04
Cement Masons:					
Cascade, Hill and Valley Counties	11.35				
Truck Drivers:					
See attached					
Add:					
Painters:					
Deer Lodge County:					
Painters	8.15				
Sprinkler Fitters:					
Apprenticeship Tr. ONLY					.08

DECISION NO. MT80-5113 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	10.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

DECISION NO. MT80-5113 (Cont'd)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.29	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
Over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

DECISION NO. MT80-5113 (Cont'd)

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN					
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	$11.44	.82	.84		
LUMBER CARRIERS, LIFT TRUCKS and FORK LIFTS	11.20	.82	.84		
POWER BOOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		
TRUCKS with power equipment if under Teamster jurisdiction, such as: Winch, A-Frame Truck, Swedish Crane, Hydralift, Groutcrete Truck and Combination Mulching, Seeding and Fertilizing Truck	11.10	.82	.84		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

MODIFICATION PAGE 9

DECISION NO. NV79-5107 - Mod. #6
(44 FR 13225-March 9, 1979)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Cement Masons	$12.75	$1.10	$1.00		.13
Floor Finishing Machine	13.10	1.10	1.00		.13
Electricians:					
Electricians; Equipment Operators; Linemen	15.22	.98	3%+2.05		.05
Cable Splicers	15.55	.98	3%+2.05		.05
Groundman	12.25	.98	3%+2.05		.05
Roofers	16.35	.80			

MODIFICATION PAGE 10

DECISION #TX80-4001-Mod. #3
(45 FR 1376-January 4, 1980)
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers and Stonemasons	$12.20		.40		
Carpenters:					
Zone 1:					
Carpenters	11.65		.40		.01
Millwrights	12.00		.40		.01
Zone 2:					
Carpenters	11.35	.48	.50		.10
Millwrights	11.85	.48	.50		.10
Laborers:					
Group 1	6.52	.63	.32		
Group 2	6.67	.63	.32		
Line Construction:					
Zone 1:					
Lineman; Operators	11.10	.50	3%		1/2%
Marble Masons (exterior)	12.20		.40		

DECISION #TX80-4002-Mod. #3
(45 FR 1379-January 4, 1980)
Bee, Kleberg and Nueces Counties, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers:					
Kleberg and Nueces Cos.	$10.29	.37	.30		.07
Marble, Tile and Terrazzo Workers	9.21	.37	.30		.02
Soft Floor Layers	9.39	.51	.40		.05
Omit:					
All rates and Classifications for Laborers					

DECISION NO. TX80-4002 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Laborers:					
Group 1	$ 6.21	.57	.25		
Group 2	6.41	.57	.25		
Group 3	6.51	.57	.25		
Group 4	6.66	.57	.25		

LABORERS CLASSIFICATIONS

Group 1: All unskilled work normally performed by a construction laborer

Group 2: Semi-skilled Laborers, such as but not limited to the following: Air Power Tool Operator; Cutting Torch Operator; Gunite Rebound Man; Machine Operators; Power Buggy Operator; Sandblaster (Potmen); Drill Tenders; Concrete Grademan; Wagon Drill Operator; Metal Pan and Steel Form Men

Group 3: Skilled Laborers, such as but not limited to the following: Concrete Burner; Cement Mason Tender; Hod Carriers; Mortar Mixers; Plaster Tenders and Brick Mason Tenders; Pipelayers; Pumpcrete Nozzlemen; Scaffold Builder; Water Pump Operator; Tank Cleaning; all pipe cleaning and wrapping; Mortar and Plaster Mixing Machines; Grout Machines; Pumpcrete Machines; Gunite Mixing Machines, including placing and cleaning of all pipe and conduits used in placing of concrete

Group 4: Powderman and Blasters; Sandblaster; Gunite Workers; Terrazzo Grinders

DECISION #TX80-4004-Mod. #4 (45 FR 1383-January 4, 1980) Wichita County, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.86	.70	$1.00		.03
Cement Masons	10.44				
Elevator Constructors:					
Mechanics	10.37	1.045	.69	4%+a+b	.025
Helpers	70%JR	1.045	.69	4%+a+b	.025
Omit:					
Elevator Constructors:					
Helpers (Probationary)	50%JR				

DECISION #TX80-4006-Mod. #3 (45 FR 1388-January 4, 1980) Travis County, Texas					
Change:					
Bricklayers and Stonemasons	11.62	.70	.65		.05
Ironworkers	11.45	.55	1.15		.12
Laborers:					
Group 1	7.03	.30	.40		.02
Group 2	7.18	.30	.40		.02
Group 3	7.355	.30	.40		.02
Group 4	7.43	.30	.40		.02
Plumbers & pipefitters	12.30	.45	.40		.05
Omit:					
Elevator constructors:					
Helpers (Probationary)	50%JR				

DECISION #TX80-4028-Mod. #1 (45 FR 28073-April 25, 1980) Galveston and Harris Counties, Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Carpenters and Pile-drivermen	$12.75	$1.00	.95		.07
Millwrights	13.135	1.00	.95		.07
Cement Masons:					
Galveston County	12.50	.68	.97		
Harris County	12.50	.68	.97		.08
Elevator Constructors	12.56	1.195	.82	4%+a+b	.035
Ironworkers	12.86	.55	1.70		.10
Painters:					
Galveston County:					
Group 1	12.095	.80	.65	1.00	.05
Group 2	12.345	.80	.65	1.00	.05
Group 3	11.34	.80	.65	1.00	.05
Add:					
Elevator Constructors' Helpers	70%JR	1.195	.82	4%+a+b	.035
DECISION NO. VA78-3074-Mod#6 (43 FR 51588-November 3,1978) Henrico & the independent City of Richmond, Virginia					
CHANGE:					
SHEET METAL WORKERS:					
City of Richmond	$11.32	.45	.35		.02
Remainder of County	11.57	.45	.35		.02

STATE: DISTRICT OF COLUMBIA, COUNTIES: DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES; AND D.C. TRAINING SCHOOL; VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA, ARLINGTON AND FAIRFAX COUNTIES

DECISION NO.: DC80-3040 DATE: DATE OF PUBLICATION

Supersedes Decision No. DC79-3039, dated October 19, 1979, in 44 FR 60513.

DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories) and also excluding the Independent City of Alexandria, Heavy Construction (excluding Water and Sewer Lines), Highway Construction (District of Columbia Only), Water and Sewer Lines (District of Columbia, and Montgomery County, Maryland only)

HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES: All Counties BUILDING CONSTRUCTION: Excluding Alexandria, Virginia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.99	.80	1.49		.03
BOILERMAKERS - BLACKSMITHS	13.575	1.175	1.00		.04
BRICKLAYERS	12.50	1.10	.85		.10
CARPENTERS	12.06	.80	.65		.05
CARPET LAYERS	7.83	.30			
CEMENT MASONS:					
Cement Masons	11.63	1.055	.85		.11
ELEVATOR CONSTRUCTORS'					
DIVER TENDER	22.58	.80	.65		.05
ELECTRICIANS	13.20	.70	.80		.13
ELEVATOR CONSTRUCTORS	11.72	.895	.69	a+b	.03
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.895	.69	a+b	.03
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50%JR				
GLAZIERS	12.23	.71	.70		.05
IRONWORKERS:					
Structural, ornamental and chain link fence	12.57	1.035	1.05		.12
Reinforcing	11.53	.82	1.15		.07
LABORERS (EXCLUDING, HEAVY CONSTRUCTION)					
Common laborers, landscapers	9.52	.75	.62		.06
Acetylene burners used on wrecking	10.10	.75	.62		.06
Air tool op., scaffold builders, paving breakers, towmasters, buggy mobiles, spaders, mortar men and scootretes	9.69	.75	.62		.06

DECISION NO. DC80-3040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (EXCLUDING, HEAVY CONSTRUCTION) CONT'D:					
Pipelayers	9.69	.75	.62		.06
Plasterers' tenders	10.09	.75	.62		.06
Plumbers' laborers	8.50	.60	.45		.05
Powdermen	10.855	.75	.62		.06
Powersaw, well point	9.81	.75	.62		.06
LATHERS	10.66	.65	.50		.025
LEADBURNERS	10.75	.40	.25	c	.01
LINE CONSTRUCTION:					
Linemen, cable splicers, equipment operators	14.16	.60	3%		.5%
Truck with winch, truck pole or steel handling	8.16	.60	3%		.5%
MARBLE SETTERS	13.00	1.09	.80		.06
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	12.63	.80	.65		.05
MOTOR REPAIRMAN (Removal and reinstalling of electrical motors)	9.87	.70	3%+.80	h	
PAINTERS (EXCLUDING FAIRFAX CO.)					
Brush, spray, paperhangers, tapers	11.50	.91	1.10		.08
Steel, sandblasting, swing stage, power brushing	12.00	.91	1.10		.08
PAINTERS (FAIRFAX CO.)	7.13				
PILEDRIVERMEN	12.33	.80	.65		.05
PLASTERERS	12.05	.65	.75		.06
PLUMBERS	12.22	1.05	1.10		.27
ROOFERS:					
Composition	12.21	.74	.50		
Slate, tile mopmen, waterproofer, sprayers, sprandrel and ironite	12.81	.74	.50		
SHEET METAL WORKER	12.68	1.34g	1.29		.14
SOFT FLOOR LAYERS (EXCLUDING FAIRFAX CO.)	12.06	.80	.65		.05
SOFT FLOOR LAYERS (FAIRFAX CO.)	6.81				
SPRINKLER FITTERS	14.35	.85	1.20		.08
STEAMFITTERS, REFRIGERATION AND AIR CONDITION MECHANIC	12.48	.95	1.00		.16

DECISION NO. DC80-3040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
STONE MASONS	13.00	1.09	.80		.06
STONE CUTTERS:					
Fitters and trimmers	12.23		.50	d	
Ornamental cravers	11.49		.50	d	
Figure carvers	11.69		.50	d	
TERRAZZO AND MOSAIC WORKERS	12.81	.80	1.20		.04
TERRAZZO WORKER' HELPERS	9.95	.70	.70		.04
TILE SETTERS	12.81	.80	1.20		.04
TILE SETTERS' HELPERS	9.95	.70	.70		
TRUCK DRIVERS:					
Boom trucks	9.35	.74	.425	e+f	
Small dump, water sprinkler, grease and oil	9.10	.74	.425	e+f	
Flat, pick-up hauling materials, small Euclids, dump over 8 wheels	9.20	.74	.425	e+f	
Trailers, low boys, tractor pulls	9.40	.74	.425	e+f	
Helpers	8.95	.74	.425	e+f	
Carryalls, large Euclids, Euclid water sprinkler, tunnel work under ground	9.50	.74	.425	e+f	
Mechanics	9.25	.74	.425	e+f	
RIGGERS AND WELDERS - Receive rates prescribed for crafts performing and welding are incidental.					

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

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PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, plus the Friday after Thanksgiving Day.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).

d. Holidays: A-D-E-F and Veteran's Day.

e. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceeding and following the holiday.

f. One weeks paid vacation providing the employee has worked 3 years and and a minimum of 1450 hours during any calendar year.

g. Employer contributes to Health & Welfare $1.34, in District of Columbia, and $1.44, in all other areas.

h. Employer contributes to employee who have worked six (6) months or more, shall be given two and one-half days vacation or equivalent thereof. All men in the employ of the employer three (3) years or more shall be given two (2) week's vacation with pay or the equivalent thereof. All men in the employ of the employer ten (10) years or more shall be given three (3) weeks vacation with pay or the equivalent thereof.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES):					
GROUP I	9.64	.65	.60		.06
GROUP II	9.81	.65	.60		.06
GROUP III	9.87	.65	.60		.06
GROUP IV	9.93	.65	.60		.06
GROUP V	10.15	.65	.60		.06
GROUP VI	10.38	.65	.60		.06
GROUP VII	10.525	.65	.60		.06
GROUP VIII	10.975	.65	.60		.06

CLASSIFICATIONS

LABORERS:

GROUP I - Carloader, choker setter, concrete crewman, crushed feeder, demolition laborer (including salvaging all material, loading and cleaning up), wrecking, driller tenders, dumpman, flagman, fence erector and installer (including installation and erection of fence, guard rails, median rails, reference posts, guide posts and right-of-way markers), form stripper, general laborers, railroad track laborer, riprap man, scale man, stake jumper, structure mover (includes foundation, separation, preparation, cribbing, shoring, jacking and unloading of structures), water nozzleman, timber bucker and faller, truck loader, water boys

GROUP II - Combined air and water nozzlemen, cement handler, dope pot fireman (nonmechanical), form cleaning machine, mechanical railroad equipment (includes spiker, puller, tie cleaner, tamper pipe wrapper, power driven wheelbarrow, operators of hand derricks, towmasters, scootcretes, buggymobiles and similar equipment), tamper or rammer operator, trestle scaffold builders over one tier high, power tool operator (gas, electric or pneumatic), sandblast or gunnite tailhose man, scaffold erector (steel or wood), vibrator operator (up to 4'), asphalt cutter, mortar men, shorer and lagger, creosote material handler, corrosice enamel or equal, paving breaker and jackhammer operators

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CLASSIFICATION - CONT'D

GROUP III - Multi-section pipe layer, non-mentallic clay and concrete pipe layer (including caulker, collarman, jointer, rigger and jacker) thermite welder and corrugated metal culvert pipe layer

GROUP IV - Asphalt block pneumatic cutter, asphalt roller, walking chain-saw with attachment, concrete saw (walking), high scalers, jackhammer (using over 6' of steel), vibrator (4' and over), well point installers, air-trac operator

GROUP V - Asphalt screeder, big drills, cut of the hole drills (1½ piston or larger) down the hole drills (3½" piston or larger), gunnite or sandblaster nozzleman, asphalt raker, asphalt tamper, for setter, demolition torch operator, shotcrete nozzlemen and potman

GROUP VI - Powderman, master for setters

GROUP VII - Brick paver (asphalt block paver, asphalt block saw man, asphalt block grinder; hasting block or similar type)

GROUP VIII - Miners

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LABORERS (HEAVY CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	9.955	.65	.60		.06
GROUP II	10.295	.65	.60		.06
GROUP III	11.035	.65	.60		.06
GROUP IV	11.325	.65	.60		.06

CLASSIFICATIONS

TUNNELS, RAISES AND SHAFTS - FREE AIR

GROUP I
Brakeman, bull gang, dumper, trackman, concrete man

GROUP II
Chuck tender, powdermen in prime house, form setters and movers, nippers, cableman, hosemen, groutman, bell or signalman, top or bottom vibrator operator, caulkers' tenders

GROUP III
Miners, rodmen, re-bar underground, concrete or gunnite nozzlemen, powderman, timberman and re-timberman, wood steel including liner plate or any other support, material, motorman, caulkers, diamond drill operators, riggers, cement finishers - underground, welders and burners, shield driver, air trac operator, shotcrete nozzleman and potman

GROUP IV
Mucking machine operator (air)

LABORERS - COMPRESSED AIR RATES (EXCLUDING SEWER AND WATER LINES) Gauge Pressure Pounds	Work Period Hours				
1-14	7	91.26	.65	.45	.05
14-18	6	94.60	.65	.45	.05
18-22	5-1/2	97.89	.65	.45	.05
22-26	5	101.28	.65	.45	.05
26-32	4	104.61	.65	.45	.05
32-38	3	107.91	.65	.45	.05
38-44	2-1/2	119.29	.65	.45	.05

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HEAVY CONSTRUCTION EXCLUDING WATER AND SEWER LINES: BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	13.22	.70	.65		.12
GROUP II	12.93	.70	.65		.12
GROUP III	12.76	.70	.65		.12
GROUP IV	12.56	.70	.65		.12
GROUP V	12.50	.70	.65		.12
GROUP VI	12.48	.70	.65		.12
GROUP VII	12.47	.70	.65		.12
GROUP VIII	12.27	.70	.65		.12
GROUP IX	12.25	.70	.65		.12
GROUP X	12.02	.70	.65		.12
GROUP XI	11.47	.70	.65		.12
GROUP XII	11.27	.70	.65		.12
GROUP XIII	9.15	.70	.65		.12

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP I - 35 ton cranes and above, tower anc climbing cranes

GROUP II - Back hoes, boom-cat, cableways, cranes or derricks, draglines, elevating graders, hoists, multiple concrete conveyors, elevators (permanent), paving micers, pile driving engines, power shovels, tunnel shovels, mucking machines, batch plant, concrete pumps, locomotives (standards, narrow guage), power driven wheel scoops and scrapers (50 cu. yd. struck capacity or above), front end loader above 3½ cu. yd., boom trucks, moles, shields, tunnel mining machines, loaders used as muckers in tunnel mining, gradalls, shotcrete machines and grout pumps with discharge of two inches I.D. pr more, drill rigs

GROUP III - Hydraulic back hoes of less than ½ yd. capacity, mounted on tractors, front end loader above 2-3/4 to 3½ cu. yd.

GROUP IV - Air compressor on steel

GROUP V - Mechanic, mechanic-welder, welder

GROUP VI - Front end loader, highlift, fork lift

GROUP VII - Boilers (skeleton), trenching machines, tug boat, well drilling machines

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POWER EQUIPMENT OPERATORS CLASSIFICATION (CONT'D)

GROUP VIII - Concrete mixer, tunnel motorman

GROUP IX - Power driven wheel scoops and scrapers (below 50 cu. yd. struck capacity), blade graders, motor graders, bulldozers

GROUP X - Rollers, asphalt spreaders, bullfloat finishing machines, concrete finishing machines, concrete spreaders, fine graders

GROUP XI - Air compressors (except steel), welding machines, pumps, generators, space heaters, wellpoints, deepwells, hydraulic pumps

GROUP XII - Firemen

GROUP XIII - Oilers

DECISION NO. DC80-3040 (DISTRICT OF COLUMBIA ONLY)
PAVING AND INCIDENTAL GRADING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT SHOVELER	7.55	.32	.35		
ASPHALT RAKER	7.75	.32	.35		
ASPHALT TAMPER	7.65	.32	.35		
BRICKLAYERS	12.50	1.10	.85		.10
CARPENTERS	12.06	.80	.65		.05
CEMENT MASONS	8.00	.32	.35		
CONCRETE SAW OPERATORS	7.75	.32	.35		
CONCRETE SHOVELER	7.65	.32	.35		
FORM SETTER	8.00	.32	.35		
LABORERS:					
Laborers	7.50	.32	.35		
Jackhammer	7.70	.32	.35		
Hand Burner Operator	7.65	.32	.35		
POWER EQUIPMENT OPERATORS:					
Concrete Spreader Operator, Finishing Machine, Roller (rough), Compressor Rubbertired Loader (1-½ cu. yds., or less), Asphalt Plant Mixer	7.75	.27	.35		
Loader Operator Tracks (2-½ cu. yds. or less), Burner Planer, Bulldozer, Mechanic or Welder, Rubber Tired Loader (over 1-½ cu. yds.)	7.95	.27	.45		
Asphalt Spreader, Hydraulic Backhoe (½ cu. yd., or less), Asphalt Plant Engineer, Asphalt Roller Operator, Concrete Breaker (machine)	8.00	.27	.35		
Crane Operator, Concrete Paving Operator	8.15	.27	.35		
Shovel Operator	8.25	.27	.35		
Gradall Operator (1-½ cu. yds. or less), Motor Grader, Operator Tracks over 2-½ cu. yds.	8.90	.27	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: (CONT'D)					
G-1000 Gradall Operator (over 1½ cu. yds.)	9.15	.27	.35		
Power Broom, Oiler	7.65	.27	.35		
Sand Setter	8.00	.27	.35		
TRUCK DRIVERS:					
Truck Drivers (standard)	7.50	.27	.35		
Tandem	7.62	.27	.35		
Tractor trailer (capable of moving heavy equipment	8.00	.27	.35		

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(DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND ONLY) SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	12.50	1.10	.85		.10
CARPENTERS	12.06	.80	.65		.05
CEMENT MASONS	11.64	1.055	.85		.11
IRONWORKERS: REINFORCING	11.55	.87	1.15		.07
LABORERS:					
Open Cut:					
Laborers, jackhammer, rammers and spaders	5.78	.33	.25		.03
Timberman, sheeting-men, shoring-men, caulkers pipelayers helpers	5.93	.33	.25		.03
Bottom man	5.83	.33	.25		.03
Wagon drillers, air track drillers	6.13	.33	.25		.03
Pipelayers	6.13	.33	.25		.03
Rock drillers	5.88	.33	.25		.03
Tunnel:					
Brakeman, bull gang, dumper, trackmen, concrete man	6.415	.33	.25		.03
Chuck tender, powder in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal men, top or bottom, vibrator operator, caulkers' tenders	6.715	.33	.25		.03
Miners, rodmen, re-bar underground, concrete or gunite nozzlemen, power-men, timbermen and re-timberman wood or steel including liner plate or any other support material, motorman, caulkers, diamond drill riggers, cement finishers (underground), welders and burners, shield driver	7.365	.33	.25		.03
Mucking machine operator (air	7.615	.33	.25		.03

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(DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND MARYLAND ONLY) SEWER AND WATER LINES CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMPRESSED AIR: (All rates per day) Gauge Pressure Pounds / Work Period					
From 1 to 14 / 7 hours	72.74	.33	.25		.03
From 14 to 18 / 6 hours	76.08	.33	.25		.03
From 18 to 22 / 5½ hours	79.41	.33	.25		.03
From 22 to 26 / 5 hours	82.76	.33	.25		.03
From 26 to 32 / 4 hours	86.09	.33	.25		.03
From 32 to 38 / 3 hours	89.44	.33	.25		.03
From 38 to 44 / 2½ hours	92.77	.33	.25		.03
PILEDRIVERMEN	10.68	.85	.60		.05
PLUMBERS	12.22	1.05	1.10		.27
POWER EQUIPMENT OPERATORS:					
Backhoes, cable ways, cranes, draglines power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 cu. yd. and over	9.39	.35	.45		.05
Backhoes, cableways, cranes derricks, dragline, tunnel shovels, tunnel mucking machines up to 1 cu. yd., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants concrete pumps	9.14	.35	.45		.05
Trenching machines (above 8' 3")	8.94	.35	.45		.05
Backhoes (hydraulic, under ½ c.y.)	9.02	.35	.45		.05
Trenching machines (up to 8' 3"), boilers skeleton, well drilling machines	8.84	.35	.45		.05
Air compress, tunnel	8.81	.35	.45		.05
Front end loaders (high lift), bulldozers	8.79	.35	.45		.05

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(DISTRICT OF COLUMBIA AND MONTGOMERY COUNTY, MARYLAND MARYLAND ONLY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SEWER AND WATER LINES CONT'D					
POWER EQUIPMENT OPERATORS CONT'D					
Concrete mixers, power wheel scoops and scrapers, motorgraders, tunnel motor men, blade graders, tunnel mechanics	8.69	.35	.45		.05
Mechanics	9.02	.35	.45		.05
Bulldozer, hydraulic tampers	8.59	.35	.45		.05
Roller	8.49	.35	.45		.05
Air compressors, pump, welding machine well points	8.415	.35	.45		.05
TRUCK DRIVERS:					
Dump trucks	6.10	.415	a		
Dump trucks over 8 wheels	6.20	.415	a		
Flat trucks	6.20	.415	a		
Trailers	6.45	.415	a		
Fuel and oil trucks	6.10	.415	a		
Euclids	6.60	.415	a		

FOOTNOTE:

a. $10.00 per week when employee has worked 90 days and work three days in any work week.

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL80-1072

COUNTIES:Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, and Melabar Radar Site
DATE: Date of Publication

Supersedes Decision No. FL79-1068 dated April 13, 1979 in 44 FR 22309
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes or apartments of four stories or less); Heavy Construction and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.10	.55	.65		.06
BOILERMAKERS	11.70	.75	1.10		.02
BRICKLAYERS:					
Bricklayers; Blocklayers; Manhole bricklayers; Plasterers; Terrazzo workers; Tile Setters; and Cement masons	9.45	.50	.40		.04
Masonry cutting or grinding machine operator	9.70	.50	.40		.04
CARPENTERS:					
Carpenters; Radial saw operators; and Soft floor layers	8.78	.50	.65		.07
Piledrivermen	9.28	.50	.65		.07
ELECTRICIANS:					
Base Zone (within 40 miles of Daytona Beach):					
Electricians	10.04	.50	3%+.83		.05
Cable splicers	10.29	.50	3%+.83		.05
Zone 1 (all work beyond 40 miles from Daytona Beach and not accessible by public roads & including power generation plants and industrial over $3,000,000 total permit):					
Electricians	11.42	.50	3%+.83		.05
Cable splicers	11.67	.50	3%+.83		.05
ELEVATOR CONSTRUCTORS:					
Mechanics	9.335	.895	.69	a+b	.025
GLAZIERS	7.35		.10		.01
IRONWORKERS	10.28	.65	.90	.65	.05
LABORERS:					
Air tool operators; concrete laborers; Hod carriers; Mason tenders; Mortar mixers; Kettlemen (excl. roofing & waterproofing); Pipelayers;					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Powdermen; Form setters (paving & curbing & gutter); Well point and dewatering	6.85	.60	.30		.01
Gunnite laborer	7.12	.60	.30		.01
Gunnite nozzlemen	7.52	.60	.30		.01
Unskilled laborer	6.70	.60	.30		.01
LATHERS	8.88	.35	.25		.15
LINEMEN:					
Linemen	10.00	.45	3%		3/4 of 1%
Cable splicers	10.15	.45	3%		3/4 of 1%
Class A operators	10.00	.45	3%		3/4 of 1%
Class B operators	7.00	.45	3%		3/4 of 1%
Groundmen - over 1 year	5.17	.45	3%		3/4 of 1%
Groundmen - under 1 year	4.29	.45	3%		3/4 of 1%
MILLWRIGHTS	11.72	.65	.70		.10
PAINTERS:					
Brush	8.25	.40	.40		.06
Spray; Paperhanging; and Sandblasting	8.75	.40	.40		.06
PLUMBERS: PIPEFITTERS:					
STEAMFITTERS:					
Commercial	11.45	.60	.60		.05
Industrial	13.40	.74	.69		.05
ROOFERS:					
Roofers	8.40	.35	.25		
Kettlemen	6.95	.35	.25		
SHEET METAL WORKERS	11.29	.70	.48		.04
SPRINKLER FITTERS	11.36	.75	1.05		.10
WELDERS - Rate for craft to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I	10.30	.55	.40		.05
GROUP II	9.70	.55	.40		.05
GROUP III	9.20	.55	.40		.05
GROUP IV	8.80	.55	.40		.05
GROUP V	8.10	.55	.40		.05

GROUP I: Cranes, Hydraulic or derrick on structural or reinforcing iron, cranes or derrick, clam shell, dragline, piledriver operator (including auger & boring machine operator for drilling in piling), backhoe (including hydraulic), hydraulic crane, gradall, shovell, motor patrol, mechanic heavy equipment, side boom cat & multi-drum hoist.

GROUP II: Bulldozer & trenching machine, bridge crane, highlift, straddle buggy, hoist, earth hauling scraper (regardless how powered), pump crete & front end loader.

GROUP III: Winch truck, concrete/asphalt paver, fork lift engineer, boring machine, well drilling machine & mobile cleaning plant

GROUP IV: Tractor, well point pump & installation man, lubrication engineer, equipment greaser, air compressor, & fireman

GROUP V: Motor boat, oiler, mechanic helper, pumpman (other than well point), roller (steel & rubber tires), self-propelled, conveyor, welding machine, three or more combustion engines & Pulver mixer

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kansas & Missouri

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: MO80-4030

DATE: Date of Publication

Supersedes Decision No. MO79-4065, dated June 1, 1979 in 44 FR 33329

DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.27	.60	1.55		.05
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS AND STONEMASONS	11.025	.80	.35	1.00	
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri Johnson and Wyandotte Counties, Kansas					
Carpenter, Millwrights and Piledrivermen	12.30	.50	.40		.06
Zone 2 - Henry County, Missouri					
Carpenters	11.55	.50	.40		.06
Millwrights and Pile-drivermen	12.30	.50	.40		.06
Zone 3 - Johnson County, Missouri					
Carpenters	11.925	.50	.40		.06
Millwrights & Pile-drivermen	12.30	.50	.40		.06
CEMENT MASONS (Building Construction)					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri Johnson and Wyandotte Counties, Kansas					
Cement Masons	11.675	.65	.50		
Zone 2 - Henry and Johnson Counties, Missouri	10.43				
CEMENT MASONS (Heavy and Highway Construction:					
Johnson & Wyandotte Counties, Kansas	13.52	.65	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	13.38	.69	3%+.70	.95	.12
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts exceeding 2000 man hours	13.38	.69	3%+.70	.95	.12
Electricians (contracts not exceeding 2000 man hours	12.38	.69	3%+.70	.95	.12
Zone 3 - Ray County, Missouri;					
Electricians (contracts exceeding 2000 man hours	13.38	.69	3%+.70	.95	.12
Electricians (contracts not exceeding 2000 man hours	11.78	.69	3%+.70	.95	.12
Zone 4 - Johnson and Wyandotte Counties, Kansas	13.38	.69	3%+.70	.95	.12
ELEVATOR CONSTRUCTORS	13.235	1.045	.82	8%+a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.045	.82	8%+a	.035

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	11.18	.61	1.04	19.7%	.04
IRONWORKERS	12.35	.80	1.50	1.00	.05
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Group 1	11.25	.45	.40		.10
Group 2	11.40	.45	.40		.10
Group 3	11.55	.45	.40		.10

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; goergia buggies (self-propelled) fork lift; hoseman; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3 - Henry and Johnson Counties, Missouri					
Group 1	7.225	.60	.60	.50	.10
Group 2	7.325	.60	.60	.50	.10
Group 3	7.55	.60	.60	.50	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers

Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man

Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 4 - Johnson and Wyandotte Counties, Kansas					
Group 1	10.50	.60	.60	1.00	.10
Group 2	10.65	.60	.60	1.00	.10
Group 3	10.80	.60	.60	1.00	.10
Group 4	11.00	.60	.60	1.00	.10
Group 5	11.30	.60	.60	1.00	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers

Group 2 - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

Group 3 - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used

Group 4 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Manhole builder (brick or block); dynamite and powder man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	12.55	.40			
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	14.32	.45	3%+.25		1/2%
Linemen Operator	13.33	.45	3%+.25		1/2%
Groundman	9.44	.45	3%+.25		1/2%
Zone 2 - Western 3/4 of Johnson County, Kansas					
Linemen	11.96	.45	3%		1/2%
Cable Splicers	12.56	.45	3%		1/2%
Groundman	7.44	.45	3%		1/2%
Powderman	9.91	.45	3%		1/2%
Line truck and equipment operators	9.91	.45	3%		1/2%
MARBLE AND TILE SETTERS	12.65	5%	4.25%		
MARBLE AND TILE SETTERS' HELPERS	10.85				
PAINTERS:					
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Zone 2 - Johnson Co., Missouri (Whiteman Air Force Base only)					
Brush	11.25				
Spray	12.25				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas	13.10				
Zone 2 - Henry and Johnson Counties, Missouri	9.00				
PIPEFITTERS	13.79	.67	1.50		.10
PLUMBERS	13.82	.97	1.15		.12
POWER EQUIPMENT OPERATORS:					
Building Construction					
Group I	12.20	.75	1.00	.75	.10
Group II	11.85	.75	1.00	.75	.10
Group III	9.45	.75	1.00	.75	.10
Group IV	9.95	.75	1.00	.75	.10
Group V	10.20	.75	1.00	.75	.10
Group VI	12.45	.75	1.00	.75	.10
Group VII	12.70	.75	1.00	.75	.10
Group VIII	12.10	.75	1.00	.75	.10
Group IX	13.20	.75	1.00	.75	.10
Group X	12.70	.75	1.00	.75	.10
Group XI					
(a)	11.95	.75	1.00	.75	.10
(b)	11.70	.75	1.00	.75	.10
(c)	9.70	.75	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe, all types; barber-greene loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cableways; cherry pickers (all types); chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders - all types; mechanic and welder; mucking machine; orange peels; pumps - material all types; push cats; scoops all types; self-propelled rotary drill; shovel, power side boom; skimmer scoop; testhole machine; throttle man

Group II - Boilers (1); Brooms - power operated (all types); chip spreader (front man); clef plane operator; compressors (1) 150' or over; concrete saws, self-propelled); crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser hoist; hoist, endless chain - power operated; hopper - power operated; hydra hammer (all types); lad-a-vator - similar type; rollers - all types; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 105 ft. or over not more than 20' apart; compressors-tandem (any sizes); compressors single, truck mounted; elevator; finishing machine

Group III - Oiler

Group IV - Fork lift-masonry; oiler drivers - all types

Group V - Tractors (except when hauling material) less than 50 h.p.; "A" frame trucks; fork lift-all types & sizes (except masonry); mixers (with side loaders); pumps (with well points) dewatering systems, test or pressure pumps

Group VI - Clamshells, 80 ft. of boom or over (including jib); crane or rigs 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); piledrivers, 80 ft. of boom or over (including jib)

Group VII - Crane or rigs, over 200 ft. of boom

Group VIII - Hoists each additional drum over 1 drum

Group IX - Master mechanic

Group X - Crane - tower or climbing

Group XI - Ready mixed concrete plants;

(a) Crane operator

(b) Loader operator & plant man

(c) Conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	12.45	.85	1.00	1.05	.15
Group II	12.20	.85	1.00	1.05	.15
Group III	11.50	.85	1.00	1.05	.15
Group IV					
(a)	9.03	.85	1.00	1.05	.15
(b)	10.50	.85	1.00	1.05	.15
Group V	12.70	.85	1.00	1.05	.15
Group VI	12.45	.85	1.00	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - (CONT'D)

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

Group IV
(a) Oilers
(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Roofers	11.60	.75	.75		.14
SHEET METAL WORKERS	12.73	.75	1.20		.10
SOFT FLOOR LAYERS	10.53	.60	.85	1.00	1%
SOUND AND SIGNAL INSTALLER	9.69	.54	.27	.78	.02
SPRINKLER FITTERS	14.18	.75	1.05		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)	11.93	.75	1.05		.08
TERRAZZO WORKERS	12.31	5%	4.25%		
TRUCK DRIVERS:					
Building Construction:					
Group I	10.925	.75	1.00		
Group II	10.975	.75	1.00		
Group III	11.05	.75	1.00		
Group IV	11.175	.75	1.00		
Group V	11.075	.75	1.00		
Group VI	11.275	.75	1.00		
Group VII	11.125	.75	1.00		
Group VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - Warehousemen and stock man
Group II - Flat beds; pick-ups; drum trucks, under 10 yds.
Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers
Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)
Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers
Group VI - Mechanics
Group VII - Transit mix, 5 yds. and over
Group VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	10.91	1.00	1.25	.75	
Group II	11.11	1.00	1.25	.75	
Group III	11.42	1.00	1.25	.75	
Group IV	11.57	1.00	1.25	.75	
Group V	10.69	1.00	1.25	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS
Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle
Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
Group III - A-frame, lowboy, and boom truck driver
Group IV - Mechanics and welders
Group V - Mechanics' helpers, oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: NE80-4038

COUNTIES: See below*
DATE: Date of Publication

Supersedes Decision No. NE79-4026 dated February 9, 1979 in 44 FR 8517

DECRIPTION OF WORK: Heavy and Higway Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

*Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTER	$ 7.90				
CARPENTER HELPER	5.50				
CEMENT FINISHER	7.60				
CEMENT FINISHER HELPERS	5.50				
CONCRETE SAW OPERATOR	6.95				
FORM SETTER (ROAD)	6.95				
FORM SETTER (STRUCTURES)	5.90				
LABORER	4.95				
MANHOLE BUILDER	6.20				
PAINTER	4.95				
PILE DRIVER LEADSMAN	4.95				
POWER EQUIPMENT OPERATORS:					
All Purpose Spreader	5.90				
Asphalt Distributor	5.65				
Asphalt Distributor Helper	5.30				
Asphalt Heaterman	5.30				
Asphalt Paving Machine	7.60				
Asphalt Paving Machine Screedman	6.20				
Stationary Pl. (base or stabilization)	6.95				
Stationary Pl. (asphalt or concrete)	7.90				
Beginner Operator	6.20				
Bulldozer:					
Less than 115 Drawbar H.P.	7.10				
115 Drawbar H.P. and over	7.90				
Cement Handler	4.95				
Clamshell, Dragline, Backhoe,Crane, Pile Driver or Shovel	8.00				
Concrete Mixer	4.95				
Concrete Paver	6.95				
Slip Form Paver	7.90				
Concrete Finishing Machine and Spreader	7.90				
Conveyor	4.95				
Crusher (incl. those with integral screening plant)	7.10				
Dredge Pump Under 10"	5.90				
Dredge Pump 10" and Over	6.95				
Fireman (boiler)	5.30				

DECISION NO. NE80-4038

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader:					
3½ Cu. Yds. or less	6.95				
Over 3½ Cu. Yds.	7.60				
Mechanic	8.00				
Mechanic Helper	6.95				
Motor Grader	8.00				
Oiler or Greaser	6.95				
Roller or Compactor, Self-Propelled	7.10				
Scraper, Under 16 Cu. Yds.	7.10				
Scraper 16 Cu. Yds. and Over	7.90				
Power Grade Machine (trimmer & profiler)	7.90				
Tractor:					
Farm Type	5.90				
Less than 115 Drawbar H.P.	7.10				
115 Drawbar H.P. and Over	7.60				
Traveling Plant (stabilization)	7.10				
Traveling Plant Helper (stabilization)	5.90				
Trenching Machine	6.20				
TRUCK DRIVER:					
Single Axle	4.95				
Tandem Axle	5.90				
Semi-Trailer	5.90				
Transit Mix	5.90				
Lowboy	6.95				
WATER TANKER, 6,000 GAL. & OVER	7.10				
WELDER	7.60				
HYDROHAMER	5.85				
Additional classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX80-4033 DATE: Date of Publication
Supersedes Decision No.TX79-4034, dated July 13, 1979
In 44 FR 41061
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.86	.70	1.00		.03
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS	8.15	.40	.35		.04
CARPENTERS:					
Carpenters	9.90				.05
Millwrights	12.30				.05
Piledrivermen	10.80				.05
CEMENT MASONS	6.82				
ELECTRICIANS	11.17	.60	3%+.35		1/4%
ELEVATOR CONSTRUCTORS	10.37	1.045	.69	4%+a&b	.025
GLAZIERS	5.30				
IRONWORKERS	12.10	.45	.90		.06
LABORERS, UNSKILLED	3.70				
LINE CONSTRUCTION:					
Linemen	12.20		3%		½%
Cable Splicers	12.56		3%		½%
Hole digger op., heavy equipment ops.(or pole cat equivalent);powderman	11.11		3%		½%
Line truck driver (winch op.)	10.01		3%		½%
Jackhammer man	9.16		3%		½%
Groundman	8.19		3%		½%
Truck driver (flat bed, ton & half & under)	8.68		3%		½%
PAINTERS	5.50				
PLUMBERS & PIPEFITTERS	12.72	.60	.70		.05
ROOFERS	5.71				
SHEET METAL WORKERS	5.99				
SOFT FLOOR LAYERS	7.50				
SPRINKLER FITTERS	12.79	.75	1.05		.08
TRUCK DRIVERS	5.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 7.765	.65	1.00		.15
GROUP 2	10.47	.65	1.00		.15
GROUP 3	10.87	.65	1.00		.15

GROUP 1 - Oiler-Fireman
GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mover on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment
GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes - power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors & Air Tugger; Boilers, two or more fired by one man

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO: TX80-4037 DATE: Date of Publication
Supersedes Decision No. TX79-4037, dated June 1, 1979, in 44 FR 31856
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy and highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.45	.80	1.15		.02
BOILERMAKERS	11.05	.80	1.00		.02
BRICKLAYERS & STONEMASONS	10.35	.57	.30		.03
CARPENTERS	10.10	.48	.50		.01
CEMENT MASONS	8.15				
ELECTRICIANS:					
Electricians	11.45	.60	3%		1/10%
Cable splicers	11.70	.60	3%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	10.00	.55	1.40		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	10.125	.55	1.40		.10
LABORERS:					
GROUP 1-Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all construction laborers except those named below	5.855	.30	.27		
GROUP 2-Air tool op. (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete & clay & all non-metallic pipe); handling, laying & cleaning pumpcrete pipe	6.13	.30	.27		
GROUP 3-Mortar mixers, mason tenders, plasterers tenders, cement finisher tender, lather tender	6.055	.30	.27		
GROUP 4-Wagon drill	6.205	.30	.27		
GROUP 5-Blasters & Powderman	6.455	.30	.27		
LATHERS	6.75	.20			.01
LINE CONSTRUCTION:					
Linemen	11.45	.60	3%		1/10%
Operators	80%JR	.60	3%		1/10%
Groundmen	55%JR	.60	3%		1/10%
Flat bed truck driver	70%JR	.60	3%		1/10%
PAINTERS:					
Brush	9.19				
Spray; Sandblasters	9.94				
PLASTERERS	7.00				
PLUMBERS & STEAMFITTERS	11.05	.50	.45		.04

DECISION NO. TX80-4037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$ 3.50				
SHEET METAL WORKERS	11.58	.50	.66		.12
TRUCK DRIVERS	3.10				
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental					
POWER EQUIPMENT OPERATORS					
GROUP 1	8.175	.40	.625		.10
GROUP 2	9.075	.40	.625		.10
GROUP 3	9.475	.40	.625		.10

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear)

GROUP 3 - Backhoe; Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Fork Lifts (over 25 feet); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cubic feet or over; Blade Graders, self-propelled; Cableways; Cranes-power operated (to 100 ft. of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractorvators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Air Compressors & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

STATE: Wisconsin

COUNTIES: Brown, Door, Kewaunee & Oconto

DECISION NUMBER: WI80-2038

DATE: Date of Publication

Supersedes Decision No. WI78-2115 dated, October 20, 1978, in 43 FR 49226

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.36	.95	.50	.85	.10
BOILERMAKERS	12.87	1.275	1.00		.05
BRICKLAYERS & MARBLE SETTERS & STONEMASONS	10.55	.75	.70		.05
CARPENTERS	10.72	.60	.70		.05
CEMENT MASONS	10.05	.75	.70		.05
ELECTRICIANS	12.60	.60	3%		1/4%
ELEVATOR CONSTRUCTORS:					
Constructors	12.13	1.045	.69	a+b	.03
Helpers	8.49	1.045	.69	a+b	.03
Helpers (Prob.)	6.065				
IRONWORKERS:					
Structrual, Ornamental & Reinforcing	11.36	1.30	1.00	1.21	.15
LATHERS	10.44	.75	.75+.17		
MILLWRIGHTS & PILEDRIVERMEN	11.12	.60	.70		.05
PAINTERS:					
Brush	10.75	.80			
Structural Steel	11.13	.80			
Spray & Swing Stage	11.13	.80			
PLASTERERS	10.55	.75	.70		.05
PLUMBERS & STEAMFITTERS	12.77	.85	1.00		.07
ROOFERS: Composition	11.40			.50	
SHEET METAL WORKERS	11.31	.80	.60	1.45	.04
SOFT FLOOR LAYERS	10.72	.60	.70		.05
TERRAZZO WORKERS & TILE SETTERS	10.55	.75	.70		.05
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WI80-2038

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays, A through F

b. Employer contributes 8% regularly hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employer who has worked in business less than 5 years

BUILDING CONSTRUCTION

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	8.90	.55	.45		.03
CLASS II	9.00	.55	.45		.03
CLASS III	9.15	.55	.45		.03

CLASS I - Construction laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pumps and nozzle man, bituminous worker

CLASS II - Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helpers, core drill operator

CLASS III - Jackhammer operator, driller gunite men, burner on wrecking airoperated concrete breaker, sheeting driver, power tamper, fork lift operator, jumping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, san blaster, welder, mud jack operator, precast erector bituminous raker and luteman

DECISION NO. WI80-2038

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	12.02	1.05	.90		.05
GROUP II	11.77	1.05	.90		.05
GROUP III	11.47	1.05	.90		.05
GROUP IV	11.37	1.05	.90		.05
GROUP V	10.96	1.05	.90		.05
GROUP VI	10.62	1.05	.90		.05

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson Rigs, Pile Driver, Skid Rigs, Derrick Operator and Traveling Cranes (Bridge Type), Concrete Paver (over 27E), Concrete Spreader and Distributor

GROUP II - Material Hoists, Tractor or Truck Mounted Hydraulic Backhoe, Tractor or Truck Mounted Hydraulic Crane (5 Tons or Under), Manhoist, Tractor (over 40 H.P.), Bulldozer H.P.), Endloader (over 40 H.P.), Forklift (25' and over), Motor Patrol, Scraper Operator, Sideboom, Straddle Carrier, Mechanic and Welder, Bituminous Plant and Paver Operator, Roller (over 5 tons), Rotary Drill Operator and Blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and Grout Pumps, Backfiller, Concrete Auto Breaker (large), Concrete Finishing Machine (Road Type), Roller (Rubber Tire), Concrete Batch Hopper, Concrete Conveyor Systems, Concrete Mixers (14S or over), Screw Type Pumps, and Gypsum Pumps, Tractor, Bulldozer, Endloader (under 40 H.P.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial Locomotives, Roller (under 5 tons) and Firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'); Tampers-Compactors riding type), Assistant Engineer, "A" Frame and Winch Trucks, Concrete-Auto Breaker, Hydro-Hammer (small), Booms and Sweeper, Hoists (tuggers) Stump Chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering Machine Operator, Screed Operator, Farm or Industrial Tractor Mounted Equipment, Post Hole Diggers, Stone Crushers and Screening Plants, Firemen (asphalt Plants), Air Compressor (300 CFM or over)

GROUP VI - Generators over 150KW Pumps over 3", Augers (vertical and horizontal), Combination Small Equipment Operator; Air, Electric Hydraulic Jacks (Slip form), Compressors (under 300 CFM); Welding Machines, Heaters (mechanical), Prestress Machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and Greaser, Boiler Operators (temporary heat), Rotary Drill Helpers, Conveyors, forklift (12' and under)

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federal register

Friday
May 16, 1980

Part IV

Department of Health and Human Services

Food and Drug Administration

Content and Format for Labeling for Human Prescription Drugs; Clarification of Effective Date

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 202

[Docket No. 75N-0066]

Content and Format for Labeling for Human Prescription Drugs; Clarification of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Clarification and extension of effective dates.

SUMMARY: The Food and Drug Administration (FDA) clarifies the effective date of its final regulations designating a required format for the professional labeling of prescription drugs for human use. The regulations were published in the **Federal Register** of June 26, 1979 (44 FR 37434). The agency is taking this action to apply the final regulations to drugs that are subject to premarket approval by FDA and are approved for marketing on or before December 26, 1979. The agency is also extending to April 10, 1981 the effective date of the regulations for drugs not subject to premarket approval by FDA.

EFFECTIVE DATE: May 16, 1980.

ADDRESSES: Submissions to FDA in accordance with the dates listed in this notice should be directed to the appropriate office identified below. The envelope containing the submission should be prominently marked "LABELING FORMAT REVISION PROGRAM."

Supplements to full new drug applications and amendments to antibiotic form 5's (identify with NDA number or antibiotic number): Division of (*insert name of division responsible for reviewing the application*), (*HFD-insert division's mail code*), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to abbreviated new drug applications and amendments to antibiotic form 6's (identify with ANDA number or antibiotic number): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Changes in biological licenses: Licensing Branch (HFB-720), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT:

About this notice: Michael C. McGrane, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

About the applicability of this notice to a particular drug: Lloyd G. Millstein, Bureau of Drugs (HFD-107), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6004.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1979, FDA established final regulations on the content and format of professional labeling for prescription drugs for human use. The agency also amended its prescription drug advertising regulations in 21 CFR 202.1(e)(6) (ii) and (vii). Although the amendment of the advertising regulations was to be effective December 26, 1979, it has been stayed by the filing of objections. A notice announcing the stay was published in the **Federal Register** of December 18, 1979 (44 FR 74816).

FDA also has received five petitions from a drug manufacturers' association and individual drug manufacturers asking that the agency (1) rescind and republish the final labeling regulations as a proposed rule; (2) stay the effective dates of the regulations until December 26, 1981 or January 1, 1982, and; (3) reconsider the regulations generally as well as certain specific requirements. The agency will act upon those petitions in the near future and respond by letter to the petitioners. The publication of this schedule of effective dates for the final regulations, however, should not be considered to suggest the likely final agency action on the petitions. Instead, this notice is intended only to clarify the effective date of the final regulations as the effective date was described in the June 26, 1979 final rule.

The labeling regulations are effective on December 26, 1979, with the following exceptions:

1. The regulations are effective on April 10, 1981 (instead of June 26, 1980, as stated in the June 26, 1979 final rule), for prescription drugs that are marketed without prior FDA approval, that is, prescription drugs that are not biologics, new drugs, or antibiotic drugs.

2. The regulations are effective on dates prescribed in this notice for prescription drugs that on or before December 26, 1979 are (1) licensed biologics, (2) new drugs subject to approved new drug applications (NDA's) or abbreviated new drug applications (ANDA's) or (3) antibiotic drugs subject to approved form 5's or form 6's. The dates established for those drugs also apply to duplicate drugs that are approved after December 26, 1979 (for example, drugs approved under an ANDA or an antibiotic form 6).

The agency, on its own initiative, is extending from June 26, 1980 to April 10, 1981, the effective date of the regulations for prescription drugs described in the first category, that is prescription drugs marketed without prior FDA approval. Because these final regulations pertain to labeling format rather than substance, and because the regulations are not effective for products subject to FDA premarket approval for a significant length of time, an extension of the effective date to make it consistent with other regulations requiring labeling revisions is appropriate. Uniform effective dates for final labeling regulations should reduce the costs and burdens associated with labeling revisions. Thus, the agency is extending the effective date for these products to make it consistent with the effective date of the agency's regulations specifying the conditions under which a person may be identified on the label of a drug product as its manufacturer. See the **Federal Register** of April 15, 1980 (45 FR 25760).

This notice also sets forth the effective dates for those drugs described in the second category. As of each effective date, any drug to which the effective date applies that is initially introduced or initially delivered for introduction into interstate commerce is required to bear labeling that conforms to the regulations. Except for the drugs described in the first category, in each case the labeling would be subject to prior approval by FDA following the submission of supplemental applications under § 314.8 (21 CFR 314.8) by holders of approved NDA's and ANDA's; the submission of amendments under § 431.16 (21 CFR 431.16) by holders of approved antibiotic form 5's and 6's; and the reporting of proposed labeling changes under § 601.12 (21 CFR 601.12) by holders of human biologics licenses.

The effective dates for duplicate products approved after December 26, 1979, will be the same as those listed in this notice for the drug classes to which they belong. A single effective date for all such products is necessary to permit bureau offices which normally review applications for generic drugs (that is, drugs subject to ANDA's and antibiotic form 6's) and offices that review full NDA's to review labeling for duplicate products at the same time. In addition, the marketing of duplicate drug products with labeling significantly different in format may be confusing to health care professionals. Consequently, FDA believes it is necessary to revise the

labeling for duplicate drug products simultaneously.

This notice also sets forth a "revised labeling due date" for each class of drugs to which the final labeling regulations apply. Manufacturers are advised that the agency cannot ensure that it will review applications submitted after the due date in time for manufacturers to receive approval and to print new labeling by the effective date. As a general matter, and barring unforeseen circumstances, labeling will be reviewed in the order in which it is received. The agency encourages manufacturers of duplicate drug products to work together in drafting uniform labeling for their products. The agency has no legal authority, however, to require manufacturers to cooperate in drafting labeling; that must depend upon private agreements among the manufacturers.

The dates set forth in this notice for submission of revised labeling do not represent legal requirements. The agency will not take regulatory action because a person fails to submit revised labeling to the agency for approval by the due date. A person who submits revised labeling after the due date may, however, have less time to place approved labeling into effect than a person who submits revised labeling on time. Nevertheless, that problem may be insubstantial in the case of generic marketers, who customarily neither draft nor make major revisions in labeling, but instead copy the labeling of innovator companies. FDA expects that some generic marketers may defer submitting revised labeling to the agency pending FDA's review of innovator labeling, and to only then submit for approval revised labeling that is based on the approved innovator labeling.

The agency intends to review and act upon timely and adequate submissions so as to provide applicants approximately 12 months to place the labeling into effect. Because of the significant length of time provided for the submission of draft labeling, and the time provided for putting the revised labeling into effect, the agency believes that few changes in the effective dates should be warranted. Nevertheless, any person who will be unable to meet an effective date listed below may file a citizen petition under § 10.30 (21 CFR 10.30) to request a stay in the effective date for a drug product. FDA will review a request for stay on the basis of the following factors: whether the petitioner submitted revised labeling by the due date; if the revised labeling was not submitted by that date, the justification for the untimely filing; whether the agency's delay in reviewing a submission results in providing the applicant substantially less than 12 months to place the labeling into effect; and any other factors that reasonably bear on the fairness of the effective date. The agency is delegating to appropriate officials of the Bureau of Drugs and the Bureau of Biologics by an amendment to the delegations of authority regulations in Part 5, the authority to grant or deny petitions to stay these effective dates. FDA may on its own initiative stay an effective date generally if it appears that the date cannot be reasonably met.

Because the review staff that is charged with reviewing Notices of Claimed Investigational Exemption for a New Drug, NDA's, ANDA's, antibiotic form 5's and 6's, and human biologics licenses is small, it is necessary to schedule the filing of applications. Under that schedule, FDA will not be able to review draft labeling for a drug in advance of its scheduled submission date, although it welcomes the submission of revised labeling at the earliest possible date. This prohibition does not apply to a labeling revision that requires prior FDA approval for a reason unrelated to the June 26, 1979 final regulations. In such cases, the agency will review not only the particular aspect of the labeling requiring revision, but the complete labeling, and will require the entire labeling to comply with the final regulations.

The list below provides the date for submission of revised labeling and the mail routing code of the divisions of FDA's Bureau of Biologics and Bureau of Drugs that are responsible for the labeling of drugs in each drug class. The list also sets forth the effective date for the labeling regulations for each drug class. In each case the effective date is 2 years after the date given for submission of the revised labeling. The agency believes that 2 years is adequate time for both FDA to review the labeling and for the holder of the product license to place the approved labeling into effect. If more than one division is identified for a drug class, the holder of the application for a drug product in that class should submit the labeling supplement to the division that is responsible for the application. If a person does not know which drug class applies to a drug or which division is responsible for the application, that information may be obtained from Dr. Lloyd Millstein at the address given above.

The divisions within FDA's Bureau of Drugs that are responsible for the drugs within a drug class are identified by the following mail codes: HFD–110, Division of Cardio-Renal Drug Products; HFD–120, Division of Neuropharmacological Drug Products; HFD–130, Division of Metabolism and Endocrine Drug Products; HFD–140, Division of Anti-infective Drug Products; HFD–150, Division of Oncology and Radiopharmaceutical Drug Products; and HFD–160, Division of Surgical-Dental Drug Products.

Supplements to NDA's (identified with the NDA number) and amendments to antibiotic form 5's (identified with the antibiotic number) should be sent to the appropriate division in FDA's Bureau of Drugs at the address appearing at the beginning of this notice. The mail code and the name of the division should be included in the address. Supplements to ANDA's (identified with the ANDA number) and amendments to antibiotic form 6's (identified with the antibiotic number) should be sent to the Division of Generic Drug Monographs (HFD–530), in FDA's Bureau of Drugs at the address given above. Changes in human biologics licenses should be sent to the Licensing Branch (HFB–720), in FDA's Bureau of Biologics at the address given above. The envelope containing the submission should be prominently marked "LABELING FORMAT REVISION PROGRAM" to permit the agency to identify the submission easily and to coordinate its review under the schedule given below.

In a supplemental application to revise the labeling of a new drug, the holder of the NDA or ANDA is required to submit either 12 copies of final printed labeling or 4 copies of draft labeling. To facilitate FDA's review of the Drug Abuse and Dependence section of the revised labeling for drugs subject to the Controlled Substances Act, the agency asks that holders of NDA's and ANDA's for drugs subject to that statute submit one additional copy of the final printed or draft labeling. The Drug Abuse Staff in FDA's Bureau of Drugs will use the additional labeling piece in the staff's review of the Drug Abuse and Dependence section of the labeling.

The agency asks that changes in labeling be annotated to identify the basis for each change and that a copy of the current labeling for the product be submitted. If a labeling change is supported by reference to an article or study in the literature, a copy of the article or study should be submitted. The failure to submit copies of literature references may delay the agency's review of the proposed labeling and,

thus, reduce the length of time between the agency's approval of the labeling and its effective date. This may occur because of the time required for the agency to obtain a copy of the reference.

Under § 601.25 (21 CFR 601.25), FDA is conducting a review of the labeling of certain biologics products that were licensed before July 1, 1972 to determine whether the labeling is clear and truthful in all respects and not false or misleading in any particular. Those products are bacterial vaccines and toxoids with standards of potency, viral and rickettsial vaccines, allergenic extracts, and blood and blood derivatives. Because the labeling for these products is now undergoing review by advisory review panels, it would be impractical to revise their labeling until the review is concluded. Accordingly, the due date for labeling changes for the biologics products under review is the date 6 months after the publication of the final order under § 601.25(g) that applies to the drug class, and the effective date for those products is 2 years after the due date.

The effective date of § 201.100(e) is April 10, 1981. The effective date was extended from June 26, 1980 to April 10, 1981 in the **Federal Register** of April 15, 1980 (45 FR 25760).

The agency is publishing these effective dates as a final regulation. Because the effective dates of the labeling regulations were proposed in the **Federal Register** of April 7, 1975 (40 FR 15392), publication of the effective dates as a final regulation is consistent with § 10.40 of FDA's administrative practices and procedures regulations and the Administrative Procedure Act. Codification of the effective dates will help persons who review the regulations determine when they apply to a particular drug product.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 503, 505, 506, 507, 701, 52 Stat. 1050–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 352, 353, 355, 356, 357, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 5 and 201 are amended as follows:

1. Part 5 is amended by adding a new § 5.31 to read as follows:

§ 5.31 Petitions under Part 10.

The following officials are authorized to grant or deny citizen petitions submitted under § 10.30 of this chapter for a stay of an effective date in § 201.59 of this chapter for compliance with certain labeling requirements for human prescription drugs which relate to the assigned functions of the respective bureau, and to amend any effective date established under § 201.59.

(a) The Director, Deputy Director, and Associate Director for New Drug Evaluation of the Bureau of Drugs.

(b) The Director, Deputy Director, and Associate Director for Compliance of the Bureau of Biologics.

2. Part 201 is amended by adding a new § 201.59 to read as follows:

§ 201.59 Effective date of §§ 201.56, 201.57, 201.100(d)(3), and 201.100(e).

(a) On and after December 26, 1979, no person may initially introduce or initially deliver for introduction into interstate commerce any drug to which §§ 201.56, 201.57, 201.100(d)(3) apply unless the drug's labeling complies with the requirements set forth in the regulations, with the following exceptions:

(1) If the drug is a prescription drug that is not a biologic, not subject to section 505 of the act (21 U.S.C. 355), and not subject to section 507 of the act (21 U.S.C. 357), §§ 201.56, 201.57, and 201.100(d)(3) are effective on April 10, 1981.

(2) If the drug is a prescription drug that on December 26, 1979 is (i) a licensed biologic, (ii) a new drug subject to an approved new drug application or abbreviated new drug application under section 505 of the act or (iii) an antibiotic drug subject to an approved antibiotic form, 5 or 6, §§ 201.56, 201.57, and 201.100(d)(3) are effective on the date listed below for the class of drugs to which the drug belongs. Dates are also listed below for the submission of supplemental applications, amendments, and license changes.

(3) If the drug is approved after December 26, 1979 but is a duplicate of a drug approved on or before that date (for example, a drug approved under an abbreviated new drug application or an antibiotic form 6), §§ 201.56, 201.57, and 201.100(d)(3) are effective on the date listed below for the class of drugs to which the drug belongs. Dates are also listed below for the submission of supplemental applications, amendments, and license changes.

Effective	Revised labeling due	Drug class	Mail routing code
Biologics			
Nov. 1, 1982	Nov. 1, 1980	Bacterial vaccines and antigens with no U.S. standard of potency	HFB–720.
Do	do	Skin test antigens	Do.
Nov. 1, 1982, except the effective date for products licensed before July 1, 1972, is 30 months after a final order is published under 21 CFR 601.25(g) under FDA's review of licensed biologics products.	Nov. 1, 1980, except the due date for products licensed before July 1, 1972, is 6 months after a final order is published under 21 CFR 601.25(g) under FDA's review of licensed biologics products.	Bacterial vaccines and toxoids with standards of potency	Do.
Do	do	Viral and rickettsial vaccine	Do.
Do	do	Allergenic extracts	Do.
Do	do	Blood and blood derivatives	Do.
New Drugs and Antibiotic Drugs			
Nov. 1, 1982	Nov. 1, 1980	Antiarrhythmics	HFD–110.
Do	do	Replenishers and regulators of electrolytes and water balance	HFD–110, HFD–30, and HFD–160.
Do	do	Anticonvulsants	HFD–120.
Do	do	Adrenal corticosteroids	HFD–130 and HFD–150.
Do	do	Aminoglycosides	HFD–140.
Do	do	Scabicides	Do.
Do	do	Pediculicides	Do.
Do	do	General anesthetics	HFD–160.
Dec. 1, 1982	Dec. 1, 1980	Antivirals	HFD–140.
Do	do	Dermatologics	Do.
Jan. 1, 1983	Jan. 1, 1981	Glaucoma ophthalmics	HFD–140.
Do	do	Topical otics	Do.

New Drugs and Antibiotic Drugs—Continued

Feb. 1, 1983	Feb. 1, 1981	Antispasmodics	HFD–110.
Do	do	Anticholinergics	Do.
Do	do	Diuretics	Do.
Do	do	Narcotic antagonists	HFD–120.
Do	do	Alcohol antagonists	Do.
Do	do	Antipsychotics/antimanics	Do.
Do	do	Androgens	HFD–130.
Do	do	Anabolic steroids	Do.
Do	do	Hyperlipidemia	Do.
Do	do	Anthelmintics	HFD–140.
Do	do	Antigout	HFD–150.
Mar. 1, 1983	Mar. 1, 1981	Vaginal antibiotics	HFD–140.
Apr. 1, 1983	Apr. 1, 1981	Cephalosporins	HFD–140.
May 1, 1983	May 1, 1981	General analgesics	HFD–120.
Do	do	Anterior pituitary hormones	HFD–130.
Do	do	Hypothalamic hormones	Do.
Do	do	Progestins	Do.
Do	do	Mydriatic ophthalmics	HFD–140.
Do	do	Cycloplegic ophthalmics	Do.
Do	do	Radiopharmaceuticals, diagnostic	HFD–150.
Do	do	Radiopharmaceuticals, therapeutic	Do.
Do	do	Contrast agents diagnostic radiopaque	Do.
Do	do	Local anesthetics	HFD–160.
June 1, 1983	June 1, 1981	Antihistamines	Do.
July 1, 1983	July 1, 1981	Antifungals	HFD–140.
Do	do	Antidiarrheals	HFD–110.
Do	do	Cardiac glycosides	Do.
Do	do	Sedatives	HFD–120.
Do	do	Hypnotics	Do.
Aug. 1, 1983	Aug. 1, 1981	Tetracyclines	HFD–140.
Do	do	Calcium metabolism	HFD–130.
Do	do	Vitamins and minerals	Do.
Do	do	Antiinfective ophthalmics	HFD–140.
Sept. 1, 1983	Sept. 1, 1981	Antiinflammatory ophthalmics	Do.
Do	do	Antihypertensives	HFD–110.
Do	do	Drugs indicated for extrapyramidal movement disorders	HFD–120.
Oct. 1, 1983	Oct. 1, 1981	Antiprotozoals	HFD–140.
Nov. 1, 1983	Nov. 1, 1981	Penicillins	HFD–140.
Do	do	Blood glucose regulators	HFD–130.
Do	do	Drugs indicated for parenteral nutrition	HFD–130 and HFD–160.
Do	do	Drugs indicated for enteral nutrition	Do.
Do	do	Miscellaneous ophthalmics	HFD–140.
Do	do	Immunomodulators	HFD–150.
Dec. 1, 1983	Dec. 1, 1981	Anticoagulants	HFD–110.
Do	do	Thrombolytics	Do.
Do	do	Drugs indicated for acid peptic disorders	Do.
Do	do	Antidepressants	HFD–120.
Do	do	Drugs indicated for skeletal muscle hyperactivity	Do.
Do	do	Sulfonamides and related sulfa compounds	HFD–140.
Do	do	Dental preparations	HFD–160.
Jan. 1, 1984	Jan. 1, 1982	Miscellaneous antibacterials	HFD–140.
Feb. 1, 1984	Feb. 1, 1982	Drugs indicated for infertility	HFD–130.
Do	do	Thyroids	Do.
Do	do	Antithyroids	Do.
Do	do	Polymyxins	HFD–140.
Do	do	Antineoplastics	HFD–150.
Mar. 1, 1984	Mar. 1, 1982	Urinary tract stimulants	HFD–110
Do	do	Urinary tract relaxants	Do.
Do	do	Antimigraine	HFD–120
Do	do	Antimycobacterials (including antileprosy)	HFD–140
Apr. 1, 1984	Apr. 1, 1982	Adjuncts to anethesia	HFD–160
Do	do	Antianginals	HFD–110
Do	do	Laxatives	Do.
Do	do	CNS stimulants	HFD–120
Do	do	Anorexiants	Do.
May 1, 1984	May 1, 1982	Chloramphenicol and derivatives	HFD–140
DO	do	Drugs indicated for vertigo/motion sickness/vomiting	HFD–120.
DO	do	Antidiuretics	HFD–130.
DO	do	Contraceptives	Do.
DO	do	Macrolides	HFD–140.
DO	do	Lincosamides	Do.
DO	do	Antiarthritics	HFD–150.
DO	do	Antitussives	HFD–160.
DO	do	Expectorants	Do.
DO	do	Inhalants	Do.
June 1, 1984	June 1, 1982	Urinary tract antiseptics	HFD–140.
July 1, 1984	July 1, 1982	Chelating agents/heavy metal antagonists	HFD–110.
DO	do	All other gastrointestinal drugs	HFD–110.
DO	do	Antianxiety	HFD–120.
DO	do	Drugs indicated for myasthenia gravis	HFD–120.
DO	do	All other antiinfective drugs	HFD–140.
DO	do	Bronchodilators/antiasthmatics	HFD–160.
Aug. 1, 1984	Aug. 1, 1982	Estrogens	HFD–130.
DO	do	Uterine stimulants	HFD–130.
DO	do	Uterine relaxants	Do.
Sept. 1, 1984	Sept. 1, 1982	Drugs indicated for hypotension and shock	HFD–110.
Oct. 1, 1984	Oct. 1, 1982	All other cardiac drugs	HFD–110.
DO	do	Nasal decongestants	HFD–160.
Nov. 1, 1984	Nov. 1, 1982	All other prescription drugs	

(b) Section 201.100(e) is effective April 10, 1981.

Effective date: This amendment is effective May 16, 1980.

(Secs. 502, 503, 505, 506, 507, 701, 52 Stat. 1050–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 352, 353, 355, 356, 357, 371); sec. 351, 58 Stat. 702 as amended (44 U.S.C. 262))

Dated: May 9, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-14990 Filed 5-12-80; 8:45 am]

BILLING CODE 4110-03-M

federal register

Friday
May 16, 1980

Part V

Department of Labor

Mine Safety and Health Administration

Electric Cap Lamps

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 19

Electric Cap Lamps

AGENCY: Mine Safety and Health Administration (MSHA), Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Mine Safety and Health Administration is proposing to amend Part 19 of Title 30 of the Code of Federal Regulations which governs the approval of electric cap lamps for use in underground mines. Under the present wording of Part 19, MSHA may not approve equipment designed in ways to incorporate technological improvements. Specifically, it is proposed to amend § 19.1(b) to provide that, when a manufacturer requests MSHA to approve a cap lamp which cannot be adequately tested under the regulations, MSHA may modify its design, construction, and test requirements to investigate that cap lamp MSHA will issue an approval if the cap lamp assures the same degree of protection as cap lamps approved under the requirements presently provided.

DATES: Comments must be received by July 15, 1980.

ADDRESS: Send comments to Frank A. White, Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1910.

FOR FURTHER INFORMATION CONTACT: John J. Mulhern, Mining Engineer, Office of Technical Support, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, (703) 235–1590.

SUPPLEMENTARY INFORMATION: MSHA is aware that there may be technological advances made in the design and construction of cap lamps which improve the performance or safety of existing cap lamps. However, because the existing approval regulations do not permit approval of such devices, they are kept out of our coal and other mines. For example, MSHA is aware of one such technological advance involving a cap lamp with an unbreakable lens which it may not now test and approve if warranted.

Because this amendment to Part 19 affects the meaning of the term "permissible" as used in the mandatory safety standards applicable to underground gassy metal and nonmetal mines (30 CFR 57.21–90) and underground coal mines (30 CFR 75.506(d)), this amendment is proposed under the authority of section 101 of the Federal Mine Safety and Health Act of 1977. Interested persons are encouraged to comment on this proposal.

PART 19—CAP LAMPS

It is, therefore, proposed to revise 30 CFR 19.1(b) as follows:

§ 19.1 Purpose.

* * * * *

(b) Any electric cap lamp that meets the requirements set forth in this part will be termed "permissible" by MSHA and, if actively marketed, will be listed as such in publications relating to permissible electric cap lamps. MSHA will test only electrical equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, circuits, arrangements, or combinations of components and materials cannot be foreseen, MSHA reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in this part.

* * * * *

(Sec. 101, Pub. L. 91–173 as amended by Pub. L. 95–164, 83 Stat. 745 as amended by 91 Stat. 1291 (30 U.S.C. 811))

Dated: April 2, 1980.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 80–15073 Filed 5–15–80: 8:45 am]

BILLING CODE 4510–43–M

federal register

Friday
May 16, 1980

Part VI

Department of Energy

Office of Conservation and Solar Energy

Municipal Waste Reprocessing Demonstration Facilities Program; Evaluation, Assessment, and Reporting Guidelines

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 486

[CAS-RM-79-106]

Municipal Waste Reprocessing Demonstration Facilities Program; Evaluation, Assessment, and Reporting Guidelines

AGENCY: Office of Conservation and Solar Energy, DOE.

ACTION: Proposed rulemaking; notice of public hearing.

SUMMARY: The Department of Energy today proposes guidelines for establishing record retention, data collection and analysis, and reporting requirements necessary for the assessment and evaluation of municipal waste reprocessing demonstration facilities assisted under section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. Section 20 provides for Federal financial assistance in the form of grants, cooperative agreements, contracts, price supports, or an appropriate combination of these assistance options, in order to support the establishment of municipal waste reprocessing facilities.

DATES: Written comments (15 copies) must be received by July 15, 1980, 4:30 p.m., e.d.t.; requests to speak at the public hearing must be received by June 19, 1980, 4:30 p.m., e.d.t.; written statements (15 copies) of speakers must be received by June 27, 1980, 4:30 p.m., e.d.t. A public hearing will be held at 9:00 a.m. on July 1, 1980.

ADDRESSES: Hearing location: Federal Building, Room 3000A, 12th and Pennsylvania Avenues NW., Washington, D.C. 20585.

Send comments and requests to speak to: Carol Snipes, Office of Conservation and Solar Energy, Department of Energy, Room 6B-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Donald K. Walter, Office of Conservation and Solar Energy, Department of Energy, Room 1F-065, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-252-9397.

Leon Lehr, Office of Conservation and Solar Energy, Department of Energy, Room 1F-065, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-252-9397.

Carol A. Cowgill, Office of General Counsel, Department of Energy, Room 1E-258, 1000 Independence Avenue, SW., Washington, D.C. 20585, 202-252-9513.

SUPPLEMENTARY INFORMATION:

I. Background
- A. Statutory requirements
- B. EPA coordination
- C. NEPA and other regulatory review
- D. Notice of Inquiry

II. Summary of public comments and DOE responses

III. Proposed guidelines

IV. Opportunities for public participation
- A. Written comment procedures
- B. Public hearing
- C. Conduct of hearing

I. Background

The Department of Energy (DOE) today proposes to establish Part 486 of Title 10 of the Code of Federal Regulations (10 CFR Part 486) for the rules authorized for the Municipal Waste Reprocessing Demonstation Facilities Program under section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (Act), 42 U.S.C. 5920. Today's proposal specifically involves evaluation, assessment, and reporting guidelines pertaining to projects funded under section 20.

A. Statutory Requirements

Section 20 was added to the Federal Nonnuclear Energy Research and Development Act of 1974 by Title IV of the Department of Energy Act of 1978—Civilian Applications which was enacted as Pub. L. 95-238 and was signed by the President on February 25, 1978. Section 20 provides for Federal finanacial assistance in the form of grants, cooperative agreements, contracts, price supports, or an appropriate combination of these assistance options, in order to support the establishment of municipal waste reprocessing facilities.

Section 20 provides for financial assistance to establish municipal waste reprocessing facilities which will be owned and/or operated by municipalities. Section 20 defines the term "municipal" to "* * * include any city, town, borough, county, parish, district, or other public body created by or pursuant to State law." The scope of the program is in part set by the description of what constitutes "municipal waste." Subsection (b)(1) of section 20 defines that term to "* * * include, but not be limited to municipal solid waste, sewage sludge, and other municipal organic wastes."

The statutory requirements for the guidelines are set forth in subsection (d)(1) of section 20, which calls upon the Administrator (now the Secretary of Energy) to "* * * establish such guidelines as he deems necessary for purposes of obtaining pertinent information from municipalities receiving funding under this section * * *." The subsection further provides that the guidelines "* * * shall include but not be limited to methods of assessment and evaluation of projects authorized under this section * * *."

Although subsection (d)(1) of section 20 is not specific as to what constitutes "pertinent information" beyond data related to "methods of assessment and evaluation", subsection (d)(2) sets forth requirements of the section 20 DOE annual report to Congress which are suggestive of the kinds of information to be obtained pursuant to the guidelines. The annual report is to include but not be limited to, "* * * (A) a discussion of the status of each demonstration facility and related facilities financed under this section including progress made in the development of such facilities, and the expected or actual production from each such facility including byproduct production therefrom, and the distribution of such products and byproducts, (B) a statement of the financial condition of each such demonstration facility, (C) data concerning the environmental, community, and health and safety impacts of each such facility and the actions taken or planned to prevent or mitigate such impacts * * * and (E) such other data as may be helpful in keeping Congress and the public fully and currently informed about the program authorized by this section." The proposed guidelines provide for obtaining the necessary information so that DOE will be able to fulfill this annual reporting requirement.

B. EPA Coordination

The responsibility for issuing Federal environmental regulations applicable to the disposal of solid waste is assigned to the Environmental Protection Agency (EPA) under the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-480). EPA guidelines under section 1008 of that Act are applicable to DOE projects funded under section 20.

Section 20(c)(2) of the Act provides that DOE shall administer its municipal waste reprocessing demonstration program in accordance with the May 7, 1976 interagency agreement with EPA. The 1976 interagency agreement has been supplemented by a DOE/EPA memorandum of understanding, dated July 3, 1979, which delineates responsibilities for planning, demonstrations, and financial assistance for projects involving the recovery of energy and materials from

solid waste. The memorandum of understanding provides that EPA may comonitor DOE-assisted demonstration facilities on a case-by-case basis.

EPA's Office of Solid Waste is developing standarized procedures for conducting technical, economic and environmental evaluations of municipal waste reprocessing facilities employing established technologies. If EPA's evaluation procedures become available during this time, DOE will make the final guidelines consistent with them as appropriate. DOE anticipates further consultation with EPA during and after the comment period, as needed.

C. NEPA and Other Regulatory Review

DOE published a notice of availablity of environmental assessment and negative declaration in the **Federal Register** on July 18, 1979 (44 FR 42110) stating that the Department's overall urban waste technology (UWT) program would not constitute a "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* DOE determined, therefore, that no environmental impact statement (EIS) would be required in order to implement the UWT program, including issuance of the reporting guidelines being proposed today.

The July 18, 1979 notice did state, however, that since there could be site-specific environmental impacts of concern, UWT program regulations would have to require preparation of site-specific environmental impact statements, where appropriate, prior to any cosntruction of municipal waste reprocessing plants supported by DOE demonstration authorities (44 FR 42110).

While facilities funded under section 20 are expected to promote an environmentally beneficial decrease in the use of landfills to dispose of municipal waste, DOE recognizes that reprocessing technologies may pose public health and safety hazards. Although DOE intends to screen out environmentally unacceptable proposed facilities during a preaward environmental review, it is appropriate to monitor those that are approved and constructed to determine the actual impacts on the health and safety of workers in the facility and on the ambient air and aquatic environments.

Today's proposal was reviewed under Executive Order 12044, 43 FR 12661, and DOE concluded that it was "significant" but not "major" in light of the likely impacts on the economy and those subject to the final guidelines. Under this Executive Order and DOE Order 2030.1, Procedures for the Development and Analysis of Regulations, Standards, and Guidelines, DOE is required to develop a satisfactory plan for evaluating any new final regulations. The public is urged, therefore, to suggest criteria DOE should use to evaluate the proposed guidelines after they become final.

DOE has determined that the proposed guidelines will have no major economic impact requiring a regulatory analysis.

D. Notice of Inquiry

DOE published a notice of inquiry in the April 25, 1979 issue of the **Federal Register** (44 FR 24298) inviting the public to make detailed suggestions for proposed guidelines under section 20(d)(1) of the Act. The notice described several policy issues the guidelines might or would have to address. DOE's proposed resolution of each of these issues is noted, as appropriate, in the explanation of the proposed guidelines which follows at part III of this preamble.

II. Summary of Public Comments and DOE Responses

DOE received seven comments in response to the notice of inquiry. One commentor recommended that a uniform accounting system be incorporated in the reporting guidelines. DOE concurs in this recommendation. In addition to the uniform OMB financial recordkeeping and reporting requirements with which DOE assistance recipients will have to comply, DOE intends to use the reporting instructions and suggested outlines issued under proposed § 486.404 to achieve uniform accounting.

Another suggested that the guidelines should require that assistance recipients perform and report the results of a complete energy audit. DOE agrees with a portion of this suggestion, and is proposing that periodic reports contain information which could be used to estimate the energy costs of operating demonstration facilities. DOE believes that the other information which could be part of an energy audit (e.g., comparing the costs of virgin materials and refuse derived substitutes) would be too burdensome for the majority of municipalities to acquire or evaluate.

An industrial concern recommended that assistance recipients be required to provide information about user fees. DOE agrees that the fees charged for municipal waste collection and disposal could have a significant impact on the quantity and composition of the incoming municipal waste, as well as on the cost competitiveness of waste derived fuels and products. Section 486.407(b) of the proposed rule would require that assistance recipients report any changes in the fees charged for waste collection and disposal services.

A number of comments raised questions concerning the administration of the program under section 20 of the Act which were not germane to the guidelines. These comments, which dealt with matters such as eligibility for assistance, will be retained and considered when DOE develops rules and other publications covering the award of financial assistance.

III. Proposed Rules

Proposed § 486.01 begins Subpart A, the general subpart, by briefly stating the purpose of Part 486. A series of definitions are provided in § 486.02. DOE particularly invites comment on the proposed definitions for the terms "economic analysis", "feedstock", "marketing study", "refuse derived fuel", and "secondary materials" because they may be incomplete or require significant revision.

The subpart for the guidelines, Subpart E, begins with proposed § 486.401. That section sets forth the scope of the evaluation, assessment, and reporting guidelines.

Proposed § 486.402 contains basic record retention and access requirements. Although proposed § 486.402 provides that the terms of the assistance agreement may require the retention of information which is not required to be reported, DOE anticipates that this authority will be exercised very infrequently. Similarly, DOE does not intend to develop new forms that require assistance recipients to furnish data they have reported to other Federal, state or local government agencies. In such cases, DOE would merely require that copies of such reports be submitted. Whenever applicable, municipalities receiving DOE assistance will also be required to comply with the record retention requirements of Attachment C to OMB Circular No. A–102.

A general description of the form, content, and frequency of the periodic reports that will be required during the first five years demonstration facilities are operated is provided in proposed § 486.404. The five-year interval for filing periodic reports, as well as for retaining records under proposed § 486.404, would begin on the date of the assistance agreement or the "point of initial production", whichever is later. The term "point of initial production", which is defined in proposed § 486.402, refers to the point in time when a newly constructed or converted demonstration facility could begin productive operation. Proposed § 486.405 describes

the information that would be submitted only in the first periodic report.

Proposed § 486.403 describes the content of the monthly report that would be required during the construction of an assisted demonstration facility. Reports would not be required for those months during which a Federal government inspector was at the construction site on a daily basis.

Proposed § 486.406 proposes that sampling, monitoring, and testing protocols and standards be specified in the assistance agreement. Whenever possible, DOE intends to use relevant American Society of Testing Materials (ASTM) test protocols. If applicable final or tentative ASTM procedures or standards have not been developed, other widely used institutional or industrial protocols will be specified. In situations where there is no applicable published standard, DOE will develop test procedures in consultation with the assistance recipient. The assistance agreement shall also specify, for each parameter, the format for reporting sampling, monitoring, and testing data (e.g., 24-hour average, weekly average).

Proposed § 486.407 describes the municipal waste stream data and waste collection and disposal information assistance recipients would be required to include in their periodic reports. Proposed §§ 486.408–486.413 describe, respectively, the operation and maintenance data, management and staffing information, financial information, marketing information, environmental impact data, and community impact data assistance recipients would be required to include in their periodic reports.

The proposed guidelines would elicit environmental information during construction, as well as during operation of a demonstration facility. Proposed § 486.403 would require recipients to report any significant unanticipated impacts on the environment encountered during construction. Post-construction periodic reports would be required to include copies of all reports submitted to Federal, State, or local environmental protection, occupational safety, or health agencies. *See*, proposed § 486.412. Specific suggestions for improving the environmental reporting provisions of the proposed guidelines would be welcome.

IV. Opportunities for Public Participation

A. Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposal set forth in this notice to Carol Snipes, Office of Conservation and Solar Energy, Department of Energy, Room 6B–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Comments should be identified on the outside of the envelope and on documents with the designation "Guidelines—Municipal Waste Reprocessing Demonstration Facilities." Fifteen copies should be submitted.

All comments received by 4:30 p.m. on July 15, 1980 and other relevant information will be considered by DOE before final action is taken regarding the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be identified, and one copy submitted in writing. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Public Hearing

DOE has determined to hold one national public hearing on this proposal. It will be held July 1, 1980 at the Federal Building, Room 3000A, 12th and Pennsylvania Avenues N.W., Washington, D.C.

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest in this proceeding may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Ms. Carol Snipes at the address given at the beginning of this preamble and must be received before 4:30 p.m., on June 19, 1980; requests may be hand-delivered to Ms. Snipe's office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be marked as for written comments, with the additional notation "Request to Speak."

The person making the request should briefly describe the interest concerned, if appropriate, state why she or he is a proper representative of a group of persons that has such an interest, and give a concise summary of the proposed oral presentation and a phone number where she or he may be contacted through June 27, 1980. Each person selected to be heard will be notified by DOE before 4:30 p.m., June 27, 1980. Each person selected to be heard must bring 15 copies of her or his statement to the hearing.

In the event any person wishing to testify cannot provide 15 copies, alternative arrangements can be made with the hearing coordinator in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Ms. Snipes at ([202) 252–1919).

C. Conduct of Hearing

DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary type hearing. Questions may be asked of speakers only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements at the hearing, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person wishing to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA152, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the court reporter.

(Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, as amended by the Department of Energy Act of 1978—Civilian Applications, Pub. L. 95–238; Department of Energy Organization Act, Pub. L. 95–91)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations, is proposed to be amended by adding Part 486 and Subpart A–E thereof, as set forth below.

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

Maxine Savitz,

Deputy Assistant Secretary for Conservation, Conservation and Solar Energy.

10 CFR Chapter II is proposed to be amended by adding a new Part 486, reading as follows:

PART 486—MUNICIPAL WASTE REPROCESSING DEMONSTRATION FACILITIES PROGRAM

Subpart A—General

Sec.

486.01 Purpose.
486.02 Definitions.
486.03–486.99 [Reserved]

Subparts B–D [Reserved]

Subpart E—Evaluation, Assessment and Reporting Guidelines

486.401 Scope.
486.402 Record retention and access requirements.
486.403 Reports during construction.
486.404 Form, content, and frequency of periodic reports.
486.405 First periodic report.
486.406 Data evaluation and analysis.
486.407 Municipal waste analyses.
486.408 Operation and maintenance data.
486.409 Management and staffing information.
486.410 Financial information.
486.411 Marketing information.
486.412 Environmental impact data.
486.413 Community impact.

Authority: Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5920); Department of Energy Organization Act, (42 U.S.C. 7254).

Subpart A—General

§ 486.01 Purpose.

This part is established to contain the rules authorized for the Municipal Waste Reprocessing Demonstration Facilities Program under section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended.

§ 486.02 Definitions.

As used in this part:

"Act" means the Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, as amended by Title IV, Section 401 of Pub. L. 95–238.

"Air flow" means the movement of air expressed as a volume per unit time.

"Assistance agreement" means the original written instrument and all subsequent written modifications thereto containing the terms and conditions of a grant, cooperative agreement, contract, price support agreement, or any combination thereof, by and between DOE and a municipality for the support of a municipal waste reprocessing demonstration facility.

"Composition" means the identities and concentrations of the constitutents or components of the whole.

"DOE" means the Department of Energy.

"Economic analysis" means a written report which identifies and evaluates the economic costs and benefits associated with the facility.

"Effluent" means the substances that flow out of a designated source.

"Feedstock" means a material that is utilized in manufacturing a product.

"Heating value" means the Btu's liberated when a pound of combustible material is burned completely and the products of combustion are cooled to the pre-combustion temperature of the material.

"Marketing study" means a written assessment of current and future markets for sales of waste derived fuels and products produced by the demonstration facility. The assessment shall consider transportation and other distribution costs, price and quality competition, and customer acceptance and usage.

"Moisture content" means the liquid present in a material, as determined by a prescribed method, conventionally expressed as a percentage of the total mass of the wet material.

"Point of initial production" means the date when startup and preliminary testing of equipment is complete, and productive operation could begin.

"Recipient" means a municipality that is a party to an assistance agreement.

"Refuse derived fuel" means fuel extracted from municipal waste for use in combustion processess, or for use as a feedstock in processes that change the chemical properties of the refuse derived fuel and/or convert its components into energy.

"Rotational speed" means the rate of movement around a fixed point or axis, usually expressed as revolutions per unit time.

"Secondary material" means matter derived from municipal waste that is used as a substitute for primary or raw material feedstock in manufacturing a product.

"Service area" means the geographic region and the types of customers receiving periodic refuse collection and/or disposal services.

"Site plan" means a layout of the facility indicating the location of buildings, structures, infrastructure, rights-of-way and easements, utilities, and other appurtenant features.

§§ 486.03–486.99 [Reserved]

Subparts B–D—[Reserved]

Subpart E—Evaluation, Assessment, and Reporting Guidelines

§ 486.401 Scope.

This subpart sets forth data collection and analysis, record retention, and reporting guidelines applicable to municipalities receiving assistance from DOE for municipal waste reprocessing demonstration facilities. The reporting provisions of the guidelines apply after construction has begun or been completed.

§ 486.402 Record retention and access requirements.

(a) Assistance recipients shall retain financial records, supporting documents, statistical records and all other records pertinent to the assistance award in accordance with the requirements of Attachment C of OMB Circular No. A–102. Assistance recipients are authorized to substitute microfilm copies for original records.

(b) For five years following the date of the assistance award or the point of initial production, whichever is later, the assistance recipient shall retain the original records (or microfilm copies) substantiating the data required to be reported under §§ 486.403–486.405. In addition, the recipient shall retain, for the same period of time, information not required to be included in its periodic reports to DOE but which is specifically required to be retained by the assistance agreement.

(c) The recipient shall make the facility and the retained records available for inspection, at reasonable times and under reasonable conditions, by authorized employees or agents of the Department of Energy and of the Comptroller General of the United States. The recipient shall also make the demonstration facility premises available to authorized DOE employees or agents for the performance, at DOE expense, of on-site sampling, testing, and monitoring.

§ 486.403 Reports during construction.

During construction of a DOE assisted demonstration facility, the recipient shall submit a monthly technical report containing a brief narrative of significant changes in the project, including construction change orders and changes in project status. An explanation shall be provided for any change orders that affect or would affect waste processing operations, energy recovery elements, or structures supporting such elements. Significant unanticipated construction impacts on

the environment shall be described. Construction reports shall not be required if, during the reporting period, a Federal government inspector was at the site on a daily basis.

§ 486.404 Form, content, and frequency of periodic reports.

(a) The information required to be reported under this section shall be submitted on a form or consistent with instructions provided by DOE. Periodic reports shall be filed not less frequently than annually nor more frequently than quarterly unless otherwise noted in these guidelines or in the assistance agreement. The reporting frequency shall be established by DOE in the assistance agreement.

(b) The periodic reports shall document and evaluate demonstration facility performance for a five-year period commencing on the date of the assistance agreement or the point of initial production, whichever is later. The first periodic report shall be submitted no later than four months after the five-year reporting period commences, and shall include the information described in proposed § 486.405. Unless otherwise specified in the assistance agreement, the first and each subsequent periodic report shall include the information described in §§ 486.406–486.413. DOE reserves the right to modify the record retention and reporting requirements on a case-by-case basis to reflect variations in the nature, size, and scope of assisted demonstration facilities.

§ 486.405 First periodic report.

(a) The first periodic report shall include a separate executive summary containing—

(1) A case history of the project to date;

(2) An outline of the feasibility study and the significant conclusions that were relied upon in selecting technologies for utilization in the demonstration facility;

(3) A summary of all marketing studies conducted in connection with the demonstration project;

(4) Economic analysis of the demonstration facility;

(5) Site plan(s);

(6) Process flow diagrams, if applicable;

(7) Instrumentation diagrams;

(8) Building and equipment layout drawings;

(9) Design and performance specifications for major items of process equipment; and

(10) An outline of the sampling, monitoring and testing protocols established in the assistance agreement.

(b) To the extent any of the information described in paragraph (a) of this section was included in the application for assistance, or in any feasibility or design studies submitted to DOE, the information need not be duplicated in the first periodic report, but should be cross-referenced and updated as necessary.

§ 486.406 Data evaluation and analysis.

(a) Each periodic report shall summarize, analyze and evaluate data obtained in accordance with the sampling, monitoring and testing protocols and schedules established in the assistance agreement. The reporting format (*e.g.*, monthly average, 24-hour maximum) for each sampling, monitoring and testing parameter shall be established in the assistance agreement. The analysis and evaluation shall include an assessment of general project and operational status; a discussion and reconciliation of any apparent inconsistencies in the reported data and relevant design assumptions or estimates; observations about the conclusions that can be derived from the reported data; and recommendations for future planning, siting, design, construction, operation and testing procedures.

(b) The reported data shall include—

(1) Composition, heating value (if appropriate), weight, density, and moisture content of the municipal waste or secondary materials based on samples collected before and after each unit process operation;

(2) Energy consumption, variations in air flows, rotational and linear speeds, and significant physical modifications (such as slopes of trommels and conveyers) with respect to each major item of equipment;

(3) Furnace mass flows, changes in furnace and boiler efficiencies, normal operating flame and steam temperatures, corrosion, fouling and/or slagging in furnances or boilers, ash carbon content, heat balances for tested loads and blends, and process changes and problems (such as incomplete combustion and steam and temperature fluctuations) attributable to or associated with each refuse derived fuel and/or municipal waste feedstock used alone, in conjunction with or as a substitute for other fuels in the demonstration facility.

(4) Potential pollutant emissions/effluents before and after waste treatment or unit process operations where significant changes are expected.

§ 486.407 Municipal waste analyses.

(a) Each periodic report shall contain data concerning—

(1) Density, weights, energy content, ash content, moisture content, and composition of the municipal waste; and

(2) The quantity and composition of materials rejected from the municipal waste at the gate to the plant, on the receiving floor, at intermediate points within the facility, and as waste from the plant.

(b) The report shall also describe changes in waste collection and disposal practices within the service area, including changes in the fees charged for waste collection and disposal services, and any legislative amendments, court decisions, or administrative orders affecting the municipality's legal authority to regulate waste collection and disposal. If readily available, documentation about changes in the waste collection and disposal practices, methods and costs in local jurisdictions adjacent to the service area should be provided. The report shall contain the text of any changes in the terms of the agreements between the recipient and participating municipalities within the service area and a statement briefly explaining the reasons for such modifications.

§ 486.408 Operation and maintenance data.

Each periodic report shall provide, for each equipment subsystem—

(a) A brief description of modifications made in the equipment or mode of operation, the reasons for implementing the modifications, and the changes in operating and maintenance efficiencies resulting from the modifications;

(b) A comparison of actual operating performance and design specifications, and an analysis of any significant differences;

(c) A brief description of maintenance procedures performed and repairs made, including the cost of labor, parts, and down time; and

(d) For each breakdown or malfunction, a description of the cause and severity, and an indication of the length of time the subsystem, system, or facility was out of service.

§ 486.409 Management and staffing information.

The first periodic report shall indicate the number of full and part-time employees employed by the facility, numbers of employees in each job or professional category, labor cost of each category, and the number of employees residing within the service area. The recipient shall also describe the management objectives and planning and control methods for the demonstration facility. Subsquent

periodic reports shall describe and explain the reasons for any management or staffing changes. Each periodic report shall indicate the number, identity, and cost of contractors utilized during the reporting period.

§ 486.410 Financial information.

Each periodic report shall contain—

(a) A statement of Income and Loss itemizing the revenues of the facility by source, and operation and maintenance costs by subsystem;

(b) A Statement of Financial Position which describes and provides the value of the facility's assets, liabilities and net worth, and indicates any changes since the previous report; and

(c) The Financial Status Report required under paragraph 3(a) of Attachment H of OMB Circular No. A–102, which report shall be on an accrual basis.

§ 486.411 Marketing information.

The recipient shall report for each waste derived fuel or product, by category of customer and service, the quantity sold, intended use, unit sale price, and total income. The periodic report shall also describe the nature and outcome of any ongoing or new marketing activities. For each new supply contract, the report shall indicate the name of the purchaser(s); address(es) of locations(s) where waste derived fuel or by-product is to be delivered; and terms for determinig unit sales prices, and storage and delivery charges.

§ 486.412 Environmental impact data.

The recipient shall submit to DOE copies of any reports, including monitoring and testing data, submitted during the reporting period, to Federal, State, or local environmental protection, occupational safety, or health agencies.

§ 486.413 Community impact.

The recipient shall submit to DOE copies of any newspaper articles, editorials, and letters to the editor concerning the facility which were published during the reporting period. The report shall indicate the number and type (e.g., noise, odor) of oral and written complaints about the facility received from members of the public visiting, living or working near the facility, and shall summarize the responses made to each complaint.

[FR Doc. 80–15117 Filed 5–15–80; 8:45 am]

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federal register

Friday
May 16, 1980

Part VII

Department of Agriculture

Federal Grain Inspection Service

Official Agency Designation; Applications Being Accepted in a Four County Area of Northwestern Iowa

Part VII

Department of Agriculture

Federal Crop Insurance Service

Official Agency Designation Applications
Being Accepted in a Few County Areas
of Nonparams Area

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Designation; Applications Being Accepted in a Four County Area of Northwestern Iowa

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Applications

SUMMARY: This notice announces that the Federal Grain Inspection Service (FGIS) is accepting applications for designation to operate as an official agency in a four county area formerly serviced by A. V. Tischer & Son, Inc., Fort Dodge, Iowa. In order to provide uninterrupted service, Fremont Grain Inspection Department, Inc., Fremont, Nebraska, has been granted an interim designation to provide official services to the affected area.

DATE: Applications by July 15, 1980.

FOR APPLICATION AND ADDITIONAL INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: A.V. Tischer and Son, Inc. (the "Agency") 137 10th Street, N.W., Fort Dodge, Iowa 50501, was designated to provide official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.)* (the "Act") on February 1, 1979. Said designation also included an interim assignmnet of geographic area, within which the Agency would operate. Comments were requested regarding assignment of this geographic area in the November 19, 1979, issue of the **Federal Register** (44 FR 66220). No comments were received during the comment period. However, in a March 13, 1980 letter the Agency requested that the geographic area which was assigned on an interim basis be amended to exclude a portion of the area. The Agency indicated that servicing this area imposed a financial hardship upon them, and that the distance from their main office was a deterrent to providing timely service.

Where the Administrator determines that official inspection by an official agency designated under the Act is not available on a regular basis at any location (other than at export port locations), and where a need for the services exists, the Administrator is authorized to grant another official agency interim authority to provide needed official services. In order to provide uninterrupted service in the affected area, the Administrator has granted authority to the Fremont Grain Inspection Department, Inc. ("Fremont"), Fremont, Nebraska, on an interim basis, to provide official service, to the area outlined below. Such authority shall be effective May 18, 1980, and terminate at such time as a permanent replacement agency is designated for the area.

The description of the area opened for assignment is as follows:

Bounded: on the North by the Iowa-Minnesota State Line east from U.S. Route 59 at U.S. Route 71;

Bounded: on the East by U.S. Route 71 south to the southern Clay County line;

Bounded: on the South by the southern Clay County Line west;

Bounded: on the West by the western Clay County Line north to B24; B24 west to U.S. Route 59; U.S. Route 59 north to the Iowa-Minnesota State Line.

Persons interested in applying for designation as an official agency to service the area described above should contact the Office of the Director, Compliance Division, at the address listed above for the appropriate forms and information. Applications must be postmarked not later than July 15, 1980 to be eligible for consideration.

In making the final decision for the designation of a replacement agency, consideration will be given to all applicants submitted, and to all other information available to the Administrator of the FGIS. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director during normal business hours. Effective May 18, 1980, and until a replacement agency is designated to service the area, persons seeking official services should contact the Fremont Grain Inspection Department, 603 East Dodge Street, Fremont, Nebraska 68025.

(Section 8, Pub. L. 94–582; 90 Stat. 28709; (7 U.S.C. 79).)

Done in Washington, D.C. on May 13, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80–15179 Filed 5–15–80; 8:45 am]

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federal register

Friday
May 16, 1980

Part VIII

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education Order

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Issuance of Order.

SUMMARY: This document issues an Order which provides for the establishment of a nationally coordinated program of research and nutrition education for wheat, processed wheat, and wheat end products as authorized by the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 *et. seq.).* Wheat end product manufacturers approved the Order in a mail referendum held March 17–28.

The program, authorized under the Order, will be financed by assessments of up to five cents per hundredweight, to be paid by end product manufacturers on their purchases of processed wheat. The Order limits the assessment to one cent per hundredweight during the first two years of the program. The program will be administered by a twenty-member Council, composed equally of representatives of wheat producers, processors, end product manufacturers and consumers.

EFFECTIVE DATE: May 16, 1980.

FOR FURTHER INFORMATION, CONTACT: W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: 202–447–2068.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding include: (1) Rules of Practice—issued October 30, 1978 and published November 6, 1978 (43 FR 51604); (2) Notice of Hearing—issued January 22, 1979 and published January 26, 1979 (44 FR 5450); (3) Recommended Decision—issued September 4, 1979 and published September 7, 1979 (44 FR 52226); (4) Referendum Rules—issued December 11, 1979 and published December 14, 1979 (44 FR 72888); (5) Decision and Order—issued December 11, 1979 and published December 14, 1979 (44 FR 72866); (6) Notice of Referendum—issued December 11, 1979 and published December 14, 1979 (44 FR 72884); and (7) Notice of end product manufacturers registered to vote in the March 17–28 mail referendum—issued February 11, 1980 and published February 14, 1980 (45 FR 9890).

The Order was formulated based on evidence received at a public hearing on a proposed Order and on briefs submitted based on the hearing record. The public hearing was held at St. Paul, Minnesota, February 27 and 28; Atlanta, Georgia, March 6; and Denver, Colorado, March 15, 1979. Briefs and proposed findings and conclusions were received until April 24, 1979. This hearing was held pursuant to notice which was published in the **Federal Register** January 26, 1979 (44 FR 5450). The notice set forth a proposed Order which was submitted to the Department of Agriculture by the Wheat and Wheat Foods Foundation (a coalition of wheat-related organizations) pursuant to rules and regulations for formulating an Order which were published in the **Federal Register** November 6, 1978 (43 FR 51604). These actions were taken pursuant to authority contained in the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 *et seq.*)

On the basis of the evidence introduced at the hearing and written briefs, the Administrator, Agricultural Marketing Service, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision containing notice of the opportunity for interested persons to file exceptions to the decision. Based upon review of the entire hearing record, including comments on the recommended decision, the material issues, findings and conclusions, rulings, and the general findings of the recommended decision, the Secretary's Decision and Order was issued December 11, 1979 (44 FR 72866).

Registration for a wheat end product manufacturer's referendum was held January 7–February 1, 1980. A Registration and Certification Form and a summary of the major provisions of the Order were mailed to all known wheat end product manufacturers. Also a Registration and Certification Form and a summary of the major provisions of the Order were readily available to end product manufacturers on request. The name, city, and State of the registered end product manufacturers were published on February 14, 1980 (44 FR 9890). A Ballot Form and a summary of the major provisions of the Order were mailed to all registered end product manufacturers. Also the Ballot Forms and a summary of the major provisions of the Order were available to registered end product manufacturers on request.

Wheat end product manufacturers approved the Order in a mail referendum held March 17–28. There were 107 yes votes and 74 no votes. Yes votes represented 59 percent of those voting and 68.4 percent of the volume of processed wheat used by all voters. For approval the Order required favorable votes by either two-thirds of those voting or by a majority of those voting representing at least two-thirds of the volume of processed wheat used by all voters in assessable end products.

FINDINGS AND DETERMINATIONS: (a) *Findings.* It is necessary and in the public interest to make this Order effective upon publication in the **Federal Register** of May 16, 1980, so that the Wheat Industry Council, the administrative agency provided for in the Order, may be nominated, selected and may start to function as soon as possible. The Council must complete a number of actions before the collection of assessments can begin. For example, it will be necessary for the Council to draft proposed rules and regulations for submission to the Department for review, appropriate revisions, and publication in the **Federal Register.** Also it will probably be necessary for the Council to hire a staff to carry out the necessary developmental functions. Additionally it will be necessary for the Council to publish a proposed budget in the **Federal Register** at least 60 days prior to the start of assessments. The above actions are expected to take a number of months. Further, compliance with the provisions of this Order will not require any advance preparation by persons subject thereto which cannot be completed prior to the effective date of regulations to be issued thereunder. Therefore, it appears that no useful purpose would be served by postponing the effective date of said Order for 30 days beyond the date of its publication in the **Federal Register.**

(b) *Determinations.* It is herby determined that: (1) The issuance of this Order is approved or favored by wheat end product manufacturers who voted in the referendum of wheat end product manufacturers held during the period March 17–28, 1980; and (2) the issuance of this Order is the appropriate means for carrying out the provisions and declared policy of the Act.

It is therefore ordered:

PART 1280—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION

Part 1280 is amended by adding the following new subpart to read as set forth below:

Subpart—Wheat and Wheat Foods Research and Nutrition Education Order

Definitions

Sec.
1280.101 Wheat.
1280.102 Processed wheat.
1280.103 End product.
1280.104 Wheat producer.
1280.105 Processor.
1280.106 End product manufacturer.
1280.107 Research.
1280.108 Nutrition education.
1280.109 Wheat Industry Council or Council.
1280.110 Department.
1280.111 Secretary.
1280.112 Person.
1280.113 United States.
1280.114 Fiscal period.
1280.115 Eligible organization.
1280.116 Representative of wheat producers.
1280.117 Representative of processors.
1280.118 Representative of end product manufacturers.
1280.119 Representative of consumers.
1280.120 Part and subpart.
1280.121 Retail baker.
1280.122 Intra-company transfers.
1280.123 Related companies or divisions of the same company.
1280.124 Control.
1280.125 Act.
1280.126 Plans and projects.

Wheat Industry Council

1280.130 Establishment and membership.
1280.131 Term of office.
1280.132 Nominations.
1280.133 Appointment.
1280.134 Acceptance.
1280.135 Vacancies.
1280.136 Alternate members.
1280.137 Procedure.
1280.138 Compensation and reimbursement.
1280.139 Powers of the Council.
1280.140 Duties.

Research and nutrition education

1280.145 Research and nutrition education.

Expenses and Assessments

1280.150 Expenses.
1280.151 Assessments.
1280.152 Refunds.
1280.153 Influencing governmental action.

Reports, Books, and Records

1280.160 Reports.
1280.161 Books and records.
1280.162 Confidential treatment.

Certification of Organizations

1280.165 Certification of organizations.

Miscellaneous

1280.166 Suspension and termination.
1280.167 Proceedings after termination.
1280.168 Effect of termination or amendment.
1280.169 Personal liability.
1280.170 Patents, copyrights, inventions, and publications.
1280.171 Amendments.
1280.172 Separability.

Authority: Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et. seq.).

Definitions

§ 1280.102 Wheat.

"Wheat" means all classes of wheat grains grown in the United States.

§ 1280.102 Processed wheat.

"Processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

§ 1280.103 End product.

"End product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

§ 1280.104 Wheat producer.

"Wheat producer" means any person who grows wheat within the United States for market.

§ 1280.105 Processor.

"Processor" means any person who commercially produces processed wheat within the United States.

§ 1280.106 End product manufacturer.

"End product manufacturer" means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family or houshold use.

§ 1280.107 Research.

"Research" means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, or end products.

§ 1280.108 Nutrition education.

"Nutrition education" means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

§ 1280.109 Wheat Industry Council or Council.

"Wheat Industry Council" or "Council" means the administrative body established pursuant to § 1280.130.

§ 1280.110 Department.

"Department" means the United States Department of Agriculture.

§ 1280.111 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 1280.112 Person.

"Person" means any individual, partnership, corporation, association or other entity.

§ 1280.113 United States.

"United States" means the several States and the District of Columbia, including any territory or possession.

§ 1280.114. Fiscal period.

"Fiscal period" means the calendar year or such other period as the Council may determine.

§ 1280.115 Eligible organization.

"Eligible organization"means any organization or association which has been certified by the Secretary pursuant to § 1280.165.

§ 1280.116 Representative of wheat producers.

"Representative of wheat producers" means a wheat producer, the owner, officer, or employee of a producer, or an officer, or employee of an organization or association representing wheat producers certified under § 1280.165.

§ 1280.117 Representative of processors.

"Representative of processors" means a processor, the owner, officer, or employee of a processor, or an officer, or employee of an organization or association representing processors certified under § 1280.165.

§ 1280.118 Representative of end product manufacturers.

"Representative of end product manufacturers" means an end product manufacturer, the owner, officer, or employee of an end product manufacturer, or an officer or employee of an organization or association representing end product manufacturers certified under § 1280.165.

§ 1280.119 Representative of consumers.

"Representative of consumers" means a consumer, or an officer or employee of an organization or association representing consumers certified under § 1280.165.

§ 1280.120 Part and subpart.

"Part" means 7 CFR Part 1280, containing rules, regulations, orders, supplemental orders and similar matters concerning the Wheat and Wheat Foods Research and Nutrition Education Act. "Subpart" means any portion or segment of such part.

§ 1280.121 Retail baker.

"Retail baker" means an end product manufacturer who sells end products directly to the ultimate consumer: *Provided,* That such term shall not include any end product manufacturer who derives less than 10 per centum of gross end product sales revenues from sales to ultimate consumers or who derives 10 per centum or more of gross food or food product sales revenue from the sale of such products manufactured or produced by others.

§ 1280.122 Intra-company transfers.

"Intra-company transfers" means sales or transfers of processed wheat for use in the manufacture of end products to end product manufacturers from related companies or divisions of the same company.

§ 1280.123 Related companies or divisions of the same company.

"Related companies or divisions of the same company" means subsidiaries, affiliates, or divisions of an end product manufacturer which are controlled by, controlling, or under common control with, such end product manufacturer.

§ 1280.124 Control.

"Control", including the terms "controlling", "controlled by", and "under common control with", means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract, or otherwise.

§ 1280.125 Act.

"Act" means the Wheat and Wheat Food Research and Nutrition Education Act (7 U.S.C. 3401 et seq.) and any amendments thereto.

§ 1280.126 Plans and projects.

"Plans and projects" means those research and nutrition education plans, studies or projects pursuant to § 1280.145.

Wheat Industry Council

§ 1280.130 Establishment and membership.

There is hereby established a Wheat Industry Council of twenty members, each of whom shall have a specific alternate. The Council shall be composed equally of representatives of wheat producers, processors, end product manufacturers and consumers, appointed by the Secretary from nominations submitted by eligible organizations certified pursuant to § 1280.165, or from nominations in a manner authorized by the Secretary pursuant to § 1280.132(a).

§ 1280.131 Term of office.

The members of the Council and their alternates shall serve for terms of two years, except appointments to the initial Council shall be proportionately for terms of two and three years. Each member and alternate member shall continue to serve until his successor is appointed by the Secretary and has accepted the position. No member or alternate shall serve more than three consecutive terms in such capacity, but service of three consecutive terms in one capacity will not disqualify any person from appointment in another capacity.

§ 1280.132 Nominations.

All nominations authorized under § 1280.130 shall be made in the following manner:

(a) Within 60 days after approval of this Order by referendum, or such other period as determined by the Secretary, nominations shall be obtained by the Secretary as specified in paragraph (d) of this section from eligible organizations or associations certified pursuant to § 1280.165. However, if the Secretary determines that a substantial number of wheat producers, processors, end product manufacturers or consumers are not members of, or their interests are not represented by, any such eligible organizations or associations, then nominations shall be submitted by such wheat producers, processors, end product manufacturers and consumers in a manner authorized by the Secretary;

(b) After the establishment of the initial Council, the Department shall announce when a vacancy does or will exist. Nominations for subsequent Council members and alternates shall be submitted to the Secretary not less than sixty days prior to the expiration of the terms of the members and alternates whose terms are expiring;

(c) Where there is more than one eligible organization or association repesenting wheat producers, processors, or end product manufacturers within any geographic area, or within any segment of the wheat producing, processing, or end product manufacturing industry, they may caucus for the purpose of jointly nominating two or more qualified persons for each member and for each alternate member to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held, each eligible organization or association may submit to the Secretary two or more nominations for each appointment to be made;

(d) In making nominations for such members and their alternates, factors such as those listed below shall be considered in determining equitable representation on the Council:

(1) For wheat producers—class and volume of wheat produced and geographic distribution;

(2) For processors—class of wheat processed, amount of wheat processed and geographic distribution;

(3) For end product manufacturers—the generic type of end product produced by each segment of the end product industry (baked goods, biscuits and crackers, cereals, pasta products) and the percentage each such segment uses of the total processed wheat used by all such segments of the end product industry; and

(4) For consumers—the factors set out in § 1280.165.

§ 1280.133 Appointment.

From the nominations made pursuant to § 1280.132, the Secretary shall appoint the members of the Council, and an alternate for each such member, on the basis of representations provided for in §§ 1280.130, 1280.131 and 1280.132.

§ 1280.134 Acceptance.

Any person appointed by the Secretary as a member, or as an alternate member, of the Council shall file a written acceptance with the Secretary within a period of time prescribed by the Secretary.

§ 1280.135 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate member of the Council, a successor for the unexpired term of such member or alternate member shall be nominated, and appointed in the manner specified in §§ 1280.130, 1280.132(b)(c)(d), 1280.133 and 1280.134, except that replacement of a Council member, or alternate, with an unexpired term of less than six months is not necessary.

§ 1280.136 Alternate members.

An alternate member of the Council, shall act in the place and stead of the member for whom he or she is the alternate during the absence of such member and shall perform such other duties as assigned. In the event of the

death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is appointed and has accepted the position.

§ 1280.137 Procedure.

(a) A majority of the members, including alternates acting for members of the Council, shall constitute a quorum, and any action of the Council shall require the concurring votes of at least a majority of those voting.

(b) For routine and non-controversial matters which do not require deliberation and exchange of views, and in matters of an emergency nature when there is not enough time to call an assembled meeting of the Council, the Council may take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing.

§ 1280.138 Compensation and reimbursement.

The members of the Council and alternates shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, as approved by the Council, incurred by them in the performance of their duties under this subpart.

§ 1280.139 Powers of the Council.

The Council shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1280.140 Duties.

The Council shall have the following duties:

(a) To meet and organize and to select from among its members a chairman and such other officers as may be necessary, to select committees and subcommittees of Council members, and to adopt such rules for the conduct of its business as it may deem advisable. The Council may also establish advisory committees of persons other than Council members and pay the necessary and reasonable expenses of the members of such committees;

(b) To appoint from its members an executive committee consisting of not less than 4 nor more than 8 members, and to delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Council and within the policies determined by the Council, if such a committee is believed to be necessary or appropriate, and to appoint or employ such persons as it may deem necessary and define the duties and determine the compensation of each;

(c) To develop and submit to the Secretary for approval, research plans or projects and nutrition education plans or projects resulting from research conducted either by the Council or others;

(d) To prepare and submit to the Secretary for approval, budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of research and nutrition education plans or projects, and also including a general description of the proposed research and nutrition education programs contemplated therein;

(e) To prepare a summary of the annual budget, or amendments thereto, including a brief general description of the proposed research and nutrition education programs contemplated therein, which shall, upon approval, be published promptly in the **Federal Register.**

(f) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary, as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) With the approval of the Secretary, to enter into contracts or agreements for the development and conduct of the activities authorized under § 1280.145 of this subpart and for the payment of the cost thereof with funds collected through the assessments pursuant to § 1280.151. Any such contract or agreement shall provide that: (1) The contractors shall develop and submit to the Council a plan or project together with a budget or budgets which shall show the estimated cost to be incurred for such plan or project; (2) any such plan or project shall become effective upon approval of the Secretary; and (3) the contracting party shall keep accurate records of all of its transactions and make periodic reports to the Council of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary may require;

(h) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1280.151 in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States;

(i) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(j) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(k) To give the Secretary the same notice of meetings of the Council as is given to members in order that the Secretary or representative of the Secretary may attend such meetings; and

(l) To submit to the Secretary such information pursuant to this subpart as may be requested.

Research and Nutrition Education

§ 1280.145 Research and nutrition education.

The Council shall develop and submit to the Secretary for approval any plans or projects authorized in this section. Such plans or projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets, with respect to wheat, processed wheat, and end products;

(b) The establishment and conduct of research or studies with respect to sale, distribution, marketing, utilization or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that marketing and utilization of wheat, processed wheat, and end products may be encouraged, expanded, improved, or made more acceptable;

(c) Each plan or project authorized under paragraph (a) or (b) of this section shall be periodically reviewed or evaluated by the Council to insure that each such plan or project contributes to an effective coordinated program of research and nutrition education. If it is found by the Council that any such plan or project does not further the purposes of the Act, then the Council shall terminate such plan or project; and

(d) In carrying out any plan or project, no reference to a private brand or trade name shall be made unless the Secretary determines that such reference will not result in undue discrimination against wheat, processed wheat or end products of other persons. No such plans or projects shall make use of unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

Expenses and Assessments

§ 1280.150 Expenses.

(a) The Council is authorized to incur such expenses (including provision for a reasonable reserve), as the Secretary finds are reasonable and likely to be incurred by the Council for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from assessments received pursuant to § 1280.151.

(b) The Council shall reimburse the Secretary, from assessments, for all the expenses and expenditures, including any referendum and administrative costs incurred by the Secretary under the Act, as the Secretary finds are reasonable and likely to be incurred under this subpart during any period specified by the Secretary.

§ 1280.151 Assessments.

(a) Each end product manufacturer shall pay to the Council, pursuant to regulations recommended by the Council and approved by the Secretary, an assessment based on the number of hundredweights of processed wheat purchased, including intra-company transfers of processed wheat with respect to which no assessment has been paid or scheduled for payment, for use in the manufacture of end products, from processors, distributors, or (in the case of such intra-company transfers) related companies or divisions of the same company: *Provided,* That no person, including any end product manufacturer who makes intra-company transfers, shall be required to pay more than one assessment with respect to the same processed wheat, whether or not such processed wheat is further processed by such person: *And provided further,* That the following end product manufacturers shall be exempt from such assessment:

(1) Retail bakers, as defined in § 1280.121, including any end product manufacturer who does not purchase more than 2,000 hundredweights of processed wheat per year for use in the manufacture of end products: *Provided,* That any person exempted under this subparagraph may waive such exemption, upon application to and approval by the Council, and thereafter will be treated as a non-exempt end product manufacturer under this subpart unless and until such person requests that such exemption be reinstated.

(2) End product manufacturers who manufacture specified end products, or types or categories thereof, which are exempted under rules or regulations issued pursuant to section 1716 of the Act to the extent of the processed wheat they purchase for use in the manufacture of such exempted products.

(b) The Council, with the approval of the Secretary, shall set the amount of the assessment, not to exceed five cents per hundredweight of processed wheat purchased or transferred: *Provided, however,* That the assessment rate for the first two years shall not exceed one cent per hundredweight.

(c) In order to enable end product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products shall disclose to such end product manufacturers the amount or proportion of processed wheat contained in such products, plus or minus 3 per centum.

(d) End product manufacturers shall remit assessments to the Council at such times and in such manner as prescribed by regulations, but in no case shall assessments be required to be remitted more often than quarterly.

§ 1280.152 Refunds.

(a) Subsequent to the publication of the summary of the Council budget, or amendments thereto, provided for under § 1280.140(e), all end product manufacturers not exempt from the assessments under § 1280.151 shall have 60 days each year from the date of publication within which to elect to reserve the right to seek refunds under paragrah (b) of this section. Reserving the right to seek refunds shall be indicated to the Council in writing, by registered or certified mail under such conditions as the Secretary may prescribe. Only those end product manufacturers who make such an election, under the described procedure, shall be eligible for refunds of assessments paid during the one-year period immediately following the expiration of such 60-day period. *Provided,* That, an election made on the basis of a budget amendment shall apply only until the end of the one-year period then in effect with respect to the annual budget.

(b) Notwithstanding any other provision of this subpart, any end product manufacturer who has been subject to and has paid an assessment, but who has reserved the right, under paragraph (a) of this section, to seek a refund, and who is not in favor of supporting the programs as provided for herein, shall have the right to demand and receive from the Council a refund of such assessment: *Provided,* That such demand shall be made by such end product manufacturer in accordance with regulations, and on a form and within a time period, prescribed by the Council and approved by the Secretary and upon submission of proof satisfactory to the Council that the end product manufacturer paid the assessment for which refund is sought, and any such refund shall be made within 60 days after demand is received therefor.

§ 1280.153 Influencing governmental action.

No funds collected by the Council under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this subpart.

Reports, Books and Records

§ 1280.160 Reports.

Each end product manufacturer subject to this subpart, and other persons subject to section 1705(c) of the Act, shall be required to report to the Council periodically such information as may be required by the regulations recommended by the Council and approved by the Secretary. Such information may include but not be limited to the following:

(a) The number of hundredweights of processed wheat purchased, sold, or initially transferred (as described in § 1280.122 and § 1280.151(a)) for use in the manufacture of end products;

(b) The number of hundredweights of processed wheat on which an assessment was paid; and

(c) The date any assessment was paid.

§ 1280.161 Books and records.

Each end product manufacturer who is subject to this subpart, and other persons subject to section 1705(c) of the Act, shall maintain and make available for inspection by the Council or the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at

least two years beyond the fiscal period of their applicability.

§ 1280.162 Confidential treatment.

All information obtained from such books, records or reports under the Act and this part, and all information pertaining to refund requests and refunds, shall be kept confidential by the Council, all employees of the Council, all officers and employees of the Department, the Council, and by all officers and employees of contracting agencies having access to such information. Only those persons having a specific need for such information in order to effectively administer the provisions of this subpart shall have access to such information. In addition, only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administraive hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit: (a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person, (b) the publication, by direction of the Secretary, of general statements relating to refunds made by the Council during any specific period, or (c) the publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of the subpart violated by such person.

Certification of Organizations

§ 1280.165 Certification of organizations.

(a) Any organization or association may request the Secretary for certification of eligibility to participate in nominating members and alternate members of the Council to represent wheat producers, processors, end product manufacturers or consumers. Such eligibility shall be based, in addition to other available information, upon a factual report submitted by the organization or association which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including, but not limited to the following:

(1) Geographic territory covered by the organization's active membership;

(2) Nature and size of the organization's active membership, including, in the case of an organization other than a consumer organization, the proportion of the total number of active wheat producers, processors, or end product manufacturers represented by the organization;

(3) The extent to which wheat producer, processor, or end product manufacturer membership, respectively, of such organization is represented in setting the organization's policies;

(4) Evidence of stability and permanence of the organization;

(5) Sources from which the organization's operating funds are derived;

(6) Functions of the organization; and

(7) The organization's ability and willingness to further the aims and objectives of the Act.

(b) The primary consideration in determining the eligibility of an organization, other than a consumer organization, shall be whether its membership consists primarily of wheat producers, processors, or end product manufacturers who produce a substantial volume of wheat, processed wheat, or end products, respectively, and whether the organization is based on a primary or overriding interest in the production, processing, or end manufacturing of wheat or wheat products, and the nutritional attributes thereof.

(c) In determining the eligibility of a consumer organization, the primary consideration shall be whether (1) a principal purpose of the organization is to promote consumer interests, consumer research, or consumer education, (2) such organization has a broadly representative constituency of consumers, with active membership participation on a regular basis, and (3) the organization has demonstrated to the Secretary's satisfaction its commitment to the achievement of the objective of the Act.

(d) The Secretary shall certify any organization or association which is found to be eligible under this section and the determination as to eligibility shall be final. After the original certification of organizations, the Secretary will require recertification at least once every five years and the Secretary may require recertification at any time.

Miscellaneous

§ 1280.166 Suspension and termination.

(a) The Secretary shall, whenever it is found that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 percentum or more of the number of end product manufacturers subject to this subpart, to determine whether such manufacturers favor the termination or suspension of the subpart, and the Secretary shall suspend or terminate such subpart within six months after the Secretary determines that suspension or termination of the subpart is approved or favored by a majority of the end product manufacturers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the manufacture of end products or by end product manufacturers who produced end products containing more than 50 percentum of the total processed wheat contained in all end products manufactured during such period by the end product manufacturers voting in the referendum.

§ 1280.167 Proceedings after termination.

(a) Upon the termination of this subpart the Council shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Council. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property then in the possession or under the control of the Council, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall: (1) Continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Council under any contracts or agreements entered into by it pursuant to § 1280.140(g); (3) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Council and of the trustees, to such persons as the Secretary may direct; and (4) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Council or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transfered or delivered pursuant to this subpart shall be subject to the same obligations imposed upon the Council and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent

practicable, in the interest of continuing one or more of the research or nutrition education plans or projects hitherto authorized.

§ 1280.168 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§ 1280.169 Personal liability.

No member, alternate member or employee of the council shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts either of commission or omission, of such member, alternate or employee, except for acts of dishonesty or willful misconduct.

§ 1280.170 Patents, copyrights, inventions and publications.

Any patents, copyrights, inventions, or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the U.S. Government as represented by the Council, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the wheat and wheat foods industry. Upon termination of this subpart, § 1280.167 shall apply to determine disposition of all such property.

§ 1280.171 Amendments.

Amendments to the subpart may be proposed, from time to time, by the Council, or by any organization or association certified pursuant to section 1714 of the Act, or by any interested person affected by the provisions of the Act, including the Secretary.

§ 1280.172 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on May 12, 1980.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 80-15188 Filed 5-15-80; 8:45 am]

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federal register

Friday
May 16, 1980

Part IX

Office of Management and Budget

Budget Rescission and Deferals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescission and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a proposal to rescind $9.0 thousand in budget authority previously provided by the Congress and two new deferrals of budget authority totalling $19.8 million.

The rescission proposal affects the National Alcohol Fuels Commission. The deferrals involve the Departments of Commerce and Justice.

The details of the rescission proposal and the deferrals are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE,
May 13, 1980.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission#	Item	Budget Authority
	Other Independent Agencies:	
	National Alcohol Fuels Commission	
R80-58	Salaries and expenses	9
Deferral #		
	Department of Commerce:	
	Economic Development Administration	
D80-69	Local public works program	6,447
	Department of Justice:	
	Office of Justice Assistance, Research and Statistics	
D80-70	Law enforcement assistance	13,396
	Subtotal, deferrals	19,843
	Total, rescission proposal and deferrals	19,852

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1980
(in thousands of dollars)

	Rescissions	Deferrals
Eighth special message:		
New items	9	19,843
Previous special messages	1,605,613	10,169,671
Total amount proposed in special messages	1,605,622	10,189,514 1/

1/ This amount represents budget authority except for $16,585 thousand in a general revenue sharing deferral of outlays only (D80-23A).

Rescission Proposal No: R80-58

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency National Alcohol Fuels Commission	New budget authority (P.L. 96-131) $ 1,500,000
Bureau	Other budgetary resources 1,498,136
Appropriation title & symbol	Total budgetary resources 2,998,136
Salaries and expenses 1/ 48X1700	Amount proposed for rescission $ 9,000
OMB identification code: 48-1700-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Supplemental Appropriations Act, 1979 (P.L. 96-38) and the Department of Transportation and Related Agencies Appropriation Act, 1980 (P.L. 96-131) provided funds totalling $3.0 million to fund the Commission's activities. The latest Commission spending plan indicates funding requirements through FY 1980 will total $2.25 million. Of the remaining amount, $741,000 is deferred for the remainder of this fiscal year, and $9,000 is proposed for rescission. This rescission is proposed as part of a government-wide reduction of operating expenses and is intended to contribute toward reducing Federal spending in support of the President's anti-inflation program.

Estimated Effects: No significant progammatic effects would result from rescission of these funds.

Outlay Effects: (in thousands of dollars)

1980 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1980	1981	1982	1983
$2,250.0	$2,250.0	0	$9.0	0	0

1/ This account is the subject of a deferral (D80-28A), and was also the subject of a deferral in FY 1979 (D79-61).

Deferral No: D80-69

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-123): $ 10,968,000
Bureau: Economic Development Administration	Other budgetary resources:
Appropriation title & symbol: Local public works program 1302052	Total budgetary resources: 10,968,000
	Amount to be deferred: Part of year: $ 6,447,000
	Entire year:
OMB identification code: 13-2052-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: For fiscal year 1980, $10,968,000 is available under the continuing resolution (P.L. 96-123) for administrative activities of the local public works program. This amount exceeds planned program requirements by $6,447,000.

Alternative uses of these funds are under consideration at this time. This deferral action will preserve these funds pending receipt of, and decisions on, a revised financial plan from the Economic Development Administration.

Estimated Effects: This deferral has no effect on the program as currently planned for FY 1980.

Outlay Effect: This deferral action has no effect on outlays.

Deferral No: D80-70

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 96-68) $ 442,695,000
Bureau Office of Justice Assistance, Research and Statistics	Other budgetary resources 60,081,541
Appropriation title & symbol	Total budgetary resources 502,776,541
Law Enforcement Assistance 15X0400	Amount to be deferred: Part of year $ ____
	Entire year 13,396,000
OMB identification code: 15-0400-0-1-754	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Funds totalling $13,396,000 provided for law enforcement assistance are deferred pending congressional approval and enactment of a transfer of these funds to help offset supplemental funding requirements for other Department of Justice activities. A supplemental request currently pending before the Congress proposes to transfer these funds to the salaries and expenses accounts of the Federal Bureau of Investigation ($6,400,000), the Drug Enforcement Administration ($2,504,000), and the Immigration and Naturalization Service ($4,492,000).

The deferral action and transfer request to offset a requirement for $13.4 million of additional funds are a part of the Administration's effort to reduce Federal spending.

Estimated Effects: This deferral--in conjunction with the transfer request--would reduce planned FY 1980 obligations for categorical grant programs for law enforcement assistance by approximately 6 percent.

Outlay Effects: (in millions of dollars)

	1980	1981	1982
Law enforcement assistance	-2.7	-6.7	-4.0
Activities receiving the transferred funds	+13.4 a/	---	---
Total	+10.7	-6.7	-4.0

a/ While outlays for these activities will increase, this spending substitutes for amounts that would otherwise have been required under additional appropriations.

[FR Doc. 80-15226 Filed 5-16-80; 8:45 am]
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federal register

Friday
May 16, 1980

Part X

Department of Education

Emergency School Aid

4110-02

DEPARTMENT OF EDUCATION

45 CFR Part 185

Emergency School Aid Act

AGENCY: Department of Education

ACTION: Final Regulations

SUMMARY: The Secretary of Education issues final regulations governing awards under the Emergency School Aid Act, as amended. These awards to State and local educational agencies (SEAs and LEAs) and other public or private nonprofit organizations are intended to —

(1) Meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools; and

(2) Encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

These regulations do not include rules governing awards under Section 608(b) of the Act, relating to the Nonprofit Organization Grants.

EFFECTIVE DATE: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are transmitted to the Congress several days before they are published in the FEDERAL REGISTER. If the Congress disapproves the regulations or takes certain adjournments, the effective date is changed by statute. To learn the effective date of these regulations, phone or write the contact person for the Office of Equal Educational Opportunity Programs named below.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse Jordan, Room 2007, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7965.

SUPPLEMENTARY INFORMATION: The authority for these regulations is the Emergency School Aid Act ("ESAA" or "the Act"), Title VI of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 3191 et seq.), as well as Section 408 of the General Education Provisions Act (20 U.S.C. 1221e-3).

Rulemaking History.

These regulations are based on the amended statute, enacted as part of the Education Amendments of 1978 (Pub. L. 95-561), and on the Office of Education's experience in administering programs under the statute since its initial enactment as part of the Education Amendments of 1972 (Pub. L. 92-318). In developing these regulations the Secretary has also taken into account a number of studies of ESAA programs.

The Notice of Proposed Rulemaking (NPRM) for ESAA programs was published in the FEDERAL REGISTER on June 29, 1979 (44 FR 38364). Interested persons were given 60 days to submit written comments and recommendations on the proposed regulations. In addition, public meetings were held in the ten HEW regional office cities and Washington, D.C. to allow interested persons to present oral comments on the proposed regulations. All comments received in response to the NPRM, except those dealing specifically with Nonprofit Organization (NPO) Grants under Section 608(b) of the Act, have been considered in the development of the final regulations in this document. A revised NPRM has been published for the NPO program in response to public comments requesting major changes in the initial NPRM as it concerned that program. See 45 FR 25028, April 11, 1980. Subpart G, governing grants under Section 608(b) of the Act, has thus been omitted from these regulations.

The final regulations in this document are legislative rules having the force and effect of law. They have been promulgated in accordance with the rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553) and Section 431 of General Education Provisions Act ("GEPA"; 20 U.S.C. 1232). The authority to promulgate legislative, and not merely interpretive, rules is contained in the Emergency School Aid Act itself and in Section 408 of GEPA (20 U.S.C. 1221e-3).

Program Objectives.

The regulations for ESAA programs printed here in final form implement a number of changes in the statute, most of which were proposed by the President in early 1978 and then enacted by the Congress late in 1978 after considerable discussion and some revision. These changes were intended to permit ESAA to be used as a vehicle for national leadership in achieving the successful desegregation of public elementary and secondary schools. That goal is reflected in four main program objectives:

1. Creation of a more flexible program framework that will permit the Secretary to tailor assistance to the needs of each qualified applicant. The Congress addressed this objective by eliminating a number of statutory restrictions on the allocation of funds among various ESAA programs and restrictions on the use of funds under those programs, by permitting more funds to be used for special projects, and by providing authority for new types of projects directed at the needs of school districts in the initial stages of desegregation.

In the regulations the emphasis on flexibility is seen most clearly in Subpart D - Special Project Grants, which describes procedures by which an LEA at virtually any stage in the plan development or implementation process and at any time of the year may apply for needed ESAA support, so long as the LEA is otherwise qualified for funding.

This flexibility along with the increase in funds available for special projects will permit the Secretary to target assistance to needy districts more easily than the State apportionment limitations for Subpart C - Basic Grants allow.

2. Reduction of administrative burden on applicants. This objective has been addressed in the statute most notably through the authorization of multi-year LEA projects. The availability of multi-year projects will reduce the time spent on annual re-application for ESAA funds and will also encourage improved long-term planning by applicants.

In the regulations, the administrative burden on applicants has been reduced through a number of provisions that simplify program requirements. In many areas the regulations contemplate a greater degree of latitude at the local level, consistent with statutory objectives. Administrative burden is also reduced through the use of clearer, simpler language in the regulations. A change between the NPRM and the final regulations which is expected to reduce administrative burden is the restatement of certain ESAA statutory provisions in the regulations themselves. This change is intended to make the regulations a more self-contained document and thus reduce the need for applicants and grantees to refer back to the statute for provisions mentioned but not reprinted in the regulations. This change reflects continuing efforts, which were favorably noted by many readers of the NPRM, to simplify the format and language of the ESAA regulations.

3. Focusing of ESAA projects on activities in direct and early support of a qualifying plan. Statutory changes that reflect this objective include the addition of new authority to support an LEA's development of a qualifying plan, the repeal of the former third statutory purpose (relating to overcoming the disadvantages of minority group isolation), the repeal of the program (Pilot Projects) most closely related to that purpose, the transfer of another program (Bilingual Projects) to the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act), the increased emphasis on funds available for nationwide competition compared to those apportioned to States by formula, the addition of plan recentness to the criteria for LEA grants, and the sharper focus of authorized activities on plan-related needs.

The repeal of the reference to remedial services in the list of authorized activities is further evidence of the ESAA program's focus on problems directly related to carrying out a qualifying plan. The only explicit statutory provision for remedial, or compensatory, instruction concerns the continuation of services authorized by Title I of the Elementary and Secondary Education Act to students who would otherwise lose them because of a qualifying plan.

The program regulations implement the thrust of the statutory changes in several ways. These include the establishment of a number of discrete special project programs to assist LEAs in the early stages of desegregation, the evaluation of basic grant applications through the use of categories tied to plan recentness, and the provision for a needs assessment setting out the relationship between the needs addressed by an LEA's proposed activities and its qualifying plan.

4. Encouragement of greater State leadership in promoting the voluntary reduction or elimination of minority group isolation. This objective is addressed in the statutory provision for Federal matching of certain State expenditures to support voluntary efforts at reducing or eliminating minority group isolation. The regulations governing the receipt of these funds are found in Subpart H - State Agency Grants. This subpart replaces Subpart L of the current ESAA regulations, which was promulgated on a one-year-only basis in 1979 to govern State agency grants for that year. The Secretary will observe the implementation of this new program closely in order to determine whether statutory improvements to this authority should be proposed to the Congress at a later date.

Major Issues.

After considering the extensive comments received on the proposed regulations, the Secretary has made a number of changes in the final version of the regulations. The Appendix to this document sets out the comments received on the proposed rules and the Secretary's response to those comments. Certain typographical and technical corrections have also been made to the regulations for the sake of clarity.

The major issues raised by the commenters centered around the application review process for LEA programs. One matter addressed by many comments was the use of plan recentness in that process. The regulations provide that an application for a basic grant under Subpart C will initially be assigned to a funding priority on the basis of the recentness of implementation of its qualifying plan. See §185.35 of the NPRM and §185.45 of the final regulations. Where the LEA has a plan that provides for reassignments over a period of

time, or has more than one plan and submits a single basic grant application, the plan implementation date is the date of the greatest impact. An LEA may also submit a separate basic grant application for each qualifying plan it is implementing.

The purpose of using recentness categories is to ensure that LEAs with new plans are not crowded out of the ESAA competition by LEAs with older plans. The need for such a change was highlighted by the Senate Human Resources Committee report on S. 1753, the Senate bill to reauthorize ESAA and other elementary and secondary programs in 1978. In describing why it had deleted the reference to educational assistance to the disadvantaged from the statement of the statutory purposes, the Senate Committee said that its intent was to "[limit] the purpose of the Act to activities associated with immediate desegregation plans." S. Rep. No. 856, 95th Cong., 2d Sess. 66 (1978). Later in this report, the Committee pointed out that recentness of plan implementation had been added as a new selection criterion, a change which the report says is "consistent with the major thrust of these amendments targeting funds to those districts which have the greatest need for assistance." Id., at 67. The recentness of an LEA's plan was also included in the House of Representatives' restatement of LEA grant criteria intended to focus assistance on needy districts. See H.R. Rep. No. 1137, 95th Cong., 2d Sess. 94 (1978).

Many comments reflected a failure to recognize that many mechanisms used in earlier ESAA selection procedures will remain in place. For example, funds for basic grants will continue to be apportioned by State according to each

State's percentage of the total national population of minority group children ages 5 through 17. Therefore, as in past practice, a basic grant applicant will compete only with other applicants from the same State, no matter how recently that applicant's qualifying plan was implemented. In a State with no Category I or II applications (relating to plans implemented within the last three years for Category I, or three to six years for Category II), the first basic grant application funded in the State would be the highest-ranked application in Category III (relating to plans implemented more than six years ago).

The regulations provide for the Secretary's use of special projects funds for a number of purposes, including any type of award described in the regulations. See §185.90. If the Secretary elects to use any of those funds to support unmet needs in applications that were initially filed as requests for basic grants, different selection procedures apply. Available special projects funds are allocated among States to support pending applications in Categories I and II. Only after all approvable applications in those categories were funded would special projects funds be available for applications in Category III. See §185.91.

Some commenters expressed concern that the procedures for ranking basic grant applications within categories in the NPRM did not adequately reflect the needs of LEAs with increasing numbers of minority group students. The final regulations change the procedures to address this concern. Under the final rules, ranking within category will be based on a computation of net change in minority group isolation which takes into account both the number of minority group students reassigned to schools with less minority group enrollment and any increase in total minority group enrollment over the life of the plan.

An important change made in the final regulations is the deletion of the provision permitting the Secretary to revise the rank order of applications in instances where an application presents evidence of "extraordinary difficulty" in implementing a qualifying plan. See §185.35(e) of the NPRM. Commenters were concerned that no explicit standards had been set out in the NPRM for "extraordinary difficulty." This concern, coupled with the flexibility to meet extraordinary needs through the use of special projects funds, has led to the decision that this entire provision is not needed, and it has been deleted.

The final regulations change the procedure under which each applicant's proposed activities will be reviewed. The NPRM comtemplated a review by Office of Education staff alone. Because of the support voiced by commenters for the use of expert panels, the Secretary plans to seek the advice of experts concerning the quality of proposed projects.

The final regulations also set out explicitly the quality factors by which each application that addresses needs arising from a qualifying plan will be evaluated. The factors used in reviewing the quality of basic grant applications are presented in §185.45(e)(2) of the final regulations, and are taken from Section 610(d) of the Act and the required contents of an application described in the NPRM. Comparable factors are also set out for the review of applications submitted under those other ESAA programs for which a quality review of applications is appropriate.

Finally, the application review procedures set out in the final regulations include an opportunity for LEA and SEA applicants to revise and resubmit any application which has been disapproved, in whole or in part, for ESAA

funding. A requirement that this opportunity be provided was enacted into law as a technical amendment after the publication of the NPRM. (See Pub. L. 96-46, enacted August 6, 1979.) The resubmission procedure for basic grant applications is presented at §185.45(f) of the final regulations. Similar provisions are included in the description of review procedures for other ESAA grant programs to which the requirement applies.

A final issue considered in the development of the final regulations concerns the rules governing LEA advisory committees in §185.10. Public comment on these rules suggested that they be amended to ensure more effective involvement of affected communities and organizations. This suggestion is not adopted for applications for fiscal year 1980 awards because these applications were developed on the basis of the proposed rules, and because the suggested amendments constitute a substantial departure from the proposed rules. However, the Secretary intends to publish proposed rules providing for more formalized involvement of teacher, parent, and student organizations and local community groups in the development of requests for fiscal year 1981 awards.

Other changes in the regulations are described in the Appendix, which presents responses to comments received on the NPRM.

Dated: May 14, 1980

Approved: Steven A. Minter

Acting Secretary of Education Steven A. Minter

(Catalog of Federal Domestic Assistance Nos. 13.525, Basic Grants; 13.527, Metropolitan Area Grants; 13.530, Television and Radio Contracts; 13.531, Evaluation Contracts; 13.532, Compensatory Service Grants; 13.589, Magnet School, University/Business Cooperation/ Neutral Site Planning Grants; 13.681, Planning Grants; 13.682, Preimplementation Assistance Grants; 13.683, Out-of-Cycle Assistance Grants; 13.684, Special Discretionary Grants; 13.685, State Agency Grants; 13.687, Grants for the Arts)

CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT

x Lorraine T. Kibler

Accordingly, Title 45 of the Code of Federal Regulations is amended as set forth below.

1. Part 185a is removed.

2. Part 185 is revised to read as follows:

PART 185 - EMERGENCY SCHOOL AID

Subpart A - General Matters

Sec.

185.1 Emergency School Aid.
185.2 Eligibility.
185.3 Other applicable regulations.
185.4 Definitions.

Subpart B - Requirements for Local Educational Agencies

185.10 Public and advisory committee participation.
185.11 State educational agency review.
185.12 Additional cost.
185.13 Supplementing non-Federal funds.
185.14 Coordination of Federal funds.
185.15 Services to educationally deprived children.
185.16 Evaluation.
185.17 Private school participation.
185.18 Freedom of choice desegregation plans.
185.19 Compliance with plan.
185.20 Maintenance of effort.
185.21 Limitation on eligibility — transfers to discriminatory nonpublic schools.
185.22 Limitation on eligibility — prohibited personnel practices.
185.23 Limitation on eligibility — classroom segregation.
185.24 Limitation on eligibility — discrimination among children.
185.25 Exception for planning grants.
185.26 Continuing conditions of eligibility.
185.27 Show cause conferences.
185.28 Waivers of ineligibility.
185.29 Waiver of ineligibility — transfers to discriminatory nonpublic schools.
185.30 Waiver of ineligibility — prohibited personnel practices.
185.31 Waiver of ineligibility — classroom segregation.
185.32 Waiver of ineligibility — discrimination among children.

Subpart C - Basic Grants

185.40 Purpose.
185.41 Eligible applicants.
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185.43 Authorized activities.
185.44 Application procedures.
185.45 Approval of new projects.
185.46 Length of project.
185.47 Approval of continuation awards.

Subpart D - Special Project Grants

Planning Grants

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185.51 Eligible applicants.
185.52 Authorized activities.
185.53 Application procedures.
185.54 Approval of projects.

Transitional Grants

185.60 Purposes.
185.61 Eligible applicants.
185.62 Authorized activities.
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Grants for the Arts

185.70 Purpose.
185.71 Eligible applicants.
185.72 Eligibility for services from a grantee.
185.73 Authorized activities.
185.74 Application procedures.
185.75 Approval of projects.

Metropolitan Area Grants

185.80 Purposes.
185.81 Eligible applicants.
185.82 Authorized activities.
185.83 Application procedures.
185.84 Approval of new projects.
185.85 Length of project.
185.86 Approval of continuation awards.

Other Special Projects

185.90 Use of discretionary funds.
185.91 Applicable requirements.

Subpart E - Magnet School, University/Business Cooperation, and Neutral Site Planning Grants

185.100 Purposes.
185.101 Eligible applicants.
185.102 Authorized activities.
185.103 Application procedures.
185.104 Approval of new projects — magnet schools and university/business cooperation.
185.105 Approval of new projects — neutral site planning.
185.106 Length of project.
185.107 Approval of continuation awards.

Subpart F - Compensatory Service Grants

185.110 Purpose.
185.111 Definitions.
185.112 Eligible applicants.
185.113 Authorized activities.
185.114 Application procedures.
185.115 Funding procedures.

Subpart G - Nonprofit Organization Grants

185.120 - 185.139 [Reserved]

Subpart H - State Agency Grants

185.140 Purpose.
185.141 Eligible applicants.
185.142 Authorized activities.
185.143 Application procedures.
185.144 Approval of projects.

Subpart I - Television and Radio Contracts

185.150 Purpose.
185.151 Eligible offerors
185.152 Authorized activities.
185.153 Proposal procedures.
185.154 Selection of contractors.
185.155 Requirements for offerors.

AUTHORITY: Title VI of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561; 92 Stat. 2252 (20 U.S.C. 3191 et seq).

Subpart A - General Matters

§185.1 Emergency School Aid.

(a) Scope. The regulations in this part govern awards under the Emergency School Aid Act.

(Sections 601-617; 20 U.S.C. 3191-3207)

(b) Purpose. The purpose of the Emergency School Aid Act is to provide financial assistance —

(1) To meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools; and

(2) To encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

(Section 602(b); 20 U.S.C. 3192(b))

§185.2 Eligibility.

Eligible applicants for each type of award under this part are set out in the regulations that pertain to that type of award.

(Sections 601-617; 20 U.S.C. 3191-3207)

§185.3 Other applicable regulations.

(a) Awards under this part are subject to applicable provisions of the Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR Part 100c (Definitions).

(b) However, the provisions of the EDGAR set out below do not apply to the types of awards described.

(1) The provisions in 45 CFR 100a.200 through 100a.220, except for 45 CFR 100a.216, 100a.217(a), 100a.218, and 100a.219(b) and (c), do not

apply to any award under this part. The provisions of 45 CFR 100a.217(a)(2) through (5) apply only to original applications for awards under Subpart C-Basic Grants and Subpart G-Nonprofit Organization Grants. These inapplicable provisions relate to the selection of projects.

(2) The provisions in 45 CFR 100a.250(a), relating to the length of a project period, do not apply to any award under this part except for —

(i) Grants for the Arts, described in Subpart D; and

(ii) Grants to jurisdictions set out in §185.90(b).

(3) The following provisions do not apply to any award to a local educational agency under this part —

(i) 45 CFR 100a.253 relating to the criteria for a continuation grant;

(ii) 45 CFR 100a.560 through 100a.568, relating to indirect cost rates; and

(iii) 45 CFR 100a.650, relating to the participation of children enrolled in private schools.

(4) The provisions in 45 CFR 100a.100 through 100a.102, and 100a.109(b), relating to deadline dates for applications, do not apply to Planning Grants and Transitional Grants described in Subpart D.

(5) Any other provision of EDGAR that conflicts with any provision of this part does not apply to the matters treated in this part.

(Sections 601-617; 20 U.S.C. 3191-3207; 20 U.S.C. 1221e-3(a)(1))

§185.4 Definitions.

(a) The definitions of the following terms, taken from Section 617 of the Emergency School Aid Act, apply to those terms as used in this part.

(1) "Equipment" means machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(2) "Institution of higher education" means an educational institution in any State which —

(i) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(ii) Is legally authorized within a State to provide a program of education beyond high school;

(iii) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(iv) Is a public or other nonprofit institution; and

(v) Is accredited by a nationally recognized accrediting agency or association listed by the Secretary for the purpose of this subparagraph.

(3) "Integrated school", for purposes of Sections 606(a)(2) and 609(a)(1) of the Act, means a school with an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, in which the

proportion of minority group children is at least 50 percent of the proportion of minority group children enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and which has a faculty and administrative staff with a substantial representation of minority group persons.

(4) "Local educational agency" (LEA) means —

(i) A public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a federally recognized Indian reservation;

(ii) A combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary or secondary schools;

(iii) A combination of local educational agencies;

(iv) Any other public institution or agency having administrative control and direction of a public elementary or secondary school; and

(v) At the Secretary's discretion, an agency subordinate to such a board or other authority, where responsibility for the control and direction of the activities in schools which are to be assisted under the Act is vested in the subordinate agency.

(5) "Magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

(6) "Minority group" means —

(i) American Indians;

(ii) Alaskan Natives;

(iii) Asians;

(iv) Pacific Islanders;

(v) Blacks, not of Hispanic origin;

(vi) Hispanics;

(vii) Franco-Americans;

(viii) Portuguese; and

(ix) Except for purposes of Section 605 of the Act, as determined by the Secretary, persons who are from environments in which the dominant language is other than English and who, as a result of language barriers and cultural differences, do not have an equal educational opportunity.

(7) "Minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the enrollment of a school.

(8) "Neutral site school" means a school that is located so as to be accessible to substantial numbers of students of different racial backgrounds.

(9) "Standard Metropolitan Statistical Area" (SMSA) means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(10) "State" means one of the fifty States or the District of Columbia and, for purposes of Section 608 (a) and (b) of the Act, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(Section 617; 20 U.S.C. 3207; 20 U.S.C. 3507)

(b) The definitions of the following terms, taken from Section 1001 of the Elementary and Secondary Education Act of 1965, as amended, apply to those terms as used in this part.

(1) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(2) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(4) "Secretary" means the Secretary of Education.

(5) "State educational agency" (SEA) means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law. (ESEA, Section 1001; 20 U.S.C. 3381; 20 U.S.C. 3507)

(c) The definitions of terms in 45 CFR Part 100c apply to those terms as used in this part, except where a term is defined differently under this part.

(d) "The Act" means the Emergency School Aid Act (Title VI of the Elementary and Secondary Education Act of 1965, as amended).

(e) "Desegregation," in reference to a plan, means the reassignment of children or faculty required by a court, agency, or official to remedy the

illegal separation of minority group children or faculty in the schools of an LEA.

(Sections 606(a)(1)(A), 606(c)(1)(A)-(C), 607(a)(10) and (11), 610(a)(5); 20 U.S.C. 3196(a)(1)(A), 3196(c)(1)(A)-(C), 3197(a)(10) and (11), 3200(a)(5); H.R. Rep. No. 576, 92nd Cong., 1st Sess. 3, 12 (1971); S. Rep. No. 61, 92nd Cong., 1st Sess. 6, 35 (1971); 42 FR 12085 (March 2, 1977))

Subpart B - Requirements for Local Educational Agencies

§185.10 Public and advisory committee participation.

(a) An LEA shall develop any application for assistance in open consultation with parents, teachers, and, if the LEA operates a secondary school, secondary school students. At a minimum, the LEA shall —

(1) Meet the open meeting requirements of 45 CFR 100a.139 through 100a.141; and

(2) Consult with an advisory committee composed of parents of children enrolled in the LEA's schools, teachers, and, if the LEA operates a secondary school, secondary school students. At least half the members of the advisory committee must be parents. Also, at least half the members of the committee must be members of minority groups.

(b) The Secretary does not approve an application without having received the written comments of a majority of the members of the advisory committee concerning the application. If a majority of the committee requests an informal hearing concerning the application, the Secretary does not approve the application without first affording the committee an opportunity for such a hearing.

(c) If the LEA receives an award, it shall periodically consult with the advisory committee, parents of children enrolled in its schools, and representatives of the area served regarding the services under the award. (Section 610(a)(1) and (2), 610(c); 20 U.S.C. 3200(a)(1) and (2), 3200(c))

§185.11 State educational agency review.

(a) An LEA that applies for assistance shall give the appropriate SEA a reasonable opportunity to offer recommendations to the LEA on the LEA's application.

(b) The LEA shall give the SEA a reasonable opportunity to submit comments to the Secretary on the LEA's application, in accordance with 45 CFR 100a.156 through 100a.159.

(Section 610(a)(10); 20 U.S.C. 3200(a)(10))

§185.12 Additional cost.

(a) An LEA may include in its application for an award of assistance under the Act only activities that are authorized by the Act and are not normally carried out by the LEA.

(b) An LEA may not include an activity in its application if —

(1) The LEA supported the activity with funds from a source other than a Federal program of assistance in the fiscal year just prior to the fiscal year for which it seeks assistance under the Act for the activity; and

(2) Funds from sources other than a Federal program of assistance are available to support the activity, or would have been available for that purpose in the absence of action by the LEA.

(c) The LEA shall use funds it receives under the Act solely to pay its additional cost in carrying out the authorized activities included in its application.

(d) For the purpose of this section, "additional cost" means the actual, incremental cost of an activity. The term does not include any cost that is not related solely to that activity.

(e) The LEA shall include in its application policies, procedures, and information that ensure that it will meet the requirements of this section.

(Sections 606(b), 610(a)(3); 20 U.S.C. 3196(b), 3200(a)(3))

§185.13 Supplementing non-Federal funds.

(a) An LEA that applies for assistance under the Act shall use funds it receives under the Act to supplement the level of funds — and in no case supplant funds — that would, in the absence of those funds, be made available from non-Federal sources for —

(1) The purposes of the project for which the LEA seeks assistance;

(2) Promoting the integration of the LEA's schools; and

(3) The education of children participating in the project.

(b) However, this section does not prohibit the use of funds under the Act for an otherwise authorized activity required under a court-ordered plan described in §185.42(a)(1).

(c) The LEA shall include in its application policies, procedures, and information that ensure that it will meet the requirements of this section.

(Section 610(a)(7); 20 U.S.C. 3200(a)(7))

§185.14 Coordination of Federal funds.

(a) An LEA that applies for assistance under the Act shall coordinate the use of funds it receives under any other law of the United States with funds it receives under the Act to the extent consistent with that other law.

(b) The LEA shall include in its application policies, procedures, and information that ensure that it will meet the requirements of this section.

(Section 610(a)(7)(B); 20 U.S.C. 3200(a)(7)(B))

§185.15 Services to educationally deprived children.

An LEA that applies for assistance shall include in its application an assurance that, in developing its proposed project, it considered the need for compensatory services for children who —

(a) Received those services under Title 1 of the Elementary and Secondary Education Act of 1965, as amended, and

(b) Are no longer eligible to receive those services as a result of attendance area changes under a qualifying plan (described in §185.42).
(Section 610(a)(13); 20 U.S.C. 3200(a)(13))

§185.16 Evaluation.

(a) An LEA that receives assistance shall evaluate its approved project on a continuing basis to determine at least the following:

(1) The effectiveness of the project in achieving its goals;

(2) The impact of the project on related programs and on the community served; and

(3) The effectiveness of the project's structure and its means for the delivery of services.

(b) The LEA's evaluation must include an objective measurement of change that the LEA proposes to effect under the project. If the LEA proposes to effect a change in educational achievement, its evaluation must include an objective measurement of that change.

(c) The LEA shall include in its application effective procedures for the evaluation described in this section. These procedures may include comparisons with proper control groups composed of persons who have not participated in the project, where appropriate.
(Section 610(a)(11); 20 U.S.C. 3200(a)(11))

§185.17 Private school participation.

(a)(1) An LEA that applies for assistance under the Act shall provide children enrolled in private nonprofit schools, and teachers and other educational staff employed in those schools, an opportunity to participate in its project on an equitable basis in accordance with this section.

(2) However, the Secretary waives the requirement in this paragraph if the LEA is prohibited by law from meeting it through reasonably feasible provisions.

(3) If the Secretary waives the requirement in this paragraph for an LEA, and if that LEA's application for assistance under the Act is approved, the Secretary arranges for any appropriate services to private school children and staff in accordance with Section 612(c)(1) and (2) of the Act.

(b)(1) In meeting the requirement in subsection (a), the LEA shall comply with the requirements of 45 CFR 100b.651 through 100b.662 for subgrantees.

(2) For the purpose of this section, the terms "subgrantee" and "subgrant" as used in those sections of Part 100b mean "LEA" and "award", respectively. In addition, the term "students" and "children" as used in those sections of Part 100b include, for the purpose of this section, teachers and other educational staff.

(c) The requirement in paragraph (a) of this section relates only to a private nonprofit elementary or secondary school —

(1) That is located within the school district of the LEA; and

(2) That is found by the LEA to meet the requirements of §185.21 (relating to nondiscrimination).

(d) A private school child, teacher, or other educational staff member may participate in the LEA's project only if his or her participation would assist in achieving the purposes of the Act (set out in §185.1(b)). In meeting the requirements of 45 CFR 100b.656 the applicant shall include a description of how the participation of private school children, teachers, and other educational staff would assist in achieving those purposes.
(Sections 610(a)(8), 612(c); 20 U.S.C. 3200(a)(8), 3202(c))

§185.18 Freedom of choice desegregation plans.

(a) If an LEA seeks assistance with respect to a desegregation plan described in §185.42(a), it shall identify in its application any elements of the plan that permit a child to select the school which he or she will attend.

(b) The Secretary does not approve an application for assistance with respect to a desegregation plan that uses these elements unless he or she determines that the plan provides for the complete elimination of the LEA's dual school system.

(Section 610(a)(5); 20 U.S.C. 3200(a)(5))

§185.19 Compliance with plan.

If an LEA's eligibility for assistance is based on a plan described in Section 606 of the Act, it shall include in its application an assurance that it will carry out, and comply with, all provisions, terms, and conditions of that plan.

(Section 610(a)(6); 20 U.S.C. 3200(a)(6))

§185.20 Maintenance of effort.

(a) An LEA that applies for assistance under the Act shall meet at least one of the following requirements:

(1) Its fiscal effort per student for the fiscal year for which it seeks assistance under the Act is not less than that for the second preceding fiscal year; or

(2) Its aggregate expenditure for the fiscal year for which it seeks assistance under the Act is not less than that for the second preceding fiscal year.

(b)(1) For the purposes of this section, "fiscal effort per student" means the expenditure for free public education — including expenditures for

administration, instruction, (excluding costs relating solely to length of service), attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities — divided by the number of students in average daily attendance at the applicant's schools during the fiscal year for which the computation is made. Expenditures for free public education do not include expenditures for community services, capital outlay and debt service, or any expenditure from funds granted under any Federal program of assistance.

(2) "Aggregate expenditure" means the total expenditures used to compute "fiscal effort per student", as described in paragraph (b)(1) of this section.

(c) The LEA shall include in its application evidence that it meets the requirement of this section.

(Section 610(a)(9); 20 U.S.C. 3200(a)(9); H.R. Rep. No. 1701, 94th Cong., 2d Sess. 232 (1976); 122 CONG. REC. H4209 (daily ed. May 11, 1976))

§185.21 Limitation on eligibility -- transfers to discriminatory nonpublic schools.

(a) No LEA is eligible for assistance under the Act if, after June 23, 1972, it has transferred -- directly or indirectly by gift, lease, loan, sale, or any other means — any real or personal property, or made available any services to, a nonpublic school or school system, or any organization controlling, operating, or intending to establish a nonpublic school or school system, before determining that the school or school system —

(1) Is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools; and

(2) Does not otherwise practice, or permit to be practiced — in admissions or in the operation of any other school activity — discrimination on the basis of race, color, or national origin.

(b)(1) In order to determine whether a transferee under paragraph (a) of this section is a nonpublic school or school system — or an organization controlling, operating, or intending to establish a nonpublic school or school system — the applicant shall, at a minimum, obtain from the transferee, in writing, the following information:

(i)(A) The legal name and address of the transferee; and

(B) If the immediate transferee is acting in a representative capacity, the legal name and address of the party represented.

(ii) If the information in paragraph (b)(1)(i) of this section does not clearly indicate the nature of the transferee or the party represented, a copy of the articles of incorporation, charter, bylaws, or other documents indicating the legal status and stated purposes of the transferee or the party represented.

(iii) A statement of the use to be made of the property or services to be transferred.

(2) In the case of a transfer occurring after June 23, 1972, but prior to February 6, 1973 (the date on which the regulations relating to this matter first became effective), the requirements in paragraph (b)(1) of this section do not apply.

(c)(1) In making the prior determination required under paragraph (a) of this section as to the nature and practices of a nonpublic school or school system, an LEA shall, at a minimum, obtain from that school or school system, in writing, the following information:

(i) Whether the school has publicized a policy of nondiscrimination in admissions, educational policies, scholarship programs, athletics, and extracurricular activities.

(ii) Whether the school has publicized this policy in a manner intended and reasonably likely to bring it to the attention of school-age minority

group persons, and their families, without making other statements or taking actions that negate the effect of that publicity.

(iii) Whether applicants for admission and employment have been treated on a nondiscriminatory basis.

(iv) Whether scholarship assistance is made available without regard to race.

(v) Whether students and scholarship recipients are recruited among all segments of the community.

(vi) Whether the school's incorporators, founders, board members, or donors of its land and buildings --

(A) Are announced or generally known as having as a primary objective the maintenance of segregated education; or

(B) Are announced or identified as officers or active members of an organization with that objective.

(2) In the case of a transfer occurring after June 23, 1972, but prior to February 6, 1973, a determination required to be made by paragraph (a) of this section shall be substantiated by credible evidence satisfactory to the Secretary.

(d) The fact that an LEA may have obtained an assurance or statement of nondiscrimination from a transferee — or included that assurance or statement in the transfer documents — does not excuse the LEA from making the determination required by paragraph (a) of this section.

(Section 606(c)(1)(A); 20 U.S.C. 3196(c)(1)(A); Green v. Connally, 330 F. Supp. 1150 (D.D.C. 1971), aff'd sub nom. Coit v. Green, 404 U.S. 997(1971); Wright v. City of Brighton, Alabama 441 F.2d 447 (5th Cir. 1971), cert. den. 404 U.S. 915 (1971))

§185.22 Limitation on eligibility — prohibited personnel practices.

(a) No LEA is eligible for assistance under the Act if, after June 23, 1972, it has had in effect any practice, policy, or procedure that results in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the implementation of any plan or the conduct of any activity described in Section 606 of the Act.

(b)(1) For the purpose of paragraph (a) of this section, a disproportionate demotion or dismissal of minority group personnel has occurred if the ratio of minority group elementary school teachers, secondary school teachers, principals, or other staff demoted or dismissed to the number of minority group personnel employed by the agency before those demotions or dismissals exceeds by more than 10 percentage points the ratio of nonminority group personnel demoted or dismissed over the same period of time to the number of nonminority group personnel employed by the agency prior to those demotions or dismissals. For example, the agency would be in violation of paragraph (a) of this section if it has demoted or dismissed 21 percent of its minority group principals and 10 percent of its nonminority group principals over the same period of time.

(2) For purposes of this section, a demotion includes any reassignment —

(i) Under which a faculty or staff member receives less pay or has less responsibility than under the assignment he or she held prior to the reassignment;

(ii) That requires a lesser degree of skill than did the assignment he or she held previously; or

(iii) Under which he or she is required to teach in a subject or grade other than one for which he or she is certified or in which he or she has substantial experience or qualifications.

(3) For the purpose of this section, a dismissal includes any termination of or failure to renew a contract, for cause or otherwise, including resignations forced by threatened administrative or other sanctions.

(c)(1) The Secretary considers a practice, policy, or procedure that resulted in the disproportionate demotion or dismissal of minority group personnel on or before June 23, 1972, to be in effect after that date if — at the time the LEA applies for assistance under the Act — the proportion of minority group personnel affected has not been restored at least to the proportion that existed just prior to the disproportionate demotions or dismissals.

(2) However, the Secretary does not make this finding if the LEA submits with its application information establishing that this practice, policy, or procedure has not been in effect since June 23, 1972. This information must include a description of corrective measures taken and progress achieved in eliminating the results of this practice, policy, or procedure.

(d) No LEA is eligible for assistance under the Act if —

(1) After June 23, 1972, the LEA, in selecting a staff member for demotion and dismissal, did not apply objective, nonracial, reasonable, and nondiscriminatory criteria to all staff members; or

(2)(i) The LEA selected a staff member for demotion or dismissal on or before June 23, 1972, as described in paragraph (d)(1) of this section; and

(ii) At the time the LEA applies for assistance under the Act, the LEA has not offered this staff member reinstatement to his or her former position — or a comparable position — and offered him or her financial compensation for any loss caused by the demotion or dismissal; or

(3) The LEA fills a staff vacancy occurring after a demotion or dismissal in the process of desegregation with a person of a race, color, or national origin different from a qualified former staff member who was demoted or dismissed, unless this former staff member was offered employment in the vacancy and failed to accept the offer.

(e) No LEA is eligible for assistance under the Act if, after June 23, 1972, it has had in effect any other practice, policy, or procedure that results in discrimination on the basis of race, color, or national origin in the recruiting, hiring, promotion, payment, or assignment of any of its employees or other personnel for which the LEA has any administrative responsibility. This includes the assignment of full-time classroom teachers to the schools of the LEA in a manner that identifies any of those schools as intended for students of a particular race, color, or national origin.

(Section 606(c)(1)(B); 20 U.S.C. 3196(c)(1)(B); S. Rep. No. 61, 92nd Cong., 1st Sess. 19 (1971), Singleton v. Jackson Municipal Separate School District, 419 F. 2d 1211 (5th Cir. 1969))

§185.23 Limitation on eligibility -- classroom segregation.

(a) Except as provided in §185.25, no LEA is eligible for assistance under the Act if, after June 23, 1972, it has had in effect any procedure for the assignment of children to or within classes -- in conjunction with desegregation or the conduct of any activity described in Section 606 of the Act -- that results in any separation of minority group from nonminority group children for more than 25 percent of the school day classroom periods.

(b) However, paragraph (a) of this section does not prohibit, as a standard pedagogical practice, ability grouping that is --

(1) Based on nondiscriminatory, objective standards of measurement that --

(i) Are educationally relevant to the purposes of the grouping; and

(ii) In the case of national origin minority group children other than those in groupings designed to enable them to achieve competence in the English language, do not essentially measure English language skills;

(2)(i) Determined by the nondiscriminatory application of the standards described in paragraph (b)(1) of this section; and

(ii) Maintained for only that portion of the school day classroom periods necessary to achieve the purposes of the grouping;

(3) Designed to meet the special needs of the students in each group, and in the case of students in less academically advanced groups, to bring their academic achievement to or above the appropriate grade level; and

(4) Validated by test scores or other reliable, objective evidence indicating the educational benefits of the grouping.

(Section 606(c)(1)(C); 20 U.S.C. 3196(c)(1)(C); S. Rep. No. 61, 92nd Cong., 1st Sess., 19 (1971))

§185.24 Limitation on eligibility—discrimination among children.

Except as provided in §185.25, no LEA is eligible for assistance under the Act if, after June 23, 1972, it has had in effect any practice, policy, procedure that discriminates among children on the basis of race, color, or national origin, including but not limited to —

(a) Limiting curricular or extracurricular activities or participation of children in those activities, to avoid the participation of minority group children;

(b) Denying equality of educational opportunity to, or otherwise discriminating on the basis of language or cultural background against, national origin minority group children;

(c) Permitting the rental, use, or enjoyment of any of the LEA's facilities or services by a group or organization that --

(1) Discriminates against minority group children aged 5 through 17 in its admissions or membership policies; or

(2) Otherwise practices, or permits to be practiced, discrimination against these children on the basis of race, color, or national origin;

(d) Imposing disciplinary sanctions--including expulsion, suspension, or corporal or other punishment--in a manner that discriminates against minority group children on the basis of race, color, or national origin;

(e) Assigning students to ability groups, tracks, special education classes, classes for the mentally retarded, or other curricular or extra-curricular activities on the basis of race, color, or national origin. Racially or ethnically identifiable groups, tracks, or classes that cannot be justified educationally under the criteria set out in §185.23(b) are presumed by the Secretary to be assigned on the basis of race, color, or national origin; and

(f) Denying to minority group children, on the basis of race, color, or national origin, facilities or instructional or other services comparable to those provided to nonminority group children.

(Section 606(c)(1)(D); 20 U.S.C. 3196(c)(1)(D))

§185.25 Exception for planning grants.

The provisions of §§185.23 and 185.24 do not apply to an LEA described in §185.51, if the applicant LEA provides assurances in its application that the development of the plan for which it seeks assistance will address the conditions described in those sections by providing for their cessation upon the implementation of the plan.

(Section 606(c)(2), 20 U.S.C. 3196(c)(2))

§185.26 Continuing conditions of eligibility.

(a) The limitations on eligibility in §§185.21 through 185.24 are continuing conditions of eligibility during the entire grant period.

(b) The LEA's failure to comply with these conditions after the award of assistance is grounds for termination of assistance and for other sanctions that the Secretary may impose.

(Section 606(c); 20 U.S.C. 3196(c); S. Rep. No. 61, 92nd Cong., 1st Sess. 41-42 (1971))

§185.27 Show cause conferences.

(a)(1) If the Secretary determines that an applicant is not eligible for assistance under §§185.21 through 185.24, the Secretary notifies the applicant in writing of that determination and the reasons for it.

(2) The notification includes an offer to show cause why the determination of ineligibility should be revoked and the applicant's application considered for funding.

(b) If the applicant requests an opportunity to show cause, the Secretary holds an informal conference for that purpose.

(c) After the conference has been held, the Secretary promptly notifies the applicant of the decision to continue or revoke the determination of ineligibility and the reasons for that decision.

(d) For the purpose of this section, "applicant" includes—

(1) An agency that is seeking an award for a new project; and

(2) An agency that is seeking a continuation award for a budget period after the first budget period of an approved multi-year project.

(e) The provisions of 45 CFR Part 100e (Education Appeal Board) do not apply to a determination that an applicant seeking an award is not eligible for assistance under §§185.21 through 185.24.

(Section 606(c); 20 U.S.C. 3196(c))

§185.28 Waivers of ineligibility.

(a) In the event that an applicant LEA is determined to be ineligible under §§185.21 through 185.24, it may apply to the Secretary for waiver of ineligibility.

(Section 606(c)(1) and (3); 20 U.S.C. 3196(c)(1) and (3))

(b) An application for waiver under paragraph (a) of this section must contain —

(1) A statement of the reason for the LEA's ineligibility;

(2) Information and assurances to ensure that any practice, policy, procedure, or other activity resulting in ineligibility has ceased to exist or occur; and

(3) Provisions to ensure that the practice, policy, procedure, or activity will not reoccur after the agency submits its application for a waiver.

(c) The requirements in paragraph (b) of this section apply to any application for waiver. Particular requirements for applications for waivers of certain findings of ineligibility are set out in §§185.29 through 185.32.

(d) If an applicant for assistance — except for assistance under Section 608(a) of the Act — submits its application for waiver too late to permit the Secretary to consider it before the June 30 deadline in Section 610(b) of the Act, the Secretary disapproves the applicant's application for assistance.

(Sections 606(c)(1) and (3), 610(a) and (b); 20 U.S.C. 3196(c)(1) and (3), 3200(a) and (b))

§185.29 Waiver of ineligibility—transfers to discriminatory nonpublic schools.

In the case of ineligibility under §185.21, an LEA shall include the following in its application for waiver:

(a) A list of all property transferred or services made available to nonpublic schools or school systems that —

(1) Are operated on a racially segregated basis; or

(2) Practice, or permit to be practiced, discrimination on the basis of race, color or national origin in admissions or the operation of any other school activity.

(b) The names and addresses of these schools or school systems.

(c) The consideration received for these transfers.

(d) Evidence that — (1) The transfers have been rescinded; and

(2) To the extent possible under State law, all unearned consideration received for them has been repaid or returned.

(e) A statement of steps taken by the agency to avoid or prevent these types of transfers in the future.

(Section 606(c); 20 U.S.C. 3196(c))

§185.30 Waiver of ineligibility — prohibited personnel practices.

(a) In the case of ineligibility under §185.22 resulting from the disproportionate demotion or dismissal of instructional or other personnel from minority groups, an LEA shall include the following in its application for waiver:

(1) A plan of affirmative action to ensure that — within a reasonable time from the date of its application — the proportion of minority group personnel affected by these demotions or dismissals will be restored to the proportion that existed prior to the demotions or dismissals.

(2) A statement of steps taken by the LEA to prevent any future disproportionate demotion or dismissal of minority group personnel.

(b) In the case of ineligibility under §185.22 resulting from discriminatory demotion or dismissal of staff members, an LEA shall include the following in its application for waiver:

(1) Evidence that all staff members demoted or dismissed as a result of discrimination have been offered reinstatement to their former positions or comparable positions and afforded financial compensation for any loss caused by those demotions or dismissals.

(2) A statement of steps taken by the LEA to prevent any future discriminatory demotion or dismissal of personnel. This includes but is not limited to a statement of objective, nonracial, and reasonable criteria to be applied --

(i) In the event that reinstatement of staff members as required by paragraph (b)(1) of this section necessitates a reduction in the number of staff members; or

(ii) In the event of future demotions or dismissals for any reason.

(c)(1) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by §185.22(e), an LEA shall include in its application for waiver evidence that the agency has assigned its full-time classroom teachers to its schools so that no school is identified as intended for students of a particular race, color, or national origin.

(2) In the case of an LEA implementing a required plan described in §185.42(a), these nondiscriminatory assignments must conform to the requirements of that plan.

(3) In the case of an LEA not implementing that type of plan, or implementing a plan that contains no provision regarding assignment of faculty, the LEA shall make assignments so that the proportion of minority group full-time classroom teachers at each school is between 75 and 125 percent of the proportion of those teachers that exists on the LEA's faculty as a whole.

(d) In the case of ineligibility resulting from other discriminatory practices, policies, or procedures prohibited by §185.22(e), an LEA shall include the following in its application for waiver:

(1) Evidence that personnel subjected to this type of discrimination have been --

(i) Reinstated or restored to the positions or status they held prior to, or would have held in the absence of, this discrimination; and

(ii) Given financial compensation for any loss caused by that discrimination.

(2) A statement of steps taken by the LEA to prevent this type of discrimination in the future.

(Section 606(c); 20 U.S.C. 3196(c))

§185.31 Waiver of ineligibility — classroom segregation.

In the case of ineligibility under §185.23, an LEA shall include in its application for waiver --

(a) Evidence that minority group children are not separated from nonminority group children by or within classes for more than 25 percent of the school day classroom periods, except in the case of ability grouping that meets the requirements of §185.23(b)(1) through (3) and is the only available method of achieving a specific educational objective; and

(b) A statement of steps taken by the LEA to ensure that separation of minority and nonminority group children as prohibited by §185.23 will not reoccur.

(Section 606(c); 20 U.S.C. 3196(c))

§185.32 Waiver of ineligibility — discrimination among children.

(a) In the case of a denial of equal educational opportunity to national origin minority group children — as described in §185.24(b) — the LEA shall submit an educational plan of sufficient comprehensiveness to remedy or eliminate the effects of the denial and to meet the special educational needs

of all national origin minority group children for whose education the LEA is responsible.

(b) In the case of a violation under §185.24(c), the LEA shall include in its application for waiver evidence that —

(1) The discriminatory rental, use, or enjoyment of its facilities is no longer permitted; and

(2) Any agreement with respect to the discriminatory rental, use, or enjoyment has been rescinded and the unearned consideration from it has been returned or repaid, to the extent possible under the applicable State law.

(c)(1) In the case of the assignment of students to racially or ethnically identifiable groups, tracks, or classes that cannot be justified educationally — as described in §185.24(e) — The LEA shall include in its application for waiver the following information:

(i) If the assignment was to a grouping to provide special education or related services to handicapped students, evidence that the students have been evaluated and placed in accordance with requirements for evaluation and placement of handicapped students under Pub. L. 94-142, Section 504 of Pub. L. 93-112, and any regulations under those statutes.

(ii) If the assignment was to other groupings, evidence that the students have been reassigned without discrimination to groupings that are not racially or ethnically identifiable, or evidence that the students have been reassigned to groupings in accordance with the criteria in §185.23(b)(1) through (3).

(2) If the agency reassigns any student to a new grouping under paragraph (c)(1) of this section, it shall also include evidence that it has made provision for the transitional services necessary to enable the student to participate meaningfully in the educational program of the new grouping.

(Section 606(c); 20 U.S.C. 3196(c))

Subpart C - Basic Grants

§185.40 Purpose.

The purpose of a basic grant is to meet educational needs that arise from a qualifying plan described in §185.42.

(Sections 602(b), 604(b)(1), 606(a)(1), 607(a); 20 U.S.C. 3192(b), 3194(b)(1), 3196(a)(1), 3197(a))

§185.41 Eligible applicants.

An LEA may apply for a basic grant.

(Section 606(a)(1); 20 U.S.C. 3196(a)(1))

§185.42 Qualifying plans.

(a) Required plans. (1) An LEA may apply if it is implementing a plan —

(i) That has been undertaken under a final order issued by —

(A) A court of the United States;

(B) A court of any State; or

(C) Any other State agency or official of competent jurisdiction;

(ii) That requires the desegregation of minority group segregated children or faculty in the LEA's elementary and secondary schools, or otherwise requires the elimination or reduction of minority group isolation in those schools; and

(iii) That may, in addition, require educational activities in minority group isolated schools not affected by the reassignment of children or faculty under the plan in order to remedy the effects of illegal segregation.

(2) For the purpose of paragraph (a)(1) of this section, a State agency or official of competent jurisdiction means any State agency or official authorized under State law to issue such an order.

(Section 606(a)(1)(A)(i); 20 U.S.C. 3196(a)(1)(A)(i))

(3) An LEA may apply if it is implementing a plan that has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964

for the desegregation of minority group segregated children or faculty in the LEA's schools.

(Section 606(a)(1)(A)(ii); 20 U.S.C. 3196(a)(1)(A)(ii))

(b) Nonrequired plans. (1) An LEA may apply if, without having been required to do so, it has adopted and is implementing, or will, if assistance is made available to it under the Act, adopt and implement, a plan for the complete elimination of minority group isolation in all its minority group isolated schools.

(Section 606(a)(1)(B); 20 U.S.C. 3196(a)(1)(B))

(2)(i) An LEA may apply if it has adopted and is implementing, or will, if assistance is made available to it under the Act, adopt and implement, a plan to —

(A) Eliminate or reduce minority group isolation in one or more of its minority group isolated schools; or

(B) Reduce the total number of minority group children who are enrolled in its minority group isolated schools.

(ii) Elimination of minority group isolation is a change in a school's enrollment resulting in a reduction in the proportion of minority group children from greater than 50 percent to 50 percent or less.

(iii) Reduction of minority group isolation is a change in a school's enrollment after which the proportion of minority group children is reduced, but remains greater than 50 percent.

(Sections 606(a)(1)(C)(i) and (ii), 617(7); 20 U.S.C. 3196(a)(1)(C)(i) and (ii), 3207(7))

(3)(i) An LEA may apply if it has adopted and is implementing, or will, if assistance is made available to it under the Act, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the

absence of assistance under the Act) in any of its schools in which at least 20 percent, but not more than 50 percent, of the enrollment consists of minority group children.

(ii) The Secretary considers minority group isolation reasonably likey to occur (in the absence of assistance under the Act) in a school only if the LEA demonstrates by credible evidence that minority group children will comprise more than 50 percent of the enrollment of the school during the first fiscal year for which it seeks assistance or the next succeeding fiscal year. This evidence may include, but is not limited to —

(A) Enrollment figures for the school during previous fiscal years;

(B) Enrollment figures of schools from which the enrollment of the school is drawn;

(C) Demographic data concerning the attendance area served by the school; and

(D) School board resolutions or other evidence of final official action likely to affect the enrollment of the school during the first fiscal year for which assistance is sought or the next succeeding fiscal year.

(Section 606(a)(1)(C)(iii); 20 U.S.C. 3196(a)(1)(C)(iii))

(4)(i) An LEA may apply if, without having been required to do so, it has adopted and is implementing, or will, if assistance is made available to it under the Act, adopt and implement, a plan to enroll and educate in its schools children who should not otherwise be eligible for enrollment because of nonresidence in its school district, where that enrollment would make a significant contribution toward reducing minority group isolation in one or more school districts.

(ii) The Secretary considers an LEA's plan to make a significant contribution toward reducing minority group isolation only if it involves the enrollment by the applicant of at least —

(A) 100 children who should not otherwise be eligible for enrollment because of nonresidence in its school district; or

(B) A number of these children that constitutes 10 percent of the enrollment of either the applicant's schools or a school district in which the children would be enrolled in the absence of the plan.

(iii) Reducing minority group isolation in one or more school districts, for the purpose of this subparagraph (4), refers to any of the changes in enrollment described in paragraph (b)(2) of this section in any school district to which the plan relates.

(Section 606(a)(1)(D); 20 U.S.C. 3196(a)(1)(D))

(5) A plan described in paragraph (b)(2), (3), or (4) of this section does not meet the requirements of this section if the elimination, reduction, or prevention of minority group isolation accomplished or to be accomplished in schools to which the plan relates results in an equal or greater degree of minority group isolation in other schools operated by the LEA or LEAs to which the plan relates.

(Sections 602(b), 606(a)(1)(C) and (D); 20 U.S.C. 3192(b), 3196(a)(1)(C) and (D))

(c) Implementation of a plan. For purposes of determining an LEA's eligibility for assistance, the Secretary considers the LEA to be implementing a plan if —

(1) It is operating its school system in accordance with the requirements of the plan; and

(2) In the case of a required or nonrequired plan to eliminate, reduce, or prevent minority group isolation, or a plan to reduce the total number of minority group children who are enrolled in its minority group isolated

schools, the degree of minority group isolation in its schools is less than the degree that would have existed in the absence of the plan.

(Section 606(a)(1); 20 U.S.C. 3196(a)(1))

(d) An LEA shall include in its application the following:

(1)(i) A complete copy of the plan upon which it bases its application for assistance under this section (including all relevant legal documents); or

(ii) If it has submitted a copy of some or all of that plan in an application currently on file with the Secretary, an identification of the documents submitted and a copy of any changes or additions to the plan since the submission.

(2) A summary of the present requirements for that plan.

(3) In the case of a plan described in paragraph (b) of this section, a copy of a school board resolution or other evidence of final official action adopting and implementing the plan, or agreeing to adopt and implement it upon the award of assistance.

(4) In the case of a plan to prevent minority group isolation described in paragraph (b)(3) of this section , where minority group children constitute more than 50 percent of the enrollment of all the schools operated by the LEA —

(i) A statement of the enrollment, by race, in any of its schools in which minority group children constitute more than 70 percent of the enrollment;

(ii) A statement of the reasons for that disproportionate minority group enrollment in each school; and

(iii) A statement of instructional and other services to be provided to children enrolled in each school that will ensure that services to those children are comparable to services to be provided to children enrolled in

any school in which minority group isolation will be prevented under the plan described in paragraph (b)(3) of this section.

(Sections 606(a)(1), 610(a); 20 U.S.C. 3196(a)(1), 3200(a))

§185.43 Authorized activities.

An LEA may use funds under a basic grant for any activity that is designed to meet an educational need that arises from a qualifying plan (described in §185.42). Section 607(a) of the Act lists examples of authorized activities.

(Section 607(a); 20 U.S.C. 3197(a))

§185.44 Application procedures.

(a) An LEA that wishes to apply shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements in this part.

(b) The LEA shall include in its application a needs assessment that shows the relationship of the educational needs addressed by the proposed activities to the implementation of the LEA's qualifying plan.

(c) The LEA shall include in its application an assurance that it has met and will meet applicable requirements of the Act and this part.

(Section 610(a); 20 U.S.C. 3200(a))

§185.45 Approval of new projects.

(a) The Secretary decides whether to approve a new project on the basis of the procedures in this section.

(Sections 602(b), 610(d); 20 U.S.C. 3192(b), 3200(d))

(b) Applications for new projects submitted by LEAs in each State are considered separately.

(Section 605; 20 U.S.C. 3195)

(c)(1) Each application is assigned to one of the categories in this paragraph on the basis of the date the LEA implemented the qualifying plan on which it bases its application.

(i) Category I contains applications relating to plans with implementation dates not more than three years before the July 1 that follows the deadline date for applications.

(ii) Category II contains applications relating to plans with implementation dates more than three, but not more than six, years before that date.

(iii) Category III contains applications relating to plans with implementation dates more than six years before that date.

(2)(i) The implementation date of a plan is the date of the first change in the enrollment of a school — or, in the case of a plan for the desegregation of minority group segregated faculty, the first reassignment of a faculty member — under the plan.

(ii) If an LEA is implementing more than one plan, or a plan that provides for reassignments over a period of time, the implementation date is the date of the greatest change in the enrollments of schools, or the greatest change in the assignment of faculty members, as appropriate. To establish the implementation date, the LEA may measure change in terms of either the number or the percentage of children or faculty members (as appropriate) who are reassigned under the plan. Upon request, the LEA shall demonstrate to the Secretary's satisfaction that the implementation date is accurate.

(3)(i) The Secretary makes awards for all approvable applications contained in Category I before those in Category II.

(ii) The Secretary makes awards for all approvable applications contained in Category II before those in Category III.

(Sections 610(d)(1) and (3); 20 U.S.C. 3200(d)(1) and (3))

(d)(1) Within each category, applications are ranked on the basis of the net change in isolation in the applicant's schools between the fiscal

year just prior to the implementation date of its plan ("base year") and the first fiscal year for which it seeks assistance ("project year"). The net change in isolation is computed on the basis of the procedures in this paragraph.

(2) The minority group percentage of the enrollment of each of the applicant's schools in the base year is computed. The number of minority group students enrolled in schools within each percentage range in column A of the table below is determined. The number of students in each percentage range is then multiplied by the corresponding weight in column B of the table. The resulting weighted numbers are added. The sum is then divided by the total number of minority group students.

Column A Minority group percentage	Column B Weight
95 or more	0.0
At least 90 but less than 95	.1
At least 85 but less than 90	.2
At least 80 but less than 85	.3
At least 75 but less than 80	.4
At least 70 but less than 75	.5
At least 65 but less than 70	.6
At least 60 but less than 65	.7
At least 55 but less than 60	.8
At least 50 but less than 55	.9
50 or less	1.0

(3) The computation described in paragraph (d)(2) of this section is repeated using the number of minority group students to be enrolled in the applicant's schools in the project year.

(4) The result of the computation for the base year is subtracted from the result of the computation for the project year to determine the change between those two years.

(5) Applications are ranked on the basis of the degree of change described in paragraph (d)(4) of this section. Each application is assigned an ordinal number representing its place in rank order.

(6) A second rank order is then prepared. The sum of the weighted numbers of minority group children enrolled in the applicant's schools in the base year is subtracted from the sum of these numbers in the project year. Applications are ranked on the basis of the degree of increase in minority group enrollment reflected in this computation. Each application is assigned a second ordinal number representing its place in rank order.

(7) An application is considered for approval on the basis of the average of the two ordinal numbers assigned to it.

(8) In the case of a tie, the Secretary first considers the application that contains the higher quality project, as determined under paragraph (e) of this section.

(Section 610(d)(1) and (2); 20 U.S.C. 3200(d)(1) and (2))

(e)(1) The Secretary reviews each application to determine if it contains activities that address educational needs that arise from the implementation of the LEA's qualifying plan.

(2)(i) If the application contains activities described in paragraph (e)(1) of this section, the Secretary evaluates the quality of the proposed project as it relates to those activities.

(ii) In evaluating the quality of the proposed project, the Secretary considers —

(A) The degree to which the purpose and objectives of the project address needs directly related to the qualifying plan;

(B) The magnitude of the plan-related educational needs addressed by the project activities;

(C) The realism of the applicant's timeline for the achievement of project objectives;

(D) The quality of the applicant's proposed methods of achieving project objectives;

(E) The effectiveness of the applicant's plan for the management of resources and personnel to achieve each project objective;

(F) The qualifications of the project director, if any, and of other key project personnel;

(G) The adequacy of the resources, including facilities, equipment, and supplies, to carry out the project;

(H) The quality of the applicant's proposed budget, in terms of its adequacy for the project and the reasonableness of costs in relation to expected benefits;

(I) The quality of the applicant's plan for the evaluation of the project;

(J) The quality of the applicant's assessment of the effect, if any, of the project on members of traditionally underrepresented groups, such as those described in 45 CFR 100a.111(d); and

(K) The degree to which the project is a part of a commitment of the total educational resources, both public and private, of the community to be served to the plan.

(iii) On the basis of this review, the Secretary decides whether an award to the applicant is warranted.

(Sections 602(b), 605(b)(3), 607(a), 610(d)(1), (4) and (5); 20 U.S.C. 3192(b), 3195(b)(3), 3197(a), 3200(d)(1), (4) and (5))

(f)(1) If, on the basis of the review described in paragraph (e), the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (e) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to meet educational needs that arise from the implementation of its plan.

(Section 610(f)(2); 20 U.S.C. 3200(f)(2))

§185.46 Length of project.

(a) The Secretary may approve a project period of up to 60 months.

(b) The Secretary decides the length of a project period on the basis of the following factors:

(1) The severity and likely duration of the educational needs addressed by the applicant's proposed activities.

(2) The nature of those activities.

(c) When approving an award for the first budget period of a multi-year project, the Secretary indicates his or her intention to make one or more continuation awards for budget periods during the remainder of the project period.

(Section 610(e)(1); 20 U.S.C. 3200(e)(1))

§185.47 Approval of continuation awards.

The Secretary approves a continuation award for a budget period after the first budget period of a multi-year project if —

(a) Sufficient appropriations are available for the budget period under Section 610(e)(2)(A) of the Act;

(b) The applicant is not ineligible for assistance under applicable provisions of §§185.21 through §185.24; and

(c) The applicant is making satisfactory progress toward achieving the objectives of its project. Satisfactory progress includes the applicant's continued compliance with, and implementation of, any plan on which its eligibility for assistance is based, as provided by §§185.19 and 185.42(c).

(Section 610(e)(2); 20 U.S.C. 3200(e)(2))

Subpart D - Special Project Grants

Planning Grants

§185.50 Purpose.

The purpose of a planning grant is to develop a qualifying plan (described in §185.42).

(Sections 604(b)(2), 606(a)(1)(E), 608(a); 20 U.S.C. 3194(b)(2), 3196(a)(1)(E), 3198(a))

§185.51 Eligible applicants.

(a) An LEA may apply for a planning grant.

(b) No LEA may apply for a planning grant if it has received such a grant before.

(c) An LEA that applies for assistance to develop a required plan described in §185.42(a) need not meet the requirements of §§185.23 or 185.24, if it provides assurances in its application that the development of the plan for which it seeks assistance will address the conditions described in those sections by providing for their cessation upon the implementation of the plan.

(Sections 606(a)(1), 606(a)(1)(E), 606(c)(2), 608(a); 20 U.S.C. 3196(a)(1), 3196(a)(1)(E), 3196(c)(2), 3198(a))

§185.52 Authorized activities.

An LEA may use funds under a planning grant for any activity that is reasonably related to developing a qualifying plan.

(Sections 606(a)(1)(E), 608(a); 20 U.S.C. 3196(a)(1)(E), 3198(a))

§185.53 Application procedures.

(a) An LEA may apply for a planning grant at any time.

(b) The applicant shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements of this part.

(c) If the applicant applies for a grant to develop a required plan described in §185.42(a), it shall include in its application —

(1) A copy of the final order of the court, agency, or official that requires a plan described in §185.42(a)(1); or

(2) A copy of the Secretary's finding of illegal separation of minority group children or faculty that requires a plan described in §185.42(a)(3).

(d) If the applicant applies for a grant to develop a nonrequired plan described in §185.42(b), it shall include in its application —

(1) The names of the schools in which minority group isolation will be eliminated, reduced, or prevented — or, in the case of a plan described in §185.42(b)(4), the school districts from which nonresident children will come — under the plan; and

(2) Evidence that the plan will be implemented at the end of the proposed project.

(e) The applicant shall include in its application an assurance that it has met and will meet applicable requirements in the Act and in this part.

(Sections 606(a)(1)(E), 608(a), 610(a) 20 U.S.C. 3196(a)(1)(E), 3198(a), 3200(a) S. Rep. No. 856, 95th. Cong., 2d Sess. 66 (1978))

§185.54 Approval of projects.

(a) The Secretary decides whether to approve a new project on the basis of the degree to which the proposed activities afford promise of achieving the purposes of the Act described in §185.1(b), as indicated by —

(1) The factors listed in §185.45(e)(2)(ii)(C) through (J); and

(2) The extent to which the application contains evidence that a plan will be implemented at the end of the proposed project.

(Section 610(d); 20 U.S.C. 3200(d))

(b)(1) If, on the basis of the review described in paragraph (a) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (a) of this section. However, the

amount of an award may not exceed the amount that would have been required for activities in the applicant's original application that were reasonably related to developing a qualifying plan.

(Section 610(f)(2); 20 U.S.C 3200(f)(2))

(c)(1) The Secretary may approve a project period of up to 24 months for a planning grant.

(2) The Secretary decides the length of a project period on the basis of —

(i) The severity and likely duration of the problems to which the plan would be addressed; and

(ii) The nature of the applicant's proposed activities.

(3) When approving an award for the first budget period of a multi-year project, the Secretary indicates an intention to make a continuation award for a second budget period.

(Section 610(e)(1); 20 U.S.C. 3200(e)(1))

(d) The Secretary approves a continuation award for a second budget period on the basis of the standards in §185.47.

(Sections 606(a)(1)(E), 610(e)(2); 20 U.S.C. 3196(a)(1)(E), 3200(e)(2))

Transitional Grants

§185.60 Purposes.

A transitional grant may be awarded for any one of the following purposes:

(a) Pre-implementation assistance — to help an LEA that has adopted but not yet implemented a required plan (described in §185.42(a)) to prepare for the reassignment of children or faculty under the plan.

(b) Out-of-cycle assistance — to help an LEA to meet educational needs that arise from the implementation of a plan described in §185.42 that the

LEA adopted too late to serve as the basis for a basic grant application in the most recent competition under Subpart C.

(c) Special discretionary assistance — to help an LEA meet an unexpected educational need that arose from the implementation of a plan described in §185.42 after the deadline date for basic grant applications in the most recent competition under Subpart C.

(Sections 604(b)(2), 608(a); 20 U.S.C. 3194(b)(2), 3198(a))

§185.61 Eligible applicants.

(a) LEAs, SEAs, other public agencies, and private nonprofit agencies and organizations are eligible to apply for transitional grants.

(b) However, an applicant that is not an LEA may apply for a transitional grant only at the request of the LEA that it proposes to help.

(Section 608(a); 20 U.S.C. 3198(a))

§185.62 Authorized activities.

(a) The recipient of a pre-implementation assistance grant described in §185.60(a) may use funds under the grant for any activity designed to meet an educational need that is reasonably related to the LEA's preparing for the reassignment of children or faculty under the plan.

(b) The recipient of an out-of-cycle assistance grant described in §185.60(b) may use funds under the grant for any activity designed to meet an educational need that arises from the implementation of the plan.

(c) The recipient of a special discretionary assistance grant described in §185.60(c) may use funds under the grant for any activity designed to meet the unexpected educational need described in that paragraph.

(Section 608(a); 20 U.S.C. 3198(a))

§185.63 Application procedures.

(a) An applicant may apply for a transitional grant at any time.

(b) The applicant shall meet applicable requirements of 45 CFR Part 100a (described in §185.3) and the requirements of this part.

(c) An applicant shall include in its application —

(1) Except in the case of an application for a grant described in §185.60(c) from an LEA that has a basic grant, a copy of the LEA's qualifying plan;

(2) A needs assessment that shows the relationship of the educational needs addressed by the proposed activities to the LEA's plan;

(3) If the applicant is not an LEA, a copy of the LEA's request for the applicant's help; and

(4) An assurance that the applicant has met and will meet applicable requirements of the Act and this part.

(Sections 608(a), 610(a); 20 U.S.C. 3198(a), 3200(a))

§185.64 Approval of projects.

(a) The Secretary decides whether an award to the applicant is warranted on the basis of —

(1) The factors listed in §185.45(e)(2)(ii)(A) through (K);

(2) Whether another applicant has submitted, or is likely to submit, an application to meet the need addressed by the proposed activities; and

(3) The recentness of the LEA's implementation of its qualifying plan, and the effectiveness of the plan in decreasing minority group isolation.

(Section 610(d); 20 U.S.C. 3200(d))

(b)(1) If, on the basis of the review described in paragraph (a) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (a) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to meet needs described in §185.60.

(Section 610(f)(2); 20 U.S.C. 3200(f)(2))

(c)(1) The Secretary may approve a project period of up to 18 months for a transitional grant.

(2) The Secretary decides the length of a project period on the basis of --

(i) The severity and likely duration of the problems addressed by the proposed activities;

(ii) The nature of those activities; and

(iii) The availability of other assistance under the Act for those activities.

(3) When approving an award for the first budget period of a multi-year project, the Secretary indicates an intention to make a continuation award for a second budget period.

(4) The Secretary approves a continuation award for a second budget period on the basis of the standards in §185.47.

(Section 610(e)(1) and (2); 20 U.S.C. 3200(e)(1) and (2))

(d) The Secretary does not set the amount of a grant described in §185.60(a) or (c) above $100,000.

(Section 608(a), 20 U.S.C. 3198(a))

Grants for the Arts

§185.70 Purpose.

The purpose of a grant for the arts is to provide, through the arts, opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a qualifying plan (described in §185.42).

(Sections 604(b)(2), 608(a); 20 U.S.C. 3194(b)(2), 3198(a))

§185.71 Eligible applicants.

A public agency other than an LEA that is responsible for the administration of statewide public arts programs may apply for a grant for the arts at the request of the LEA or LEAs that it proposes to serve.

(Section 608(a); 20 U.S.C. 3198(a))

§185.72 Eligibility for services from a grantee.

A grantee shall conduct activities under the grant primarily with students who attend schools --

(a) That are affected by a qualifying plan;

(b) In which the minority group enrollment is between 20 and 80 percent; and

(c) That are operated by LEAs that are in compliance with the requirements of §§185.21 through 185.24.

(Section 608(a); 20 U.S.C. 3198(a))

§185.73 Authorized activities.

A grantee may use funds to carry out any activity that is reasonably related to the purpose of a grant for the arts described in §185.70.

(Section 608(a); 20 U.S.C. 3198(a))

§185.74 Application procedures.

(a) An applicant shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements of this part.

(b) An applicant shall include in its application —

(1) A copy of the qualifying plan for each LEA that the applicant proposes to serve, unless the LEA has submitted its plan to the Secretary;

(2) A copy of the request for the applicant to serve the LEA, from each LEA that the applicant proposes to serve;

(3) An assurance, signed by an authorized official of each LEA that the applicant proposes to serve, that the LEA is in compliance with §§185.21 through 185.24;

(4) Evidence, such as a copy of a State statutory provision or executive order, that the applicant is a public agency responsible for the administration of statewide public arts programs; and

(5) An assurance that the applicant has met and will meet applicable requirements of the Act and this part.

(Section 608(a); 20 U.S.C. 3198(a))

§185.75 Approval of projects.

(a) The Secretary decides whether an award to the applicant is warranted on the basis of --

(1) The factors listed in §185.45(e)(2)(ii)(A) through (K); and

(2) The recentness of each LEA's implementation of its qualifying plan, and the effectiveness of the plan in decreasing minority group isolation.

(Section 610(d); 20 U.S.C. 3200(d))

(b)(1) If, on the basis of the review described in paragraph (a) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (a) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to carry out the purpose set out in §185.70.

(Section 610(f)(2); 20 U.S.C. 3200(f)(2))

(c) The maximum assistance for any budget period for a grant for the arts is $100,000.

(d) The Secretary does not award more than one grant for activities in any State.

(Section 608(a); 20 U.S.C. 3198(a))

Metropolitan Area Grants

§185.80 Purposes.

A metropolitan area grant is for either of the following purposes:

(a) To establish or maintain one or more integrated schools (defined in §185.4).

(b) To support the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools within a Standard Metropolitan Statistical Area (SMSA) (defined in §185.4).

(Sections 604(b)(2), 606(a)(2), 609(a); 20 U.S.C. 3194(b)(2), 3196(a)(2), 3199(a))

§185.81 Eligible applicants.

(a) Integrated schools. An LEA may apply for a grant if —

(1) It is located within an SMSA or serves a school district adjacent to a school district that is located within an SMSA;

(2) The total student enrollment of the LEA includes a percentage of minority group students that is smaller than the percentage of minority group students enrolled in all schools in the SMSA; and

(3)(i) It has made a joint arrangement for the establishment or maintenance of one or more integrated schools (defined in §185.4) with a cooperating LEA —

(A) That is located within the same SMSA; and

(B) That has a total student enrollment that includes a percentage of minority group students that is greater than the percentage of minority group students enrolled in all the schools in that SMSA.

(ii) A joint arrangement must consist of the enrollment in schools of the applicant LEA of students residing in the district served by, or attending the schools of , the cooperating LEA. The arrangement may not result in an increase in the degree of minority group isolation in any school operated by

any LEA. The arrangement must involve the enrollment in the applicant's schools of only those students who in the absence of the arrangement would be enrolled in, or assigned to, a minority group isolated school.

(Sections 606(a)(2), 609(a)(1), 617(3); 20 U.S.C. 3196(a)(2), 3199(a)(1), 3207(3))

(b) Area-wide plans. (1) Two or more LEAs located within an SMSA may apply for a grant for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in that SMSA. The plan must, at a minimum, provide that by a certain date — no later than July 1, 1983 — the percentage of minority group children enrolled in each public elementary and secondary school in the SMSA will be at least 50 percent of the percentage of minority group children enrolled in all those schools.

(2) The Secretary does not make a grant under this paragraph unless —

(i) Two-thirds or more of the LEAs in an SMSA have approved the application; and

(ii) The number of students in the schools of those agencies that have approved the application constitutes two-thirds or more of the number of students in the schools of all the LEAs in the SMSA.

(Sections 609(a)(2); 20 U.S.C. 3199(a)(2))

§185.82 Authorized activities.

(a) Integrated schools. (1) The recipient of a grant under §185.80(a) may use funds under the grant for any activity that is designed to meet an educational need that arises from the joint arrangement described in §185.81(a)(3).

(2) The recipient may also use these funds to pay the net cost, if any, to the recipient of enrolling and educating in its integrated schools students from the cooperating LEA.

(Section 609(a)(1); 20 U.S.C. 3199(a)(1))

(b) Area-wide plans. (1) The recipient of a grant under §185.80(b) may use funds under the grant for any activity reasonably necessary to the joint development of a plan described in §185.81(b).

(2) The recipient may not use these funds for construction of facilities.

(Section 609(a)(2); 20 U.S.C. 3199(a)(2))

§185.83 Application procedures.

(a) An LEA that wishes to apply for a metropolitan area grant shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements in this part.

(b) An LEA that wishes to apply for a metropolitan area grant shall meet the requirements in §185.10, relating to public and advisory committee participation. However, reference to an LEA in paragraph (a)(2) of that section include --

(1) The cooperating LEA, in the case of an application for an integrated schools project described in §185.80(a); and

(2) All the LEAs in the SMSA, in the case of an application for an area-wide plan project described in §185.80(b).

(c) An LEA shall include in its application an assurance that it has met and will meet applicable requirements of the Act and this part.

(Section 610(a); 20 U.S.C. 3200(a))

§185.84 Approval of new projects.

(a)(1) The Secretary decides whether an award to the applicant for an integrated schools project is warranted on the basis of --

(i) The factors listed in §185.45(e)(2)(ii)(A) through (K), as they relate to the applicant's integrated schools plan; and

(ii) The recentness of the LEA's implementation of its integrated schools plan, and the effectiveness of the plan in decreasing minority group isolation.

(2) The Secretary decides whether an award to an applicant for an area-wide plan project is warranted on the basis of the factors listed in §185.45(e)(2)(ii)(C) through (J).

(Section 610(d); 20 U.S.C. 3200(d))

(b)(1) If, on the basis of the review described in paragraph (a) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (a) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to carry out the purposes set out in §185.80.

(Section 610(f)(2); 20 U.S.C. 3200(f)(2))

§185.85 Length of project.

(a) Awards of metropolitan area grants are subject to the provisions of §185.46(a) and (c), relating to the length of a project.

(b) The Secretary sets the length of a project period on the basis of the following factors:

(1) The severity and likely duration of the problems addressed by the proposed activities.

(2) The nature of those activities.

(c) However, the project period for a grant for an area-wide plan, described in §185.81(b), may not extend beyond July 1, 1983.

(Sections 609(a)(2), 610(e)(1); 20 U.S.C. 3199(a)(2), 3200(e)(1))

§185.86 Approval of continuation awards.

Awards of metropolitan area grants are subject to the provisions of §185.47, relating to the approval of continuation awards.

(Section 610(e)(2); 20 U.S.C. 3200(e)(2))

Other Special Projects

§185.90 Use of discretionary funds.

The Secretary may use funds appropriated under Section 604(b)(2) of the Act for the following types of awards:

(a) The types of grants described in this subpart.

(b) Grants to Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands to achieve the purposes of the Act described in §185.1(b).

(c) Magnet school, university/business cooperation, and neutral site planning grants described in Subpart E.

(d) State agency grants described in Subpart H.

(e) Television and radio contracts described in Subpart I.

(f) Evaluation contracts under Section 613 of the Act.

(g) Any other type of award described in this Part 185.

(h) Contracts, consistent with the requirements of the Act, for particular purposes designed to achieve the purposes of the Act described in §185.1(b).

(Sections 604(b)(2), 608(a), 617(10); 20 U.S.C. 3194(b)(2), 3198(a), 3207(10))

§185.91 Applicable requirements.

(a) The requirements of the Act and this part that relate to a type of award apply to the use of any funds for that type of award (for example, basic grants under Subpart C, or planning grants under this subpart).

(b) However, if the Secretary uses funds appropriated under Section 604 (b)(2) for basic grants described in Subpart C, the Secretary does so in the following way:

(1) The Secretary determines the amount needed for all activities that —

(i) Are in applications that were placed in Categories I or II (as described in §185.45(c)) in the most recent competition under Subpart C;

(ii) Are approvable after the review described in §185.45; and

(iii) Cannot be approved because of insufficient funds under Subpart C.

(2) The Secretary allocates available funds to support the activities described in paragraph (b)(1) of this section in the following way:

(i) The Secretary determines each State's proportion of the total amount needed for those activities.

(ii) The Secretary allocates to each State the same proportion of the total amount available for allocation.

(3) The Secretary uses allocated funds to make awards to LEAs for the activities described in paragraph (b)(1) of this section on the basis of the criteria in Section 610(d) of the Act.

(4) If the amount available for allocation exceeds the amount needed for all activities described in paragraph (b)(1) of this section, the Secretary allocates and uses the excess amount as described in this paragraph, except that "Categories I or II" in paragraph (b)(1)(i) of this section means "Category III" for this purpose.

(Sections 604(b)(2), 608(a); 20 U.S.C. 3194(b)(2), 3198(a))

Subpart E — Magnet School, University/Business Cooperation and Neutral Site Planning Grants

§185.100 Purposes.

(a) The purposes of magnet school grants are to plan, design, and conduct educational programs in magnet schools (defined in §185.4).

(b) The purpose of university/business cooperation grants is to conduct cooperative programs between LEAs and institutions of higher education (defined in §185.4) or businesses.

(c) The purpose of neutral site planning grants is to develop plans for neutral site schools (defined in §185.4).

(Sections 604(b)(2), 608(a)(1)-(3), 617(5) and (8); 20 U.S.C. 3194(b)(2), 3198(a)(1)-(3), 3207(5) and (8))

§185.101 Eligible applicants.

(a) An LEA may apply for a grant under this Subpart.

(Section 608(a)(1)-(3); 20 U.S.C. 3198(a)(1)-(3); H.R. Rep. No. 1701, 94th Cong., 2d Sess. 231 (1976))

(b) In the case of a grant to conduct educational programs in a magnet school, the Secretary considers the curriculum of the magnet school to be capable of attracting substantial numbers of students of different racial backgrounds if —

(1) The LEA —

(i) Does not compel any student to enroll in the magnet school for any part of the grant period; and

(ii) Does not compel any student to enroll in another school after enrolling in the magnet school; and

(2) Sixty days after the beginning of the first school term, any part of which falls within the grant period, or 90 days after the effective date of the grant, whichever is later, the enrollment of the school meets the following requirements:

(i) Where minority group students do not constitute more than 50 percent of the LEA's total enrollment, they constitute —

(A) At a minimum, 20 percent of the school's enrollment; and

(B) At a maximum, 20 percentage points more than their percentage of the LEA's total enrollment.

(ii) Where minority group students constitute more than 50 percent of the LEA's total enrollment, they constitute —

(A) At a minimum, 20 percentage points less than their percentage of the LEA's total enrollment; and

(B) At a maximum, 80 percent of the school's enrollment.

(c)(1) An LEA's failure to meet the requirements of paragraph (b) of this section is grounds for terminating the grant, insofar as it relates to a school affected by the failure, as of —

(i) The date of any compulsory enrollment referred to in paragraph (b)(1) of this section; or

(ii) The applicable date referred to in paragraph (b)(2) of this section.

(2) However, the Secretary, at the written request of the LEA, may forebear from terminating the grant if he or she determines that the LEA —

(i) Has substantially complied with these requirements; and

(ii) Is likely to attain full compliance in the near future.

(Sections 608(a)(1), 617(5); 20 U.S.C. 3198(a)(1), 3207(5))

§185.102 Authorized activities.

An LEA may use funds under the grant for the activities described in this section.

(a) Magnet schools. (1) Funds may be used for the following three activities:

(i) The planning or design of one or more magnet schools.

(ii) The conduct of educational programs in one or more magnet schools where these programs are a part of, or directly related and necessary to, the special curriculum of a magnet school.

(iii) The repair and minor remodeling or alteration of existing school facilities in connection with the conduct of educational programs described in this paragraph (a)(1) of this section.

(2) "Special curriculum", as used in the definition of "magnet school" in §185.4, means a course of study embracing subject matter or a teaching methodology that is not generally offered to students of the same age or grade level, and in the same LEA, as the students to whom the special curriculum is offered. This term does not include —

(i) A course of study or a part of a course of study designed solely to provide basic educational services to handicapped students or to students of limited English-speaking ability;

(ii) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited English-speaking ability;

(iii) A course of study or a part of a course of study in which any student is unable to participate because of his or her limited financial resources; or

(iv) A course of study or a part of a course of study which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools.

(3) The planning and design of a magnet school includes, but is not limited to, the following activities:

(i) Planning and design of educational programs for the school.

(ii) Architectural design of new or modified facilities to house the school.

(iii) Surveys and studies relating to the establishment or improvement of the school.

(iv) Recruitment of students and staff for the school.

(4)(i) The Secretary awards funds for the conduct of educational programs in a magnet school only if the LEA's fiscal effort per student for students enrolled at a magnet school is no less than its fiscal effort per student for students enrolled at all schools serving students of the same age or grade level operated by the applicant in the fiscal year for which it seeks assistance under this subpart.

(ii) For the purpose of paragraph (a)(4) of this section, "fiscal effort per student" means the expenditure for free public education — including expenditures for administration, instruction, (excluding costs relating solely to length of service), attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities — divided by the number of students with respect to whom the computation is made. Expenditures for free public education do not include expenditures for community services, capital outlay and debt service, or any expenditure from funds granted under any Federal program of assistance. (Sections 608(a)(1), 617(5); 20 U.S.C. 3198(a)(1), 3207(5))

(b) University/business cooperation. Funds may be used for —

(1) The conduct of educational programs by the applicant, in cooperation with one or more institutions of higher education or businesses, for the benefit of students enrolled, or staff employed, in —

(i) A magnet school assisted under this subpart; or

(ii) A school affected by a qualifying plan described in §185.42; and

(2) The repair and minor remodeling or alteration of facilities in connection with the conduct of these educational programs.

(Section 608(a)(2); 20 U.S.C. 3198(a)(2))

(c) Neutral site planning. (1) Funds may be used for the development of plans for one or more neutral site schools, including but not limited to the following activities:

(i) Surveys and studies to determine the location of the school.

(ii) Planning educational programs for the school.

(iii) Architectural design of facilities to house the school.

(iv) The repair and minor remodeling or alternation of facilities in connection with the development of plans for the school.

(2) Funds may be used only in connection with a school planned to have the following characteristics.

(i) Minority group students will constitute no less than 20 percent and no more than 80 percent of the enrollment of the school.

(ii) Within those limits, minority group students will constitute a proportion of the enrollment of the school that generally reflects their proportion of the enrollment of all the LEA's schools.

(iii) The school will be equally accessible to minority group and nonminority group students who will be enrolled in it.

(3) Funds may not be used for —

(i) The acquisition or improvement of a site for the school;

(ii) The construction of facilities to house the school;

(iii) The acquisition of equipment for the school; or

(iv) Any activity related to the operation of the school.

(Sections 608(a)(3), 617(8); 20 U.S.C. 3198(a)(3), 3207(8))

§185.103 Application procedures.

(a) An LEA that wishes to apply for a grant under this subpart shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements in this part.

(b) An LEA shall include in its application an assurance that it has met and will meet applicable requirements of the Act and this part.

(c) In the case of an application for a grant to carry out activities relating to magnet schools and university/business cooperation, respectively, the applicant shall also include in its application —

(1) The number of minority group students and the total number of students enrolled or to be enrolled in each of its schools in the following years:

(i) The "base year" (meaning the second fiscal year prior to the first fiscal year for which an applicant seeks assistance under this subpart); and

(ii) The "project year" (meaning the first fiscal year for which an applicant seeks assistance under this subpart); and

(2) A description of the basis for its enrollment projections for the project year.

(Section 610(a); 20 U.S.C. 3200(a))

§185.104 Approval of new projects — magnet schools and university/business cooperation.

(a) The Secretary ranks applications to carry out activities relating to magnet schools and university/business cooperation on the basis of the net change in isolation in the applicant's schools between the base year and the project year. The net change in isolation is computed on the basis of the procedures in §185.45(d)(2) through (d)(7). In the case of a tie, the Secretary first considers the application that contains the higher quality project, as determined under paragraph (b) of this section.

(b) The Secretary reviews each application to determine whether the activities that the applicant proposes to carry out afford promise of achieving the purposes of the Act described in §185.1(b). In making this determination, the Secretary considérs --

(1) The factors listed in §185.45(e)(2)(ii)(C) through (J); and

(2) The extent to which the proposed activities are related to the elimination, reduction, or prevention of minority group isolation in all the applicant's schools.

(c) On the basis of this review, the Secretary decides whether an award to the applicant is warranted.

(d)(1) If, on the basis of the review described in paragraph (b) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (b) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to carry out the purposes set out in §185.100(a) and (b).

(Sections 610(d), 610(f)(2); 20 U.S.C. 3200(d), 3200(f)(2))

§185.105 Approval of new projects -- neutral site planning.

(a) The Secretary decides whether to approve a new project on the basis of the degree to which the proposed activities afford promise of achieving the purposes of the Act described in §185.1(b), as indicated by --

(1) The factors listed in §185.45(e)(2)(ii)(C) through (J); and

(2) The extent to which the application contains evidence that a plan will be implemented at the end of the proposed project.

(b)(1) If, on the basis of the review described in paragraph (a) of this section, the Secretary decides that an application should be disapproved in whole or in part, the Secretary first --

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(2) If the applicant chooses to modify its application, the Secretary reviews it as described in paragraph (a) of this section. However, the amount of an award may not exceed the amount that would have been required for activities in the applicant's original application to carry out the purpose set out in §185.100(c).

(Sections 610(d), 610(f)(2); 20 U.S.C. 3200(d), 3200(f)(2))

§185.106 Length of project.

(a)(1) The Secretary may approve a project period of up to 60 months for activities relating to magnet schools and university/business cooperation.

(2) The Secretary may approve a project period of up to 24 months for planning activities.

(b) The Secretary sets the length of the project period on the basis of --

(1) The severity and likely duration of the problems addressed by the proposed activities; and

(2) The nature of those activities.

(c) When approving an award for the first budget period of a multi-year project, the Secretary indicates an intention to make one or more continuation awards for budget periods during the remainder of the project period.

(Section 610(e)(1); 20 U.S.C. 3200(e)(1))

§185.107 Approval of continuation awards.

Section 185.47 applies to the approval of continuation awards under this subpart.

(Section 610(e)(2); 20 U.S.C. 3200(e)(2))

Subpart F - Compensatory Service Grants

§185.110 Purpose.

The purpose of a compensatory service grant is to continue compensatory services to students who previously received those services at least in part under Title I but who would, in the project period, otherwise not receive them as a result of an attendance area or enrollment change under a qualifying plan (described in §185.42).

(Section 604(c); 20 U.S.C. 3194(c))

§185.111 Definitions.

The following definitions apply to terms used in this subpart:

"Attendance area or enrollment change" means any change in the policy of an LEA that results in any student's voluntary or mandatory enrollment at a school other than the school at which the student would normally have been enrolled in the absence of the change in policy.

"Compensatory services" means any services authorized under Title I to meet the special educational needs of educationally deprived children.

"Title I" means Title I of the Elementary and Secondary Education Act of 1965, as amended.

(Section 604(c); 20 U.S.C. 3194(c))

§185.112 Eligible applicants.

An LEA may apply for a compensatory service grant if —

(a) It is implementing --

(1) A required plan described in §185.42(a)(1) that was ordered after August 21, 1974;

(2) A required plan described in §185.42(a)(3) that was approved after that date; or

(3) A nonrequired plan described in §185.42(b) that was implemented after that date;

(b) Under the plan, there are attendance area or enrollment changes; and

(c) As a result of the attendance area or enrollment changes, students who received compensatory services funded in whole or in part under Title I would, in the project period, no longer receive those services because of their enrollment in schools that are ineligible for Title I services.

(Section 604(c)(1); 20 U.S.C. 3194(c)(1); H.R. Rep. No. 1701, 94th Cong., 2d Sess. 231 (1976))

§185.113 Authorized activities.

(a) An LEA may use funds under the grant to —

(1) Provide compensatory services to students adversely affected by a plan described in §185.112, as further defined in paragraphs (b) and (c) of this section; and

(2) Provide services to other students as provided for in Section 604(c)(2)(B)(ii) of the Act.

(b) A student is eligible to receive compensatory services under paragraph (a)(1) of this section if --

(1) The student received compensatory services funded under Title I at any time prior to the implementation of a plan described in §185.112;

(2) The student is not receiving any compensatory services funded under Title I in the project period because of his or her enrollment in a school that is ineligible for Title I services;

(3) The student is an educationally deprived child, for Title I purposes, at the beginning of the project period; and

(4) In the absence of a plan described in §185.112, the student would be enrolled in a school in which compensatory services funded under Title I were provided during the last regular school term prior to the implementation of the plan, for the grade in which the student is enrolled during the project period.

(c) In addition, a student (including a student enrolled in a private nonprofit school) is eligible to receive compensatory services under paragraph (a)(1) of this section if —

(1) The student meets the requirement in paragraph (b)(1) of this section; and

(2) The applicant shows by credible evidence that attendance area or enrollment changes under a plan described in §185.112 alone caused the student to receive, in the project period, no compensatory services under Title I.

(d)(1) The LEA shall ensure that at least 30 percent of the enrollment of a compensatory service project funded under the Act is comprised of students who are —

(i) Enrolled in the same school as students eligible under paragraph (a)(1) of this section; and

(ii) Not eligible under paragraph (a)(1) of this section.

(2) An LEA may not use funds under the grant in any manner that would result in the isolation of the students eligible under paragraph (a)(1) of this section from other students enrolled in the same school.

(e)(1) An LEA shall use funds under the grant to provide to each student eligible under paragraph (a)(1) of this section the level of compensatory services the student failed to receive from other sources in the project period because of attendance area or enrollment changes under a plan described in §185.112.

(2) However, if the Secretary has reduced the grant amount under §185.115, the LEA may use the grant funds to provide services to only some of those students, or to provide fewer services to those students, or both.

(Section 604(c); 20 U.S.C. 3194(c))

§185.114 Application procedures.

(a) An applicant shall meet applicable requirements in 45 CFR Part 100a (described in §185.3) and the requirements of this part.

(b) An applicant shall include in its application the following information:

(1) A copy of the plan on which the applicant bases its eligibility for assistance.

(2) A precise description of attendance area or enrollment changes under the plan.

(3) The number of students eligible to receive compensatory services under §185.113(a)(1) and a description of how the applicant determined their eligibility.

(4) A description of the compensatory services for which the applicant seeks assistance.

(5) An assurance that it has met and will meet applicable requirements of the Act and this part.

(Section 610(a); 20 U.S.C. 3200(a))

§185.115 Funding procedures.

(a) The Secretary may approve a project period of up to 12 months.

(b) To the extent funds permit, the Secretary sets the amount of each grant at a level sufficient to provide to each student eligible under §185.113(a)(1) the level of compensatory services he or she will not receive in the project period because of attendance area or enrollment changes under a plan described in §185.112, consistent with the requirements of Section 604(c)(2) of the Act.

(c) If the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(1) Notifies the applicant on the specific reasons for disapproval; and

(2) Gives the applicant an appropriate opportunity to modify its application.

(d) If the amount needed to fund all approvable services exceeds the amount of funds available, the Secretary reduces the amount for each grant by an equal proportion.

(Sections 604(c), 610(d), 610(f)(2); 20 U.S.C. 3194(c), 3200(d), 3200(f)(2))

Subpart G - Nonprofit Organization Grants

§§185.120 - 185.139 [Reserved]

Subpart H - State Agency Grants

§185.140 Purpose.

The purpose of a State agency grant is to pay a portion of the cost to a State of the activities described in §185.142.

(Sections 604(b)(2), 608(c); 20 U.S.C. 3194(b)(2), 3198(c))

§185.141 Eligible applicants.

(a) A State agency may apply for a grant under this subpart if —

(1) It is involved in or responsible for the desegregation of public elementary and secondary schools; and

(2) It obligated funds derived from State sources for the activities described in §185.142 in the Federal fiscal year just prior to the Federal fiscal year for which funds for the grant are appropriated.

(b) The Secretary does not make more than one grant for activities in any State. If more than one State agency in a State is eligible under paragraph (a) of this section, the Secretary makes any grant under this subpart to the agency most directly responsible for carrying out the activities in §185.142 in the State.

(Section 608(c); 20 U.S.C. 3198(c))

§185.142 Authorized activities.

(a) A State agency may use funds under the grant for the following activities:

(1) Planning for the implementation of voluntary plans to eliminate or reduce minority group isolation in public elementary and secondary schools.

(2) Assessing future needs for those plans, and developing strategies to meet those needs.

(3) Providing technical assistance to encourage LEAs or groups of LEAs to develop or implement those plans.

(4) Providing training for educational personnel involved in developing or carrying out those plans.

(b) A State agency may not use funds under the grant for grants to LEAs.

(c) The plans described in this section include —

(1) A plan described in §185.42(b)(1), (2), and (4); and

(2) A plan described in §185.42(a)(3) where the elimination or reduction of minority group isolation under the plan was voluntary within the meaning of Section 602 of the Civil Rights Act of 1964.

(Section 608(c)(1); 20 U.S.C. 3198(c)(1); 42 U.S.C. 2000d-1)

§185.143 Application procedures.

(a) A State agency that wants to apply for a grant shall meet applicable requirements of 45 CFR Part 100a (described in §185.3) and the requirements of this part.

(b)(1) The applicant shall develop its application in consultation with teachers, educators, parents (including parents of minority group children) and representatives of the general public (including representatives of minority groups).

(2) At a minimum, the applicant shall consult with an advisory committee composed of the persons described in paragraph (b)(1) of this section. The proportion of the committee membership that is comprised of minority group members must be approximately the same as the proportion of children enrolled in the elementary and secondary schools in the State that is comprised of minority group children.

(3) The applicant shall include in its application the written comments of the advisory committee concerning the application.

(c) The applicant shall include in its application an assurance that it has met and will meet applicable requirements of the Act and this part.

(Section 608(c)(1) and (3); 20 U.S.C. 3198(c)(1) and (3))

§185.144 Approval of projects.

(a) The Secretary approves a project if the proposed activities are authorized under §185.142.

(b)(1) In setting the amount of a grant, the Secretary first determines the amount of funds derived from State sources that was obligated by eligible applicants in a State, as provided in 45 CFR 100a.707, for the activities described in §185.142 in the Federal fiscal year just prior to the Federal fiscal year for which funds for the grant are appropriated. The Secretary then sets the approvable amount of the grant at twice that amount.

(2) If the approvable amount of a grant under subparagraph (1) exceeds the amount justified by the applicant for authorized activities, the Secretary reduces the approvable amount to the amount justified.

(3) If the Secretary decides that an application should be disapproved in whole or in part, the Secretary first —

(i) Notifies the applicant of the specific reasons for disapproval; and

(ii) Gives the applicant an appropriate opportunity to modify its application.

(4) If necessary, the Secretary further reduces the approvable amount of a grant in any fiscal year to the greater of the following:

(i) Ten percent of the amount apportioned to the State for that fiscal year under Section 605 of the Act; or

(ii) $500,000.

(5) If, after the reductions described in paragraphs (b)(2) and (4) of this section, the amount needed for all approvable grants exceeds the amount of funds available, the Secretary reduces the amount for each grant by an equal proportion.

(c) The Secretary approves a project period of not more than 12 months for a State agency grant.

(Sections 608(c), 610(d), 610(f)(2); 20 U.S.C. 3198(c), 3200(d), 3200(f)(2))

Subpart I - Television and Radio Contracts

§185.150 Purpose.

The purpose of a contract under this subpart is to —

(a) Develop and produce a children's television or radio program that —

(1) Is of cognitive or affective educational value, or both;

(2) Facilitates successful integration of elementary or secondary schools; and

(3) Appeals to both minority and nonminority children; or

(b) Carry out ancillary activities designed to make these programs available for transmission and utilization.

(Sections 604(b)(2), 611; 20 U.S.C. 3194(b)(2), 3201)

§185.151 Eligible offerors.

Any public or private nonprofit agency, institution, or organization capable of providing expertise in the activities authorized under this subpart is eligible to submit a proposal for a contract.

(Sections 611(a)(1); 20 U.S.C. 3201(a)(1))

§185.152 Authorized activities.

The Secretary makes contracts for —

(a) Development and production — the development and production of children's television and radio programs described in §185.150(a); and

(b) Ancillary activities — the following activities, where they are related to programs developed and produced under this subpart:

(1) Duplication of tapes and other materials to meet broadcaster and other user needs.

(2) Promotion of viewership or listenership.

(3) Promotion of carriage by commercial broadcasters.

(4) Promotion of use by schools and others.

(Section 611(a)(1); 20 U.S.C. 3201(a)(1))

§185.153 Proposal procedures.

An offeror may submit a proposal for a contract in response to a Request for Proposals published by the Secretary.

(Section 611; 20 U.S.C. 3201)

§185.154 Selection of contractors.

(a) The selection of contractors is subject to —

(1) The provisions of Section 611 of the Act; and

(2) To the extent they are consistent with the regulations in this part —

(i) Applicable Requests for Proposals; and

(ii) The Federal Procurement Regulations in 41 CFR Chapters 1 and 3.

(b) Development and production. In establishing the competitive range for proposals for the development and production of programs, as provided for under the Federal Procurement Regulations, the Secretary considers each of the following for each proposal:

(1) The quality of the needs assessment, and the magnitude of the assessed needs.

(2) The relationship of the proposed program's objectives to the assessed needs.

(3) The relationship of the proposed program to the objectives.

(4) The attainability of the objectives through the proposed program.

(5) The likely artistic and educational significance of the proposed program.

(6) The appropriateness of the proposed program format and content to the target age group.

(7) The research and production techniques that the offeror will use.

(8) The qualifications of the project staff.

(9) The offeror's employment of minority group members in —

(i) Responsible administrative positions; and

(ii) Responsible development and production positions on the project staff.

(10) The quality of supplementary materials, such as teachers' guides and student workbooks, where appropriate.

(11) The schedule of activities and deliverables.

(12) The effectiveness of procedures for evaluating the educational and other effects of the proposed program on children.

(13) The adequacy of the offeror's facilities.

(c) Ancillary activities. In establishing the competitive range for proposals for ancillary activities, as provided for under the Federal Procurement Regulations, the Secretary applies criteria included in the Request for Proposals for a particular activity.

(Section 611(a)(1) and (3); 20 U.S.C. 3201(a)(1) and (3))

§185.155 Requirements for offerors.

(a) Usage. An offeror to develop and produce a program shall include in its proposal an assurance that it will comply with each of the following requirements with respect to the program for which it seeks a contract.

(1) It will not charge users of the programs — whether broadcast or nonbroadcast — any cost beyond that of tape distribution and duplication.

(2) Any contract between a contractor and a talent union must allow at least the usages of the programs in this subparagraph (2) without charge to the user. However, the Secretary may authorize lesser usages on a finding that the cost of these usages would be excessive.

(i) Six years of usage by public broadcasting stations starting with the first broadcast by such a station. A "year of usage" means unrestricted use during three separate weeks of any given 12 month period.

(ii) Twelve years of unrestricted use for in-school audiovisual purposes. For television programs, this includes transmission of the program by education-dedicated, local origination, CATV channels and Instructional Television Fixed Services systems.

(iii) One broadcast over commercial stations in each of two 3-year periods, including broadcasts that result from network originations.

(iv) If the program is distributed by a public network and is not broadcast in a commercial station's coverage area, one additional broadcast by the commercial station in a 3-year period.

(3) The contractor will not permit the program to be made available for transmission under commerical sponsorship. However, if a commercial firm meets the costs of transmission, a brief statement to that effect at the beginning or end of the transmission is permissible. A commercial spot announcement must be demarcated by a station identification.

(4) A contractor that develops and produces a television program shall not give a station the exclusive right to broadcast any program in a coverage area until the thirteenth week after the first week in which it is broadcast in that area.

(5) The contractor will not permit the transmission or use of a program in any manner that results in a financial benefit to any person or organization.

(6) The contractor will cooperate with the Secretary in making arrangements for the transmission of the programs.

(Section 611(a)(2); 20 U.S.C. 3201(a)(2))

(b) Credit. (1) Each television or radio program — except for radio materials of less than three minutes in length — must carry the following credit: "This program was produced by [name of contractor] under a contract from the U.S. Department of Education."

(2) Radio materials of less than three minutes in length must conclude with the following statement: "This message has been brought to you by the U.S. Department of Education."

(Section 611; 20 U.S.C. 3201)

NOTE: This Appendix is being published for information purposes only and will not be published in Title 45 of the Code of Federal Regulations.

APPENDIX A - Summary of Comments and Responses

The comments received on the Notice of Proposed Rulemaking (NPRM) for the Emergency School Aid Act (ESAA) are presented below. A response is included after each comment, indicating changes which have been made in response to the comment or the reason why no change has been made if that is the case. Some section numbers in the final regulations are different from those in the NPRM. The section numbers used in this Appendix refer to the numbering used in the final regulations, unless specifically noted as a section number in the NPRM.

Subpart A - General Matters

§185.1 Emergency School Aid.

§185.1(b)

Comment. Several commenters expressed concern relating to the repeal of the former third purpose of the statute, i.e., to aid school children in overcoming the educational disadvantages of minority group isolation. These and other commenters asked whether compensatory educational activities could still be supported under the Act and, if so, under what conditions.

Response. No change has been made in the final regulations. As described in the preamble to these regulations, Congress' intention in deleting the former third purpose was to focus ESAA support on needs closely related to the implementation of a qualifying desegregation plan or a plan to reduce, eliminate, or prevent minority group isolation. In implementing this statutory change, the Secretary expects that the only requests for ESAA funding of remedial services which will be approved will be those that are directly tied to needs associated with the

implementation of a qualifying plan. An exception to this policy will be requests to provide compensatory services to children who previously received services under Title I of the Elementary and Secondary Education Act (ESEA), but who are no longer eligible to receive those services due to school attendance area changes caused by the implementation of a qualifying plan. A second exception to this policy will be requests made in connection with a plan described in Section 606(a)(1)(A)(i) of the Act, i.e., a court-ordered plan that requires "educational activities in minority group isolated schools not affected by the reassignment of children or faculty ... in order to remedy the effects of illegal segregation."

§185.1(b)(2)

Comment. Regarding references to "minority group isolation," one commenter questioned whether schools which are predominantly minority could be said to be "isolated" if they are part of a local educational agency (LEA) that is itself predominantly minority.

Response. No change has been made. Section 617 (7) of the statute defines a minority group isolated school as a school "in which minority group children constitute more than 50 percentum of the enrollment of a school." Therefore, a school can be minority group isolated even if it is located in an LEA in which a majority of the students enrolled are minority group members.

Comment. One commenter asked that "substantial proportions of minority group students" be defined more precisely in order to assist LEAs with small enrollments of minority group students in determining how much reduction in minority group isolation they must achieve in order to qualify for ESAA support.

Response. No change has been made. The quoted language is taken from a broad statement of the statutory purposes. It does not establish a minimum threshold of minority group enrollment in an LEA wishing to apply for an ESAA grant. The eligibility requirements of each type of grant are set out specifically in other provisions of the statute and regulations. Generally, minority group enrollment must be large enough that individual schools within the LEA either are or might become "minority group isolated," as defined by the statute and discussed above.

§185.3 Other applicable regulations.

Comment. A number of commenters asked that applicable provisions of the Education Division General Administrative Regulations (EDGAR) be reprinted in these regulations, rather than being incorporated by reference. A related request of several commenters was that provisions of the Act be reprinted in these regulations where applicable.

Response. Changes have been made in the final regulations to make them more comprehensive in their coverage of information useful to ESAA applicants and grantees. Specifically, several provisions of the Act have been written into the regulations where appropriate. EDGAR provisions applicable to ESAA programs have not been reprinted in these regulations, but are explicitly noted. The cross-references to EDGAR contained in the ESAA final regulations have been changed and clarified in several instances to reflect EDGAR in final form (see 45 FR 22494, April 3, 1980).

§185.3(b)(5)

Comment. One commenter pointed out an apparent inconsistency between this provision (which makes inapplicable any provisions of EDGAR that conflict with the ESAA regulations) and provisions of EDGAR stating that program regulations identify inapplicable EDGAR provisions.

Response. No substantive change has been made. The ESAA regulations identify those provisions of EDGAR that clearly do not apply to ESAA programs. The provision at §185.3(b)(5) is a general notice to applicants and grantees of how to resolve questions which might arise when reading EDGAR together with more specific program regulations.

Subpart B - Requirements for Local Educational Agencies

§185.10 Public and advisory committee participation.

§185.10(a)

Comment. Several commenters asked that in the development of an ESAA application the LEA be explicitly permitted to consult with school principals and with pupil service workers, such as school social workers, psychologists, and guidance counselors.

Response. No change has been made in this regard. The regulation sets out minimum requirements for participation, and is not intended to limit the range of persons who participate. As members of the staff of an LEA, school principals and pupil service workers may be requested to participate with other LEA staff members in developing an application for an ESAA grant.

Comment. One commenter objected to the regulatory requirement that secondary students be consulted "if the LEA operates a secondary school." It was suggested that consulting students be required only if desegregation-related activities will affect secondary students.

Response. No change has been made. The implementation of a qualifying plan will necessarily have an effect on secondary schools in an LEA, even if the plan only involves reassignments at elementary grade levels. Secondary students are inevitably affected by the experiences of their

younger brothers and sisters and by significant changes in the elementary "feeder" schools which prepare students for secondary schools.

Comment. Another commenter asked that secondary students included in the groups to be consulted be limited to those enrolled in senior high schools.

Response. No change has been made. As stated in §185.4(b)(3), the term "secondary school" is defined by the applicable statute as "a day or residential school which provides secondary education, as determined under State law...." However, the LEA has some latitude in determining the most effective means of consulting students enrolled in those schools.

Comment. Several commenters asked that parents of private school students be permitted to be represented on the LEA's advisory committee.

Response. No change has been made. The statute, in Section 610(a)(1)(B), limits those parents who may serve on the advisory committee to "parents of children enrolled in the applicant's schools."

Comment. Some commenters objected to the latitude of the LEA in selecting members of the ESAA advisory committee. These commenters recommended that teacher organizations and community and civic groups be permitted to select representatives of their own groups to serve as members of the advisory committee.

Response. No change has been made for fiscal year 1980 awards. However, the Secretary intends to publish proposed rules providing for more formalized involvement of teacher, parent, and student organizations and local community groups in the development of requests for fiscal year 1981 awards.

§185.10(b)

Comment. A number of commenters asked for clarification of the phrase "written comments of a majority of each member of the advisory committee" contained in the NPRM.

Response. A change has been made. The typographical error in the proposed regulations has been corrected, and the provision now states, "The Secretary does not approve an application without having received the written comments of a majority of the members of the advisory committee concerning the application."

§185.10(c)

Comment. Several commenters requested that LEA grantees be required to consult only with the formal ESAA advisory committee and not with the larger group described in this provision.

Response. No change has been made. This provision paraphrases Section 610(a)(2) of the statute, which requires that an LEA's ESAA program "be operated in consultation with . . . parents of the children and representatives of the area to be served, including the [advisory] committee . . . ." Thus, the statute does not permit the LEA to limit those with whom it will consult to members of the formal advisory committee.

Comment. Other commenters asked that the final regulations specify (1) a minimum number of advisory committee meetings per year and (2) that a quorum be present at any meeting of an advisory committee.

Response. No change has been made. The statutory objectives can be met without the provisions suggested.

Comment. Several persons requested specific authorization for reimbursement from the LEA's ESAA grant for advisory committee members' expenses. Particular interest was voiced for reimbursement of the cost of members' participation in ESAA training activities.

Response. No change has been made. As a general rule, costs related to advisory committees are allowable, but only where directly related to the purposes of the project. For example, under a basic grant those costs are allowable only if directly related to meeting educational needs that arise from a qualifying plan. In addition, the allowability of particular costs is subject to the requirement, applicable to all project costs, that they be necessary and reasonable for proper and efficent administration of the grant program. That and other provisions setting forth cost principles applicable to grants to State and local governments are set out in Appendix C to 45 CFR Part 74. Given the variety of possible factual situations, it is preferable to determine the allowability of particular costs on a case-by-case basis. Consequently, no provisions on this matter have been added to the regulations. If an applicant is concerned about the allowability of particular costs related to advisory committees, it should contact ESAA program administrators or include a description of those costs and a justification for them in its application.

§185.11 State educational agency (SEA) review.

Comment. One commenter asked that any Indian tribe affected by a LEA application be given the same review opportunity as an SEA.

Response. No change has been made. The provision for SEA review implements the requirement, set out at Section 610(a)(10) of the Act, that an LEA's application provide that "the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the [LEA] and to submit comments to the [Secretary]." That statutory provision does not refer to Indian tribes nor is there a separate provision requiring tribal review. Moreover, tribes are not included in the applicable statutory definition of State educational agency. See Section 1001(k) of the Elementary

and Secondary Education Act (20 U.S.C. 3381(k)) and §185.4(b)(5). The statute does not bar an LEA's voluntarily submitting its application to a tribe for its review and recommendations, but the Secretary does not wish to impose such a requirement in addition to other requirements of the statute and regulations relating to public and advisory committee participation and SEA review. The Secretary believes that the provisions for public and advisory committee participation are sufficient to ensure that a tribe has adequate opportunity to express its views on a project that affects its members.

§185.11(b)

Comment. One commenter asked that the SEA's "reasonable opportunity" to review an LEA's application and to submit comments to the Secretary be limited to a certain number of days.

Response. No change has been made. It is expected that each SEA will work cooperatively with LEAs in that State in implementing a reasonable application review procedure.

§185.12 Additional cost.

Comment. A number of commenters were concerned that these provisions might unduly limit the design of ESAA program activities. Specifically, they expressed concern relating to the provision that limits requests to activities "not normally carried out by the LEA" (§185.12(a)). They asked whether this provision precludes requests for such activities as an intensified student counseling program that emphasized improvements in school race relations, or the continuation of a promising desegregation-related activity which had been earlier initiated on a one-time-only, pilot basis.

Response. No change has been made with regard to this general concern. Section 610(a)(3) of the statute requires that ESAA funds "be used solely to pay the additional cost to the applicant in carrying out the program described in the application." Section 606(b) of the statute describes "additional cost" as a cost "above that of the activities normally carried out by the [LEA]." To the extent that an activity is not "normally carried out" by the LEA, the LEA is not precluded by this provision from supporting it with ESAA funds. With regard to the first example above (an intensified counseling program with an emphasis on race relations), such an activity could be supported as a new component (race relations) of an ongoing LEA function (counseling). With regard to the second example (a pilot project related to desegregation), such a project could be supported under ESAA so long as funds are no longer available to the LEA to support the project, as described in §185.12(b)(2) discussed below.

§185.12(b)(2)

Comment. One commenter stated that the phrase "in the absence of action by the LEA" might unduly force an LEA to seek out other funding sources for a program. Similarly, concern was expressed that this provision would prevent LEAs from turning down funds from other sources when the LEA objects to conditions on the acceptance or use of those funds.

Response. A change has been made. The provision has been revised to preclude ESAA support only for activities that were previously carried out, and that could be continued, with non-Federal funds. If an LEA takes action to avoid the continued receipt of non-Federal funds, it should be able to justify its action on the basis of new conditions on the receipt or use of the funds.

§185.12(d)

Comment. One commenter asked whether this provision would limit indirect costs, direct project costs, or some other cost category.

Response. No change has been made. The provision is intended to prohibit the use of ESAA grants to LEAs for indirect costs (for which rates are described in 45 CFR 100a.560-100a.568), but not the actual, incremental costs of project administration.

§185.13 Supplementing non-Federal funds.

§185.13(a)(2)

Comment. One commenter asked whether "integration" was meant to encompass "desegregation" or whether it was meant to have some other particular meaning.

Response. No change has been made. The term "integration" is used in Section 610(a)(7) of the statute, which this provision implements. It is not defined by the statute, but in ordinary usage encompasses efforts to increase understanding and cooperation among students of different racial and ethnic backgrounds as well as the elements of "desegregation" defined at §185.4(e).

§185.13(c)

Comment. Several commenters objected to the requirement in this and in other provisions of these regulations that an application contain "policies, procedures, and information that ensure that [the applicant] will meet the requirements of this section." Their concern was that this request was too general to be reasonably accommodated by an ESAA applicant.

Response. No change has been made. This requirement is drawn directly from Section 610 of the statute. A general reference of this type is necessary to permit LEAs to use supporting evidence most appropriate for their own situations. The Secretary does not expect or encourage applicants to submit lengthy explanations or numerous examples of pertinent policies, procedures, and information. The Secretary does, however, expect applicants to use their professional judgment in identifying materials for submission that are most relevant to the purpose of each requirement.

§185.14 Coordination of Federal funds.

§185.14(a)

Comment. One commenter asked that the Secretary or an SEA be required to provide technical assistance at the request of an LEA on how best to coordinate the implementation of more than one Federal program.

Response. No change has been made. No statutory authority exists in ESAA to support such a requirement. The Secretary does, however, provide technical assistance to applicants through the office responsible for administering the ESAA program. The Secretary also encourages SEAs to make such assistance available to prospective applicants and to grantees.

§185.15 Services to educationally deprived children.

Comment. One commenter stated that compensatory education is not the only type of educational service provided to students served by ESEA Title I and asked that an LEA be permitted to consider the needs of former Title I participants for services in addition to compensatory education.

Response. No change has been made. This section implements a statutory provision which refers to "compensatory services for children who received those services under title I of [ESEA]." Section 610(a)(13). Similarly, the list of authorized activities under the Act includes "the provision of compensatory services to children who have received such services under title I." Section 607(a)(8). Finally, the statutory authority for compensatory service grants allows the provision of "compensatory services to students who had previously received such services funded in whole or in part under title I of [ESEA]." Section 604(c)(1). The term "compensatory services" is thus used consistently throughout the Act in reference to Title I services. The purpose of these ESAA provisions is to provide for the continuation of Title I services to students who received them,

but because of an attendance area or enrollment change under a qualifying ESAA plan, became ineligible to continue receiving them. Nothing in the legislative history of the quoted provisions suggests that the Congress meant to ensure the continued provision of some, but not other, types of Title I services, or to support services that would not be authorized under Title I. Nor does the Secretary intend, by these regulations, to do so. Thus, the term "compensatory services" is expressly defined, for purposes of the compensatory service grants program described in Subpart F, as "any services authorized under Title I to meet the special educational needs of educationally deprived children" (§185.111 of the final regulations).

§185.16 Evaluation.

§185.16(a)(2)

Comment. Several commenters objected to the requirement to evaluate the impact of ESAA activities on "related programs and on the community served." They felt that this requirement was too broad.

Response. No change has been made. Section 610(a)(11) of the statute requires that an LEA's application include procedures for evaluating, among other things, the ESAA program's "impact on related programs and upon the community served."

§185.16(b)

Comment. A number of commenters felt that the requirement to measure change in educational achievement was inconsistent with the de-emphasis on basic skills instruction and remedial education under ESAA.

Response. A change has been made. The regulations now require measurement of change in educational achievement only in instances in which the ESAA program implemented by the LEA is intended to effect a change in educational achievement.

§185.16(c)

Comment. As a general matter, many commenters sought more guidance as to what types of evaluation activities were required for compliance with this provision.

Response. A change has been made. The regulations are revised to include the statutory provision that, where appropriate, participating students may be compared to similarly situated students not participating in the project.

§185.17 Private school participation.

Comment. One commenter asked why the regulations referred to private schools when the statute refers to private nonprofit schools.

Response. A change has been made. The appropriate references in the regulations have been changed to "private nonprofit schools."

§185.17(a)(1)

Comment. Several commenters asked that "give" be changed to "provide" in order to eliminate the possible implication that private school participation in ESAA is a "gift" by the LEA.

Response. The requested change has been made for the reasons stated by the commenters.

Comment. As a general matter, mandatory consultation by the LEA with representatives of private schools was requested by a number of commenters. According to these commenters, consultation should begin with the decision of an LEA regarding whether to apply for ESAA support and should extend for the duration of an ESAA grant.

Response. No change has been made. Section 185.17(b)(1) requires an LEA, in meeting the private school participation requirement, to comply with the requirements of 45 CFR 100b.651 through 100b.662 of EDGAR, including the provisions on consultation with representatives of private

school students and staff. The Secretary encourages LEAs to consult with private school representatives early in the process of developing their applications; however, they need not consult on whether to apply for assistance in the first instance.

§185.17(a)(2)

Comment. Several commenters noted that Section 612(c)(1) of the Act permits a private nonprofit school "bypass" where the Secretary waives the requirement for participation of children in private nonprofit schools upon a showing that the LEA is prohibited by law from meeting that requirement.

Response. A change has been made. Section 185.17(a)(3) of the final regulations provides that, if a waiver is granted and the LEA's application is approved, the Secretary arranges for any appropriate services to private school students and staff using the "bypass" mechanism described in Section 612(c)(1) and (2) of the Act.

Comment. One commenter asked why this provision cross-references the civil rights provisions of §185.21 when the statutory provision on which it is based does not cross-reference the civil rights provisions in Section 606(c)(1) of the statute relating to transfers of property or services to private schools.

Response. No change has been made. The provisions of §185.21 are used here as a standard for assessing nondiscrimination because the key elements of the two statutory sections are essentially the same. That is, a private school may not discriminate on the basis of race, color, or national origin, and it may not serve as a haven for children seeking to avoid attendance in a desegregated school.

§185.18 Freedom of choice desegregation plans.

Comment. One commenter remarked that the information required by this provision is necessary to permit the Secretary to determine whether or not "freedom of choice has achieved, or will achieve, the complete elimination of a dual school system. . . ." Section 610(a)(5) of the Act. This commenter asked that the regulations state that "freedom of choice" will not be an acceptable feature of any desegregation plan except under the circumstances quoted above.

Response. A change has been made. The statutory requirement in the cited section is implemented in §185.18(b).

§185.20 Maintenance of effort.

Comment. Several commenters were concerned that the requirements for maintenance of fiscal effort were too rigorous and allowed none of the margin of flexibility permitted by similar requirements in other Federal statutes.

Response. No change has been made. The requirements in the regulations are drawn from a statute that provides less flexibility than is permitted under some other education assistance programs.

§185.20(b)

Comment. One commenter asked what the basis was for this definition of "fiscal effort per student."

Response. No major change has been made in the definition of "fiscal effort per student." The regulations define the term in order to provide an objective, quantifiable standard of measurement for use by LEAs and by the Secretary in assessing compliance with the statutory requirement that uses that term. The cost categories in the definition are taken from Section 720(2) of Pub. L. 92-318, which defined the term "current

expenditure per pupil" in the Act as originally enacted. The final regulations make one minor change in the reference to instructional expenditures counted for purposes of this requirement. Specifically, instructional expenditures should exclude any costs relating solely to length of service.

§185.21 Limitation on eligibility - transfers to discriminatory nonpublic schools.

§185.21(a)(2)

Comment. One commenter asked why admissions practices are mentioned in this provision when they are not mentioned in the relevant statutory provision.

Response. A clarifying change has been made. The appropriate sentence has been revised to make it clear that admissions is considered to be a "school activity" as that term is used in Section 606(c)(1)(A)(ii) of the statute. Program experience has shown that admissions practices are particularly revealing in determining whether or not discrimination is being practiced by a private school.

§185.21(b) and (c)

Comment. A number of commenters stated that the information required to be obtained by the LEA under these provisions would impose a heavy burden on the LEA and on private schools.

Response. No major change has been made. Similar provisions have been a part of the program regulations since they were first promulgated in 1973. However, the final regulations do not require the LEA to obtain from the private school information on "whether the racial composition of faculty, staff, and student body [of the private school] is consistent with a policy of nondiscrimination," as provided in Section 185.21a(c)(1)(iv) of the proposed regulations. Employment practices are to be considered under §185.21(c)(1)(iii) of the final regulations.

§185.21(c)

Comment. One commenter asked how this information would be used by an LEA in determining compliance with the general requirements of §185.21.

Response. No change has been made. All the information required by this section should be considered together by the LEA to determine whether the private school can receive property or services. However, the failure of a private school to meet the criteria in either clause (iii) or clause (iv), standing alone, is sufficient to bar the transfer.

§185.21a(d) of the proposed regulations

Comment. Many commenters objected to the provision that a private school not enrolling minority students would be presumed to discriminate.

Response. A change has been made. This provision and a companion provision relating to publishing a policy of nondiscrimination have been deleted from the final regulations.

§185.22 Limitation on eligibility - prohibited personnel practices.

Comment. Several commenters objected generally to the reliance on statistical factors in assessing personnel practices. Disproportionate dismissal or demotion of certain groups of employees may not itself be evidence of discrimination, it was suggested, if the personnel actions resulted from a union contract which stipulated that employees with the least seniority would be fired first in instances of a general reduction in LEA staff size.

Response. No change has been made in response to this general concern. Section 606 (c)(1)(B) of the statute states that ineligibility for ESAA aid is triggered by (a) a practice, policy, or procedure which has resulted in the "disproportionate demotion or dismissal" of minority group personnel

in conjunction with a qualifying plan, or (b) other "discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees." The regulations reflect, and are consistent with, the statutory language.

§185.21b(a)(2) of the proposed regulations

Comment. One commenter asked why this provision distinguished between required and nonrequired plans.

Response. The provision has been deleted. In order to disqualify an LEA, the disproportionate demotion or dismissal of minority group personnel must be "in conjunction with" the qualifying plan described in Section 606 of the Act. See Section 606(c)(1)(B). The fact that these demotions or dismissals occur during the period of plan implementation is not, by itself, adequate evidence that they are in conjunction with either a required or a nonrequired plan. Thus, in the case raised by the previous comment, the LEA's eligibility would turn on whether the demotions or dismissals could be traced to the plan.

§185.22(b)

Comment. One commenter asked for the rationale for establishing these percentages.

Response. No change has been made. The percentage ranges have been established to permit the Secretary to measure the disparate impact of demotions or dismissals objectively, and in a way that takes account of the size of the LEA's staff.

§185.22(b)(2)(iii)

Comment. One commenter questioned whether or not this type of reassignment should be considered a demotion.

Response. No change has been made. The personnel action referred to by the commenter is substantially the same as the personnel action considered to be a demotion in Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211,1218 (5th Cir. 1970).

§185.22(b)(3)

Comment. One commenter asked what situations were meant to be covered by "resignations impelled by threatened administrative or other sanctions."

Response. No substantive change has been made. This provision refers to a situation in which an individual is told that he or she will soon be subjected to adverse action or dismissed and the individual then resigns prior to any formal action by the LEA.

§185.22(c)(1)

Comment. One commenter asked what test was to be used in determining whether the proportion of minority group personnel in the LEA has been restored at least to the proportion that existed prior to the demotions or dismissals.

Response. A change has been made. The relevant proportion is that which existed just prior to the disproportionate demotions or dismissals.

§185.22(d)

Comment. One commenter asked why demotions and dismissals that are "discriminatory" are covered by this provision.

Response. No change has been made. The Secretary regards the prohibition against discrimination in the "hiring, promotion, and assignment of employees" in Section 606(c)(1)(B) of the Act as including a prohibition against discriminatory demotions and dismissals.

§185.22(d)(3)

Comment. One commenter suggested that this provision was unnecessarily rigid.

Response. No change has been made. This provision prohibits an LEA from replacing a qualified person who has been dismissed or demoted in the process of desegregation with someone of a different race, color, or national origin, unless the former staff member failed to accept an offer of reemployment. The language of this requirement is substantially the same as that contained in Singleton, 419 F.2d at 1218.

§185.22(e)

Comment. One commenter asked why "payment" was mentioned in addition to the items listed in the relevant statutory provision.

Response. No change has been made. Although payment is an integral aspect of "hiring, promotion, and assignment" and thus covered by the statutory language, it is expressly included in the regulations out of concern over the possibility of discriminatory pay scales.

§185.23 Limitation on eligibility - classroom segregation.

Comment. A number of commenters were uncertain as to whether this section prohibits bilingual education programs that require the grouping of minority group children for more than 25 percent of the school day. Other commenters were unsure whether or not programs for gifted students were prohibited.

Response. Several changes have been made. Section 185.23(b)(1)(ii) has been revised to make it clear that grouping for instruction to achieve English language competence is not to be precluded by this provision where it meets the other tests for a bona fide grouping. The revision of paragraph (b)(3) of the proposed regulations is intended to make it clear that bona fide groupings for gifted children are not prohibited.

§185.23(a)

Comment. One commenter asked why "substantial portion of the school day," as used in Section 606(c)(1)(C) of the statute, is defined as 25 percent of the school day classroom periods.

Response. No change has been made. Twenty-five percent of the school day is normally about one and one-half hours of instructional time, or two academic periods. The Secretary believes that this is a reasonable standard to apply to instances of separation of minority group from nonminority group students, in light of the statutory objectives and sound educational practice.

§185.24 Limitation on eligibility - discrimination among children.

§185.24(e)

Comment. One commenter stated that this provision was redundant in light of §185.23(b).

Response. No change has been made. Section 185.23(b) is concerned with the desegregation-related assignment of children to or within classes that results in the "separation" of minority group from nonminority group children. Section 185.24(e) refers to the discriminatory assignment of students to "racially or ethnically identifiable groups, tracks ... classes... or other curricular or extracurricular activities." Thus, the latter provision reaches assignments in addition to those to or within classes. Also, it reaches cases of racial or ethnic identifiablity, which can exist without actual separation of minority and nonminority children.

§185.28 Waivers of ineligibility.

§185.28(b)

Comment. One commenter recommended that the regulations repeat the statutory requirement that a waiver application state the reason for the LEA's ineligibility.

Response. A change has been made to adopt the comment. See §185.28(b)(1) of the final regulations.

§185.28(d)

Comment. Many persons understood this provision to permit the Secretary arbitrarily to set the deadline for receipt of waiver applications any time prior to June 30th. These commenters felt that this authority was too broad and did not give LEAs a clear-cut deadline for submission of waiver applications.

Response. No change has been made. Applicants will be advised individually as to the time needed for the review of their waiver applications, which may vary with the complexity of the application, the number of other pending applications, and other factors.

§185.29 Waiver of ineligibility - transfers to discriminatory nonpublic schools.

§185.29(d)(2)

Comment. One commenter asked for a definition of "unearned consideration."

Response. When a transfer of property is rescinded and the property is returned to the previous owner, "unearned consideration" generally is the value of the property when it is returned. For example, assume that an LEA sells equipment and supplies to a private school for $1,000. The private school uses some of the supplies and the equipment depreciates. The sale is then rescinded. The private school returns the equipment and the unused supplies, with a value of $700, to the LEA. The amount of unearned consideration is $700. Section 185.29(d)(2) requires the LEA to return this amount to the private school, to the extent possible under State law.

§185.30 Waiver of ineligibility - prohibited personnel practices.

§185.30(a)(1)

Comment. One commenter asked why this provision permits a plan for corrective action, rather than full achievement of the corrective action.

Response. No change has been made. The waiver application must include a description of steps already taken to prevent future disproportionate demotions or dismissals of minority group personnel. The purpose of the plan is to ensure that the practices which led to the disproportionate dismissals or demotions will not reoccur.

§185.30(c)

Comment. One commenter asked why this provision refers only to teachers, while the statute and other regulatory provisions refer to employees generally.

Response. No change has been made. This provision is meant to deal with a particular situation, not with all discriminatory assignments. Other discriminatory assignments are addressed in §185.30(d).

§185.30(c)(3)

Comment. One commenter asked why this provision sets out teacher assignment percentages which are not required of LEA applicants generally.

Response. No change has been made. The percentage requirements apply only to an LEA which has violated the provisions of §185.22 and must remedy that violation.

§185.25b(e) of the proposed regulations

Comment. Several persons believed that this provision constituted an unwarranted intrusion into the hiring practices of LEAs.

Response. The provision has been deleted.

§185.32 Waiver of ineligibility - discrimination among children.

§185.32(a)

Comment. One commenter asked why a plan was required as a remedy for this type of discrimination.

Response. No change has been made. The requirement for a remedial plan is the best means of ensuring that practices leading to a denial of equal educational opportunity to national origin minority group children will not reoccur.

§185.32(c)(1)

Comment. One commenter asked why this requirement was not also included in §§185.23 and 185.24 as they pertain to ability grouping.

Response. No change has been made. The Secretary regards the nondiscriminatory treatment of handicapped students as implicit in the criteria for an educational justification in §185.23(b). The reference in §185.32(c) to Pub. L. 94-142 and Section 504 of Pub. L. 93-112 is included as guidance to LEAs required to adopt remedial plans affecting handicapped students after a violation relating to race, color, or national origin.

Subpart C - Basic Grants

§185.40 Purpose.

Comment. Several representatives of one national association suggested that "educational needs" should be defined to encompass affective as well as cognitive needs of children.

Response. No change has been made. The examples of authorized activities in Section 607 of the Act make it clear that ESAA programs may include educational activities with affective as well as cognitive objectives.

§185.42 Qualifying plans.

§185.42(a)(1)(iii)

Comment. One commenter questioned whether it was necessary to tie this provision only to "illegal" segregation, since any LEA requesting support for the activities described in this provision would therefore be required to make a tacit admission of illegal LEA actions regarding the affected schools.

Response. No change has been made. The authorizing provision of the statute, Section 606(a)(1)(A)(i), pertains only to plans premised on a finding of illegal conduct. It expressly refers to activities required under the plan to remedy the effects of "illegal segregation." A companion provision in Section 607(a)(11) authorizes support for court-ordered activities of this sort. Support for activities in schools unaffected by reassignments under other plans is generally not available.

§185.42(b)(2)(ii)

Comment. Several commenters suggested that the 50 percent criterion would hurt districts with high percentages of minority group students. These commenters proposed that the percentage criterion vary according to the LEA's percentage of minority group students.

Response. No change has been made. Section 617(7) of the statute defines minority group isolation in terms of the 50 percent criterion. The Secretary has no statutory authority to raise or lower that percentage.

§185.32(b)(3)(iii) of the proposed regulations

Comment. One commenter requested that this provision, pertaining to multi-year prevention plans, be deleted due to the absence of relevant statutory authority and legislative history.

Response. The provision has been deleted. Section 185.47(c) of the final regulations contains more specific guidance as to the basis for

continuation awards for multi-year projects. An applicant for a continuation award for this type of project must show it is continuing to implement and comply with the terms of any qualifying plan on which its eligibility is based, including a plan to prevent minority group isolation. No mandatory back-up plan is required, however.

§185.42(b)(4)

Comment. Several Indian tribes and small LEAs requested that the minimum number of children to be transferred under an inter-district plan be lowered from 100 so as to permit small LEAs, generally rural in character, to qualify under this provision.

Response. A change has been made. A plan qualifies if the students whose transfers reduce minority group isolation number at least 100 or make up at least 10 percent of an affected LEA's enrollment.

§185.42(c)(2)

Comment. One commenter asked whether an LEA would be penalized by this provision in situations where minority group isolation increases due to external factors beyond its control.

Response. No change has been made in this provision. The Secretary does not intend to penalize an LEA in a situation in which factors external to the school system lead to an increase in minority group isolation in the LEA. However, in the case of a multi-year project the LEA with a plan to affect minority group isolation would not be able to receive a continuation award if it were not able to meet the requirement of this section — that the plan results in less isolation than would have existed without it. See §185.47(c) of the final regulations. An LEA that fails to make this showing is not furthering the purpose of the statute.

§185.42(d)(1)

Comment. One commenter objected to the requirement for submission of "all relevant legal documents" in connection with an applicant's qualifying plan. This requirement was seen as unnecessarily broad and burdensome.

Response. A change has been made. A new provision at §185.42(d)(1)(ii) permits an applicant that has previously submitted its qualifying plan to the Secretary to provide only updating information as part of any new ESAA application.

§185.42(d)(4)

Comment. One commenter asked why LEAs with a district-wide minority enrollment of more than 50 percent are treated differently than other LEAs that propose to implement prevention plans.

Response. No change has been made. The Secretary has requested additional information from these LEAs in order to make certain that ESAA funds are not used for the purpose of separating nonminority group from minority group children, and to ensure that ESAA prevention plans are not used to provide improved services in schools in which nonminority group students comprise a majority of the enrollment while services in minority group isolated schools are not comparable.

Comment. One commenter objected to the assumption in §185.42(d)(4)(i) that 70 percent minority enrollment constitutes a disproportionate concentration of minority students, since this would not be the case in an LEA with a district-wide minority enrollment of 70 percent or more.

Response. No change has been made. The purpose of the 70 percent criterion is to identify schools with a disproportionate minority enrollment when compared with the schools in which minority group isolation is to be

prevented under the plan. Since Section 606(a)(1)(C)(iii) of the Act limits prevention plans to schools between 20 and 50 percent minority, the enrollment of a 70 percent minority group school will vary significantly from that of any prevention plan school.

§185.44 Application procedures.

§185.44(b)

Comment. One commenter asked why a needs assessment is required.

Response. No change has been made. A needs assessment is required in order to make certain that the activities proposed to be carried out by the LEA will address educational needs that arise from the implementation of the LEA's plan, and to determine the magnitude of those needs in order to apply the statutory criteria in Section 610(d).

§185.45 Approval of new projects.

§185.45(a)

Comment. Some commenters were uncertain whether "new" projects referred only to LEAs which had never received ESAA support before or to any LEA submitting a request for a "new," as opposed to a "continuation," award.

Response. No change has been made. The term "new" is used to distinguish "new" awards from "continuation" awards discussed in §185.47.

§185.45(b) and (c)(3)

Comment. A number of commenters understood these provisions to mean that an applicant for a basic grant would no longer compete only against other basic grant applicants from the same State.

Response. No change has been made. Basic grant applicants compete only against other basic grant applicants from their own State.

§185.45(c)

Comment. Several commenters objected to the establishment of funding categories based on the recentness of an applicant's implementation of a qualifying plan.

Response. No change has been made. The recentness of the implementation of a qualifying plan is a criterion required by Section 610(d)(3) of the Act. As discussed in the preamble to this document, the use of categories based on recentness implements Congressional concerns that ESAA funds be targeted on the districts with the most pressing plan-related needs.

§185.45(c)(2)

Comment. Several commenters expressed confusion concerning the "implementation date" of a qualifying plan.

Response. Several changes have been made. Section 185.45(c)(2)(ii) has been revised to make clear that it applies only where the LEA has more than one plan, or has a single plan under which reassignments of children or faculty are to occur in phases. It has also been revised to permit a measurement of plan impact on the basis of either number or percentage of reassignments.

§185.45(d)

Comment. Several commenters were concerned that the quantitative scoring described in this provision did not adequately take into account the needs of LEAs with increasing numbers of minority group students.

Response. A change has been made. The scoring computation in the final regulations measures both the effect of the plan on students in minority group isolated schools, and any increase in total minority group enrollment over the life of the plan.

It should be noted that the scoring mechanism will be used only to establish a ranked list of applicants within each funding category. The special desegregation-related needs of each applicant selected for funding will be taken into account in establishing the funding level for each grantee.

Comment. Another commenter asked why the scale had been designed with such small increments. This commenter also asked why the provision refers to all schools in the district rather than minority group isolated schools only.

Response. No change has been made. Small increments have been used to increase the precision of the ranking procedures. If larger increments were used, the difference of a few percentage points between ranges would result in a very significant difference in the weight to be applied to the numbers of minority group children in those ranges. The scale is applied to all schools in the LEA only as far as is necessary to determine the degree to which minority group isolation is reduced. The scale does not distinguish between one non-isolated school and another.

§185.35(e) of the proposed regulations

Comment. A number of readers criticized this provision on the ground that "compelling evidence of extraordinary difficulty" was too vague.

Response. This provision has been deleted from the final regulations.

§185.45(e)

Comment. A number of commenters were concerned that the Secretary's review of an applicant's proposed activities did not also involve a review by a panel of experts knowledgable in desegregation and education. These commenters felt that a panel would lend a greater degree of objectivity and expertise to the review process. Additionally, these same commenters felt that the quality of each applicant's proposed project should be assessed

according to more explicit criteria set out in the regulations, and that those criteria should be used in the ranking of applications. This set of comments was also directed toward the application review process under other ESAA programs, especially Subpart D - Special Project Grants.

Response. Changes have been made. The Commissioner expects to use experts to review the quality of projects proposed for ESAA funding. Section 185.3(b)(1) of the final regulations makes §100a.217(a) of EDGAR, which provides for the use of experts, applicable to ESAA application reviews. Application reviews for Subpart C - Basic Grants and Subpart G - Nonprofit Organization Grants must involve at least one person who is not an employee of the Federal Government if a panel is used. See 45 CFR 100a.217(a)(3). Basic grant applications will be reviewed according to the quality criteria set out in §185.45(e). On the basis of these reviews, recommendations will be made to the Secretary as to whether or not an award to the applicant is warranted. Comparable reviews will be conducted of applications under other ESAA programs, as appropriate.

§185.45(e)(2)

Comment. Several commenters stated that an applicant's previous performance under earlier ESAA grants should be taken into account in determining whether or not that applicant should receive a new ESAA award.

Response. No change has been made. Because prior recipients of ESAA assistance may compete against new applicants, and because previous performance may not accurately predict future performance, the factor is not included as a separate criterion. However, where the Secretary has information that bears directly on the quality of the proposed project, the Secretary may take it into account in applying the criteria in this section of the regulations. In addition, continuation awards for projects initially approved for more than a year's duration are contingent, in part, on the LEA's

demonstration that it is making satisfactory progress toward achieving the objectives of its project. See §185.47 (c).

§185.35(g)(2) of the proposed regulations

Comment. Several commenters requested that an applicant whose proposed activities are poor in quality or unresponsive to local desegregation-related needs should be given a formal opportunity to revise and resubmit its applications for a further review by the Secretary.

Response. A change has been made as a result of the enactment of a statutory requirement (Section 610(f)(2) of the Act) that State and local educational agencies be given the opportunity suggested by the commenter. See Pub. L. 96-46, enacted August 6, 1979. The new requirement has been implemented at §185.45(f) of the final regulations for basic grants and elsewhere for other programs to which it applies.

§185.46 Length of project

§185.46(a)

Comment. One commenter asked why the project period was described in terms of months, rather than years, as it is described in the statute.

Response. No change has been made. Permissible project periods have been described in terms of months to make it clear that project periods need not be in multiples of full years. For example, a 30-month (2 1/2 year) project period is permissible.

§185.46(b)

Comment. One commenter asked why the recency of the LEA's implementation of its qualifying plan had been included as a factor in determining the length of the project period.

Response. That provision, as stated in §185.36(b)(3) of the proposed regulations, has been deleted from the final regulations.

§185.46(c)

Comment. One commenter requested that when the Secretary indicates his or her intention to make a continuation award beyond the first budget period, the Secretary should at that time indicate the likely level of continuation funding. It was requested further that the funding level reflect the probable rate of inflation during the period of the continuation award.

Response. No change has been made. Under a multi-year project, the grantee's proposed budget for each budget period after the first will be reviewed in light of its approved project (including the estimates for each budget period required by 45 CFR 100a.117(c)) and the factors described in §185.47 prior to the award of a continuation grant.

§185.47 Approval of continuation awards.

§185.47(a)

Comment. One commenter suggested that this provision include the requirement in Section 610(e)(2)(A) of the statute that continuation awards generally be approved prior to approval of new awards.

Response. No change has been made. Section 610(e)(2)(A) of the statute is cross-referenced by this provision. The statutory provision states that continuation awards to LEAs shall be approved prior to new awards unless "urgency of needs elsewhere" has been demonstrated.

§185.47(c)

Comment. Several commenters asked that the criteria for the approval of continuation awards be set out more explicitly. They further requested that the approval of a continuation award be tied to the results of periodic monitoring and evaluation of the project. In this regard it was suggested that 45 CFR 100a.118 ("Application for a continuation award") and 100a.253 ("Continuation of a multi-year project after the first budget period") of EDGAR be applied to continuation awards under ESAA.

Response. Changes have been made. This provision now states that "satisfactory progress" includes the applicant's continued compliance with, and implementation of, any plan on which its eligibility for assistance is based. As noted in §185.3(b)(3)(i) of the final regulations, 45 CFR 100a.253 of EDGAR does not apply to ESAA continuation awards to LEAs. This is so because the ESAA statute (Section 610(e)(2)) contains the criteria for continuation awards. However, this section does apply to continuation awards to other ESAA grantees, and §100a.118 applies to requests for continuation awards under all ESAA grant programs.

Subpart D - Special Project Grants

Comment. One commenter asked whether a specific amount of funds would be set aside for each type of award (for example, planning grants) described in this subpart, and, if so, what statutory authority permitted such set-asides.

Response. No change has been made. A specific amount of funds will be established for each type of award under the Secretary's discretionary authority, under Section 608(a) of the statute, to support activities that the Secretary determines will make substantial progress towards achieving the ESAA purposes. The establishment of an amount of funds for each type of award is subject to any limitations in appropriation statutes. The amount available is usually included in the Secretary's solicitation of applications published in the FEDERAL REGISTER pursuant to 45 CFR 100a.101.

Planning Grants

§185.54 Approval of projects.

§185.54(a)

Comment. One commenter objected to this provision on the ground that it does not include or refer to the criteria in Section 610(d) of the Act.

Response. A change has been made. Since Section 610(d) presupposes a plan, the criteria in that subsection are largely inapplicable to the evaluation of planning grant applications by their terms. However, §185.54(a)(1) of the final regulations applies the quality criteria for basic grant applications which are appropriate to planning grants.

Transitional Grants

§185.60 Purposes.

Comment. One commenter objected to the establishment of the transitional grant category on the ground that it would reward LEAs that had delayed the desegregation process and that had in some instances fought against implementing any plan to reduce minority group isolation.

Response. No change has been made. The Secretary does not believe that this category of awards will have the effect described by the commenter. The statutory purpose of ESAA broadly stated is to assist school districts in meeting special needs associated with desegregation and to encourage voluntary reduction, elimination, or prevention of minority group isolation. Establishment of the transitional grants category is consistent with those purposes. It is also consistent with the thrust of the 1978 amendments to the Act, discussed in the preamble to this document.

§185.64 Approval of projects.

§185.64(a)(2)

Comment. One commenter asked why this provision was included in the regulations if as a part of the discretionary grant process all applications would necessarily be considered against all other applications.

Response. No change has been made. Since an application for a transitional grant may be submitted at any time, the Secretary will not necessarily

be able to review as a group all applications that address a particular need. In order to avoid duplicative awards, the Secretary must consider both applications which have already been submitted and those that can reasonably be expected to be submitted to address particular problems.

§185.64(d)

Comment. One commenter asked why the maximum amount of a grant providing pre-implementation or special discretionary assistance (described in §185.60(a) and (c), respectively) was set at $100,000.

Response. No change has been made. The maximum amount has been set to prevent these categories from replacing basic grants as the primary funding source for LEAs involved in the implementation of qualifying plans. The Secretary anticipates that this amount will be more than enough to meet the needs for which these types of assistance were designed.

Grants for the Arts

§185.70 Purpose.

Comment. One commenter asked why this category of awards was established since the arts are not mentioned in the statute.

Response. No change has been made. This category of awards was established by regulations in 1974. It has been retained because the Secretary continues to believe, on the basis of results of projects supported by these awards, that they further the statutory purposes as provided in Section 608(a) of the Act.

§185.71 Eligible applicants.

Comment. Several commenters asked that eligibility for this category of awards be broadened. One commenter asked that SEAs be expressly designated as eligible applicants. Another commenter asked that LEAs in cities with populations over 500,000 be included as eligible applicants. Another commenter asked that any LEA be eligible to apply for a grant.

Response. No change has been made. To make the most effective use of the amount of funds available for this type of award, the Secretary believes it necessary to limit applicants to public agencies responsible for the administration of statewide public arts programs.

§185.72 Eligibility for services from a grantee.

Comment. One commenter asked for the rationale for the percentage enrollment requirements set out in this provision.

Response. No change has been made. These provisions are intended to target funds to schools attended by substantial proportions of both minority group and nonminority group students, in accordance with the purpose of these awards set out in §185.70. Similar provisions are contained in the regulations governing magnet school grants. See §185.101(b)(2).

§185.74 Application procedures.

Comment. One commenter asked that each applicant be required to develop its application in consultation with the LEAs which the applicant proposes to serve.

Response. No change has been made. Section 185.74(b)(2) requires an applicant to provide a copy of the request for arts-related services from each LEA that the applicant proposes to serve. The Secretary believes that this provision will ensure adequate consultation with those LEAs.

§185.75 Approval of projects.

§185.75(c)

Comment. One commenter asked why the maximum grant amount had been set at $100,000.

Response. No change has been made. This maximum grant amount is necessary in light of the small amount of funds expected to be available for these awards.

§185.75(d)

Comment. One commenter recommended that States with one or more cities with populations exceeding 500,000 be permitted to receive two grants.

Response. No change has been made. The limitation on the number of grants per State is necessary in light of the small amount of funds expected to be available for these awards.

Metropolitan Area Grants

§185.80 Purposes.

§185.80(a)

Comment. One commenter asked why this section includes the phrase "to establish or maintain" while Section 609(a)(1) of the statute refers to "establishing and maintaining" integrated schools.

Response. No change has been made. The statute does not limit assistance to LEAs that will both establish and maintain integrated schools. The quoted statutory language describes the metropolitan area grants/integrated schools program as a whole, rather than imposing a restriction on each award made under that program. Section 606(a)(2)(B)(iii) expressly permits assistance for "the establishment or maintenance of one or more integrated schools" (emphasis supplied).

§185.80(b)

Comment. One commenter asked why the statutory reference to plans to "reduce and eliminate" minority group isolation had been changed to "reduce or eliminate" in the regulations.

Response. A change has been made. The provision now requires that isolation be both reduced and eliminated to the maximum extent possible under any plan developed under the authority of this provision.

§185.81 Eligible applicants.

Comment. One commenter requested that SEAs and regional governmental commissions also be eligible to apply.

Response. No change has been made. The statute limits eligibility to LEAs.

§185.81(a)(2)

Comment. Several commenters were concerned that the regulations set narrower conditions on minority group enrollment in participating LEAs than does the statute. In particular, one commenter objected to the eligibility requirement that an LEA applicant enroll a lower percentage of minority group students than are enrolled in the SMSA as a whole.

Response. No change has been made. The minority group enrollment requirement, established under the authority to set special eligibility criteria in Section 606(a)(2)(A) of the Act, is designed to ensure that services funded under this category of awards be provided where they are most likely to achieve the purposes of these awards.

§185.82 Authorized activities.

§185.82(b)

Comment. One commenter objected to the prohibition on the use of project funds for construction and for the repair or remodeling of facilities.

Response. A change has been made. The prohibition on repair or remodeling of facilities has been deleted. The prohibition on the use of project funds for construction has been retained due to the need to target limited funds on project services.

Other Special Projects

§185.90 Use of discretionary funds.

Comment. One commenter asked why evaluation contracts (§185.90(f)) are authorized under this provision when the statute authorizes evaluations

under a separate provision (Section 613 of the Act). Another commenter asked why programs for limited English speaking children are not expressly included here.

Response. No change has been made. This section sets out all intended uses of funds appropriated under Section 604(b)(2) of the Act. Since funds for the evaluations described in Section 613 are appropriated under Section 604(b)(2), evaluation contracts are listed among the uses. A separate program of awards relating to children of limited English proficiency is not included in view of the availability of assistance for that purpose under other statutes (principally ESEA, Title VII) and in view of the ability of LEAs to include requests of desegregation-related assistance for these children in applications under other ESAA programs.

§185.91 Applicable requirements.

§185.91(b)

Comment. One commenter asked why a State apportionment formula is used for the award of any special projects funds. A number of commenters suggested the use of the basic grant formula.

Response. Changes have been made in the procedure for awarding grants to basic grant applicants using funds appropriated under Section 604(b)(2) of the Act. As provided in the proposed regulation, the Secretary may award these grants only if the total amount of funds available for basic grants under Section 604(b)(1) of the Act is not sufficient to fund all approvable basic grant activities and if the Secretary determines that this use of special projects funds best serves the statutory purposes.

The proposed regulation has been revised to provide for distributing special projects funds in such a case without resort to the State apportionment formula used for basic grant funds. Instead, these funds are distributed to States on the basis of unmet needs relating to qualifying plans not more than six years old. If all these needs are met nationwide, any remaining funds are distributed on the basis of unmet needs relating to older plans. In each case, unmet needs are determined by the normal review procedures applicable to basic grants. Within each State special projects funds from each distribution are used by the Secretary in accordance with the statutory criteria in Section 610(d) of the Act.

Subpart E - Magnet School, University/Business Cooperation, and Neutral Site Planning Grants

§185.100 Purposes.

§185.100(a)

Comment. One commenter asked why the regulations limit applicants to educational programs in magnet schools when Section 608(a)(1) of the Act simply says "programs."

Response. No change has been made. The Secretary wishes to emphasize the educational nature of activities supported under magnet school grants.

§185.100(b)

Comment. One commenter asked why this provision does not include the statutory language in Section 608(a)(2) relating to "pairing."

Response. No change has been made. Because the term "pairing" has a special meaning with regard to the design of desegregation plans, it has not been used in the regulations governing university/business cooperation grants. However, this regulatory term emphasizes the cooperative relationship

between LEAs and institutions of higher education or businesses envisioned by the Congress.

§185.101 Eligible applicants.

§185.101(a)

Comment. One commenter asked why eligibility is limited to LEAs.

Response. No change has been made. The legislative history of the activities described in this subpart, as well as the nature of those activities, clearly contemplate assistance to LEAs.

§185.101(b)

Comment. One commenter questioned the establishment of the minority group percentages as enrollment requirements for magnet schools.

Response. Changes have been made in the allowable percentages of minority group and nonminority group students who may be enrolled in a magnet school supported by a grant under Subpart E. The revised provisions link the permissible enrollment of the magnet school to district-wide enrollment percentages in a slightly different fashion than did the proposed regulations. The purpose of establishing the enrollment ranges is to implement the requirement in Section 617(5) of the statute that a magnet school be able to attract "substantial numbers of students of different racial backgrounds." In addition, section 185.91(b)(2)(iv) of the proposed regulations, requiring proportional representation of each of the LEA's minority groups in the magnet school, has been deleted from the final regulations because it is unnecessary to give effect to the statutory purpose and might unduly hinder the establishment of successful magnet schools.

§185.101(c)(2)

Comment. One commenter asked why separate procedures had been established relating to the termination of magnet school grants.

Response. No change has been made. Because enrollment in a magnet school is voluntary, some LEAs which make very serious efforts to meet the minority group enrollment percentages set out in §185.101(b)(2) may be unable to do so within the time period stated in that section. Where the LEA has substantially complied with those requirements and is likely to attain full compliance with them in the near future, the Secretary believes that termination of the grant may not be warranted.

§185.102 Authorized activities.

§185.102(a)(4)

Comment. One commenter asked why this provision on fiscal effort had been included in the regulations.

Response. No change has been made. This provision applies only to LEA applicants proposing to conduct magnet school programs. The Secretary adopts it out of concern that ESAA funding for the operation of a magnet school be supplementary and that, accordingly, an LEA not reduce its own fiscal effort on behalf of the children enrolled in the magnet school. This requirement differs from the fiscal effort requirement in §185.20. That provision prohibits a district-wide reduction in fiscal effort, whereas §185.102(a)(4) concerns individual magnet schools where ESAA funds are used.

§185.102(a)(4)(ii)

Comment. One commenter recommended that instructional costs attributable to length of teacher service be excluded from the calculation of fiscal effort per student.

Response. A change has been made. The final regulations exclude from their calculations of fiscal effort, both under this regulatory provision and

under §185.20, the portion of instructional costs that are attributable solely to length of service.

§185.102(b)

Comment. One commenter asked that two-year institutions of higher education be permitted to participate in activities under this type of award.

Response. No change has been made. Section 617(2) of the statute defines "institution of higher education." That definition is repeated in §185.4(a)(2) of these regulations, and would permit the participation of certain two-year institutions.

§185.104 Approval of new projects - magnet schools and university/business cooperation.

§185.104(a)

Comment. One commenter asked that the ranking of applications reflect the relative quality of proposed projects as well as the change in minority group isolation.

Response. No change has been made in the provision for ranking of applications except to take into account increases in minority group enrollment in the fashion used for basic grants. The final regulations have been changed, however, to require that, in determining whether an application is approved for funding, the application be reviewed according to the criteria listed in §185.45(e)(2)(ii)(C) through (J). Those criteria relate to the quality of the applicant's proposed project.

Subpart F - Compensatory Service Grants

§185.111 Definitions.

Comment. One commenter noted that Title I authorizes services other than educational services so long as those services contribute to meeting students' special educational needs.

Response. A change has been made to reflect the comment. Title I funds are sometimes used for services that are not in a strict sense educational, but only where those services are directly related to meeting special educational needs. An example is the provision of eyeglasses for children participating in a remedial reading project. These services are authorized under ESAA compensatory service grants to the extent and under the same conditions that they are authorized under Title I. To clarify this matter, the word "educational" has been deleted from the definition of compensatory services.

§185.112 Eligible applicants.

§185.112(a)(2) and (3)

Comment. One commenter asked if plans approved by the Secretary under Title VI of the 1964 Civil Rights Act had been intentionally omitted from this list of qualifying plans. Questions were also raised by this commenter about the use in the regulations of the terms "ordered," "adopted," and "approved."

Response. A change has been made with respect to plans approved by the Secretary as adequate under Title VI of the 1964 Civil Rights Act. The reference in §185.102 of the proposed regulations to §185.32(a)(2) was in error and has been corrected to refer to §185.42(a)(3) of the final regulations.

With respect to the use of different terminology ("ordered," "approved," "implemented") to describe the status of different types of plans, Section 604(c)(2) of the Act provides that an LEA is eligible for a compensatory service grant if its qualifying plan was "implemented or ordered after August 21, 1974." Since a plan that was ordered after that date is necessarily implemented after that date, a uniform test relying on the date of implementation

makes the alternative statutory test (when the plan was "ordered") superfluous. To give effect to both statutory alternatives, the term "ordered" is used in §185.112(a)(1) with respect to required plans under a final order of a court, either Federal or State, or any other State agency or official of competent jurisdiction. The statutory term "implemented" is substituted in §185.112(a)(3), in place of the term "adopted" in the proposed regulations, with respect to nonrequired plans, since LEAs are not ordered to carry out those plans. Title VI plans are similar to plans ordered by courts and State agencies in that their implementation is required by law. Since Title VI plans are approved, rather than ordered, by the Secretary, the term "approved" used in Section 606(a)(1)(A)(ii) of the Act is used to describe them in §185.112(a)(2).

§185.113 Authorized activities.

§185.113(b)(3)

Comment. One commenter asked why this requirement was included in the regulations.

Response. No change has been made. The child must be educationally deprived, as that term is used under Title I, at the beginning of the project period of any ESAA grant awarded under this subpart. If the student is not educationally deprived, for Title I purposes, at the beginning of the project period, then the student would not be eligible for compensatory services under Title I. Consequently, the student would have lost those services for some reason other than a desegregation-related attendance area or enrollment change and would not, under Section 604(c), of the Act, be eligible for those services under this program.

§185.113(b)(4)

Comment. One commenter asked why the regulations require that the student be enrolled in a school different from that in which he or she would have been enrolled in the absence of a qualifying plan. This commenter also asked why this provision requires that Title I services have been provided in the school term just prior to the plan's implementation, for the grade in which the student is enrolled in the project period.

Response. Several changes have been made in this subpart to make it clear that the individual child need not have changed schools in order to be eligible to receive ESAA compensatory services. The statute requires, however, that he or she must have previously received Title I services and not be receiving Title I services during the project period due to a qualifying plan. Such a child might not necessarily have been transferred to a different school if his or her school lost its Title I designation due to changes brought about by implementation of a qualifying plan.

The requirement that compensatory services have been provided during the last school term before the plan was implemented is intended to relieve the burden on an LEA to establish a hypothetical Title I project showing what schools would be providing what Title I services in the absence of an attendance area or enrollment change. If Title I services were provided at a particular school during the school term just prior to the implementation of a qualifying plan, the Secretary will presume, and the LEA need not prove, that the school would have continued to provide those services. By contrast, the alternative eligibility test of paragraph (c) requires the LEA to prove the casual relationship between the qualifying plan and the student's loss of services.

§185.113(c)

Comment. One commenter asked if students enrolled in private nonprofit schools were eligible to receive services under this subpart.

Response. A change has been made to make it clear that such students are eligible to receive services.

§185.113(c)(2)

Comment. One commenter noted that receipt of fewer services due to implementation of a qualifying plan meant the student retained Title I eligibility, and argued this result was not contemplated by the statute.

Response. A change has been made. The term "fewer" has been deleted from the final regulations, and the regulations have been revised to make it clear that participating students may not be eligible for Title I services.

§185.113(d)(1)(ii)

Comment. One commenter asked why student composition of programs funded under this subpart is prescribed in this manner.

Response. A change has been made. The regulations now provide that 30 percent of the participants in the project authorized by this subpart be students other than students who have lost Title I services due to implementation of a qualifying plan.

§185.115 Funding procedures.

§185.115(a)

Comment. One commenter asked why the maximum project period is twelve months.

Response. No change has been made. Since each year's grant is dependent on the number of students eligible under §185.113 and since that number may change substantially from year to year, it would be inappropriate to approve project periods of more than one year.

Subpart H - State Agency Grants

§185.143 Application procedures.

§185.143(b)(3)

Comment. One commenter asked why the regulations require that an advisory committee be formed.

Response. No change has been made. Section 608(c)(3) of the statute requires an applicant to develop its proposal in consultation with teachers, educators, parents, and representatives of the general public. The statute also requires that a certain proportion of the persons consulted be minority group members. In order to implement that requirement effectively, the Secretary has required the formation of an advisory committee whose membership conforms to that requirement.

§185.144 Approval of projects.

§185.144(c)

Comment. One commenter asked that State agency grants be awarded for multi-year periods.

Response. No change has been made. Since the amount of a State's grant under this provision is tied directly to its expenditures in the preceding year for certain types of activities, the regulations provide that a new application be submitted every year.

Subpart I - Television and Radio Contracts

§185.150 Purpose.

§185.150(a)

Comment. One commenter felt that this section insufficiently reflected the statutory language providing that children's television and radio programs be "integrated."

Response. A change has been made. The statement of purpose has been revised to require that an ESAA television or radio program "[facilitate] successful integration of elementary or secondary schools."

§185.150(b)

Comment. One commenter asked why the conduct of ancillary activities is authorized under this subpart.

Response. No change has been made. Experience in the ESAA television program has clearly demonstrated the necessity of the ancillary activities listed in §185.152(b) to make certain that ESAA - supported programming is brought to the attention of potential broadcasters and is then actually made available for viewing or listening by the intended users.

§185.151 Eligible offerors.

Comment. One commenter asked why these awards are limited to contracts.

Response. No change has been made. The Secretary has determined that contracts are the appropriate vehicle for supporting the development and production of high quality programming which meets the requirements and purposes of Section 611(a) of the statute.

§185.154 Selection of contractors.

§185.154(b)(2) and (3)

Comment. One commenter noted the seeming redundancy of these two criteria.

Response. A change has been made to differentiate the two criteria more clearly.

§185.155 Requirements for offerors.

Comment. One commenter asked why these requirements were necessary.

Response. No major change has been made. These requirements are based on program experience in managing the educational television program authorized by the statute as originally enacted, are necessary to implement the statutory mandate that "programs ... be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship." Section 611(a)(2). It should be noted that §185.155(b) has been changed somewhat in the final regulations to make the required credit (formerly a "disclaimer") shorter and simpler.

[FR Doc. 80-15303 Filed 5-15-80; 8:45 am]
BILLING CODE 4110-02-C

Reader Aids

Federal Register

Vol. 45, No. 97

Friday, May 16, 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
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "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

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Heritage Conservation and Recreation Service—

25796 4–16–80 / National Register of Historic Places

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

25791 4–16–80 / Nonimmigrant alien (H–1) nurses; State license or examination requirements

Rules Going Into Effect May 17, 1980

TRANSPORTATION DEPARTMENT

Urban Mass Transportation Administration—

26298 4–17–80 / Service changes and fare changes; public hearing requirements

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.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

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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