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Tuesday
June 3, 1980

Highlights

37666 **Grant Programs** HHS amends rules regarding standards governing procurements made by governmental recipients of Federal grants and subgrants; effective 6–3–80 (Part VII of this issue)

37530 **Grant Programs—Social Programs** HHS/HDSO announces availability of funds for Advocacy Model Program Demonstration Grants; apply by 8–4–80

37433 **Grant Programs—Social Programs** HHS/PHS authorized the Secretary to administer program of grants for family planning services projects; effective 6–3–80

37636 **Government Employees** OPM issues policy agenda identifying areas of concern and key policy issues; comments by 9–2–80 (Part V of this issue)

37620 **Public Assistance Programs** Justice establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance; effective 7–3–80 (Part IV of this issue)

37415 **Exports** Commerce/ITA revises policy on exports to Afghanistan; effective 6–3–80, comments by 8–4–80

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

37616 **Animals** USDA/APHIS issues standards for humane handling, care, treatment, and transportation of dogs and cats; effective 7–18–80 (Part III of this issue)

37571 **Postal Service** PS invites comments on plan to implement nine-digit ZIP Code system; comments by 7–3–80

37427 **Postal Service** PS issues rules permitting extension of city delivery service; effective 7–3–80

37426 **Postal Service** PS amends rules to include electronic meters in postage meter specifications; effective 7–3–80

37399 **Nuclear Materials** NRC amends interim rule for physical protection of irradiated reactor fuel (spent fuel) in transit; effective 7–3–80

37413 **Credit** FRS amends consumer credit restraint rules to reduce special deposit requirement; effective 7–24–80

37412 **Credit** FRS amends rules regarding reports under special credit restraint program; effective 5–27–80

37414 **Credit** FRS adopts rules regarding short term financial entermediaties; effective for seven-day maintenance period beginning 6–30–80, for the computation period beginning 6–16–80

37616, 37648 **Improving Government Regulations** Labor/Sec'y and OPM publish Semiannual Agendas of regulations; (Parts II and VI of this issue)

37679 **Iranian Assets Control Treasury** Office of Foreign Assets Control clarifies all travel-related transactions by persons subject to jurisdiction of the United States; effective 5–30–80 (Part IX of this issue)

37570 **Privacy Act Documents**

37397, 37570 **National Commission on the International Year of the Child, 1979 (2 documents)**

37577 **Sunshine Act Meetings**

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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.

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

1 CFR Part 465

Privacy Act of 1974 Regulations; Termination

AGENCY: National Commission on the International Year of the Child, 1979.
ACTION: Final rule.

SUMMARY: The National Commission on the International Year of the Child, 1979 has terminated by compliance with Pub.L. 95–561, which created the Commission.

EFFECTIVE DATE: April 30, 1980.
FOR FURTHER INFORMATION CONTACT: Dennis G. Condie, (202) 472–9058.
SUPPLEMENTARY INFORMATION: Commission hereby removes Part 465 from 1 CFR.

Dated: April 30, 1980.

Barbara P. Pomeroy,
Executive Director.

[FR Doc. 80–16710 Filed 6–2–80; 8:45 am]
BILLING CODE 6820–49–M

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Pay and Price Standards; Questions and Answers on the Pay Standard

AGENCY: Council on Wage and Price Stability.
ACTION: Questions and Answers on the Pay Standard for the Second Program Year.

SUMMARY: On March 18, 1980, the Council issued the interim final pay standard and accompanying changes to Parts 705, 706, and 707 (45 FR 17125). On March 28, 1980, the Council issued Questions and Answers to clarify and interpret the pay standard (45 FR 20453). The attached Questions and Answers are likewise intended to clarify or interpret the pay standard. Specifically, they further describe when and how the Council should be notified of pay-rate increases above 8.5 percent; whether companies may change pay computation methods during the program year; under what conditions pay-rate increases may be made retroactive to October 1, 1979; and whether the low-wage exemption is available for employee units whose average pay rate has increased because of new hires and/or departures. The Council will publish Questions and Answers on a regular basis as questions of general application arise under the Pay and Price Standards, the Procedural Rules, or the published Questions and Answers.

EFFECTIVE DATE: June 3, 1980.

ADDRESS: Written comments and/or questions should be addressed to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:
Office of Pay Monitoring, Lucretia Tanner: 456–7180. Homer Jack: 456–7180.
Office of General Counsel, Daniel Duff: 456–6210. Jane Campana: 456–6210.

Issued in Washington, D.C. May 29, 1980.

R. Robert Russell,
Director, Council on Wage and Price Stability.

Questions and Answers

II. Pay Standard

Q1. In the first program year the Council, on a case-by-case basis, permitted a number of companies to change pay computation methods for particular employee units during the program year. Under the second-year pay standard, may a company change its pay computation methods during the program year?

A1. No. Once a method is chosen for a particular unit, it should not be changed later in the second program year to another method.

Q2. If pay-rate increases attributable exclusively to carryover from the first program year cause an employee unit to exceed 8.5 percent, should the Council be notified under § 705.10?

A2. No, not if the amount above 8.5 percent is based solely on carryover from the first program year.

Q3. If a compliance unit has filed a PAY–1 Form with the Council that shows a second-year pay-rate increase above 8.5 percent, must it also notify the Council of this increase under § 705.10?

A3. No.

Q4. If a company implements a pay plan above 8.5 percent, but expects that the employee unit's chargeable pay-rate increase will not exceed 8.5 percent (because of expected turnover, slippage, exclusions, etc.), must the Council be notified of the increase under § 705.10?

A4. No. But if at a later date revised estimates of slippage, turnover, exclusions, etc., indicate that the chargeable pay-rate increase will be above 8.5 percent, the Council should at that time be notified.

Q5. Under § 705.10, how promptly should companies notify the Council of pay-rate increases above 8.5 percent?

A5. Notification is expected within 15 days of the ratification of a collective-bargaining agreement. For nonrepresented units, notification is expected within 15 days of a company decision to implement a pay plan that it expects will provide chargeable pay-rate increases above 8.5 percent.

Q6. Has the Council issued a special form to be used for notification of increases above 8.5 percent?

A6. No special forms will be issued for this purpose. However, companies may use the existing Form PAY–1 for the cost analysis data requested.

Q7. What increases are available to collective-bargaining units under contracts negotiated in the first program year that are reopened during the second program year?

A7. Increases granted under collective-bargaining contracts that are reopened during the second program year must not be above the 7.5-to-9.5-percent range, absent an exception, whether the reopener is scheduled or nonscheduled. Such increases may, however, be made retroactive to October 1, 1979. Consider, for example, a contract effective July 1, 1979, that provided pay increases of 8 percent the first year and 6 percent the second. After the second year standard was promulgated, the employee unit could receive an increase of 1.5 percent (the difference between 9.5 percent from the second year standard and the 8 percent

already provided for in the first program year) retroactive to October 1, 1979. In addition, on July 1, 1980, the anniversary date of the contract, the unit could receive up to 9.5 percent.

Q8. The Council has provided that pay-rate increases within the second-year standard may be made retroactive to October 1, 1979. May such retroactive increases be included in the calculation of the base period pay rate?

A8. No. The base quarter ends before October 1, 1979, so that such increases would not be included in the calculation of most base period pay rates. So too, for those annual pay plans and collective-bargaining agreements (see previous question) that are not coextensive with the Council's second program year (October 1, 1979, through September 30, 1980), the base period pay rate should be calculated without regard to the retroactive increases permitted under the second-year pay standard.

Q9. If new hires and/or departures raises the average wage rate of an employee unit from $5.35 or less during the third quarter of 1979 to more than $5.35 after October 1, 1979, is the unit still exempt in the second program year?

A9. Yes.

[FR Doc. 80-16766 Filed 6-2-80; 8:45 am]
BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 711

[Amdt. 9]

Marketing Quota Review Regulations

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

ACTION: Final rule.

SUMMARY: This amendment defines the term "quota" to include marketing quota penalties, farm marketing quota, farm poundage quota, farm preliminary yield, and farm yield among the determinations which may be appealed to a marketing quota review committee under the regulations set forth in this Part. This amendment is needed to unify in one administrative proceeding, appeals from determinations concerning various factors which pertain to the establishment of a farmer's farm marketing quota and to the imposition of farm marketing quota penalties. Implementation of this rule will avoid duplication of review, unnecessary delay and expense to farmers who appeal determinations regarding their farm marketing quota, and to this Department.

EFFECTIVE DATE: This rule shall become effective May 30, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burgess, Production Adjustment Division, Agricultural Stabilization and Conservation Service, Room 3635—South Building. USDA. P.O. Box 2415. Washington, D.C. 20013, (202) 447-7935.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from these requirements. Jeffress A. Wells, Director, Production Adjustment Division made this determination because this action is procedural only and does not affect substantive rights of persons affected by this rule.

Before enactment of this amendment producers of extra long staple cotton, peanuts, and tobacco who decided to appeal the determination of their farm marketing quota and who also wished to appeal the assessment of marketing quota penalties were faced with having to proceed before two separate administrative tribunals even though common issues of law and fact were presented in each case. For instance, a farmer who decided to appeal a determination of the actual production for the farm would bring that appeal before a statutorily created marketing quota review committee as provided in regulations codified at 7 CFR Part 711. Although marketing quota penalties may be assessed against the farmer because of a failure to account for production and disposition of the crop, the farmer would have to appeal the assessment of penalties in such case to a separate administrative tribunal under procedures set forth at 7 CFR Part 780 even though the assessment necessarily involved a determination of the actual production for the farm. In other situations, farmers were faced with having to appeal before federal district courts determinations of marketing quota review committees while at the same time challenging the assessment of related marketing quota penalties before administrative components of this Department. In both proceedings, the same issues of fact and of law were at issue.

This amendment will enable farmers to appeal in one administrative proceeding determinations of the various factors which affect the establishment of their farm marketing quota, including the assessment of marketing quota penalties. Immediate implementation of this rule will benefit farmers by eliminating avoidable delay and expense caused by duplicate administrative appeals, and will provide for better program administration.

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 rule effective less than 30 days after publication in the **Federal Register.**

Final Rule

Accordingly, 7 CFR Part 711 is amended by revising paragraph (f) to read as follows:

§ 711.3 Definitions.

* * * * *

(f) *Quota.* Quota means the farm marketing quota established under the Act for a farm during a year in which quotas are approved in the national referendum for extra long staple cotton, peanuts, or tobacco, including any of the following matters:

(1) Farm acreage allotment, farm marketing quota, or farm poundage quota. (Included are allotment and quota determinations involving violations; lease and transfer; release and reapportionment; over and undermarketings; and eminent domain transactions).

(2) Farm preliminary yield, farm normal yield and farm yield.

(3) Determination of the land constituting the farm for which a farm acreage allotment or farm poundage quota is established.

(4) Acreage planted to the commodity on the farm.

(5) Actual production for the farm.

(6) Farm marketing excess (acres or pounds), and

(7) Marketing quota penalties, including, but not limited to, assessments for marketing quota violations involving false identification, failure to account for production and disposition, and failure to file a report or filing a false report.

* * * * *

(Secs. 301, 363–368, 371, 374, 375, 379, 52 Stat. 38 as amended, 63–64, as amended, 66, as amended; (7 U.S.C. 1301, 1363–1368, 1375).

Signed at Washington, D.C., on May 23, 1980.

John W. Goodwin,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-16597 Filed 6-2-80; 8:45 am]
BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to provide a revision of REA Bulletin 345–21, REA Specification PE–200 for Polyethylene Raw Material, dated January 1969. The specification was revised because the requirements were outdated with respect to the recent advancements in raw material technology. This action will assure that REA borrowers receive the best, most cost-effective materials available.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. 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: REA regulations are issued pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.). The final action 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.

The last revision of REA's Specification for Polyethylene Raw Material was dated January 1969. Since that time there have been significant changes in raw material technology and testing techniques. Thus, there was a need to incorporate these changes in the specifications to assure that REA borrowers receive the best, most cost-effective materials available. A notice of Proposed Rulemaking was published in the **Federal Register** on February 26, 1980. However, no public comments were received in response to the notice.

Dated: May 27, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80–16660 Filed 6–2–80; 8:45 am]

BILLING CODE 3410–15–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection of Irradiated Reactor Fuel in Transit

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Effective amendments to interim final rule.

SUMMARY: The Commission is amending its interim rule for the physical protection of irradiated reactor fuel (spent fuel) in transit which was issued on June 15, 1979. The interim rule and a related guidance document designated NUREG–0561 were issued in effective form without the benefit of public comment. Public comments were, however, solicited on both the interim regulation and the guidance document. This notice summarizes the comments, gives the Commission response to each, and sets forth the interim amended rule in final form.

EFFECTIVE DATE: July 3, 1980.

Note.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for review under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the record keeping requirement of § 73.37(b)(5) becomes effective, unless advised to the contrary, will be 75 days following publication in the **Federal Register.** This time period reflects inclusion of the 45 days which the General Accounting Office is allowed for its review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT: Mr. L. J. Evans, Jr., Chief, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards. The telephone number is (301) 427–4181.

SUPPLEMENTARY INFORMATION: On June 15, 1979, the U.S. Nuclear Regulatory Commission amended 10 CFR Part 73 of its regulations to provide immediately effective interim requirements for the protection of spent fuel in transit. Concurrently, the NRC issued a guidance document (NUREG–0561) to assist licensees in carrying out the requirements. Both the amendment and the guidance document were published without benefit of public comment in the interest of the public health and safety. At the time of publication, the public was invited to submit its views and comments. After reviewing comments received from the public, and after taking into account the experience gained during the several months that the amendments have been effective, the Commission has decided to make a number of changes to the amendments and to NUREG–0561. All references to specific sections of the regulation refer to the June 15, 1979 version of the regulation, unless otherwise specified.

A. Following is a summary of changes to the amendments. These changes were, or course, accompanied by appropriate changes to NUREG–0561.

(1) *Small quantity shipments.* Some comments suggest that the scope of the rule should be revised to specify for spent fuel a threshold quantity below which protection requirements would not apply. The Commission agrees with this suggestion and has modified § 73.1(b)(5) and § 73.37(a) to set the threshold level at 100 grams in net weight of irradiated fuel (i.e., uranium, plutonium and associated fission products) exclusive of cladding or other structural or packaging material; thus shipments of spent fuel in quantities below 100 grams need not be protected. It is believed that the 100 gram threshold is in the public interest inasmuch as it would simplify the transport of small quantities, such as those made in connection with spent fuel research activities. The calculated average radiological consequences of successful sabotage of a shipment of 100 grams of spent fuel even in a heavily populated environment are negligible.

The language of § 73.1(b)(5) and § 73.37(a) has also been changed to clarify which shipments are covered by the amendments. Shipments of material which are exempt from the requirements of § 73.30 through § 73.36 on the basis of the external radiation dose rate associated with such shipments, are now referred to in the regulations directly in terms of their dose rate, rather than in terms of their exemption from another rule. The guidance will clarify that the dose rate measurement in the case of smaller shipments, which may involve multiple packaging, should refer to the arrangement of shipment packages which results in the highest measurable external dose rate. This should eliminate any ambiguity which may arise from the possibility that the highest measurable dose rate for a grouping of several different packages comprising a single shipment may depend on the particular arrangement and orientation of the packages within the transport vehicle.

(2) *Transit through heavily populated areas.* Some comments suggest that the NRC modify its current embargo of

shipments through heavily populated areas. These comments contend that truck shipments should not be required to depart from interstate highways, even in heavily populated areas. Some of these comments further contend that interstate highways are safer and faster than alternative routes, that police response time is faster along interstate than secondary routes, that hijacked shipments would be easier to locate on interstates, and that interstates offer saboteurs less advantage of protracted concealment. Comments noted that prior to the issuance of the regulation, routes were being chosen to avoid heavily populated areas and to minimize shipment time. Some comments contend that shipments protected by armed escorts as outlined in the guidance document should be permitted to transit heavily populated areas.

Other comments suggest that NRC continue to strengthen its current embargo on spent fuel transit through heavily populated areas. They ask that the "where practicable" exception in 10 CFR 73.37(a)(3) be eliminated. They also ask that the guidance document be modified to eliminate extra driving time as a basis for exception, unless there are overriding safety and safeguards considerations. Some comments suggest that the NRC emphasize the use of routes through areas of low population density.

The NRC considered two alternative protection strategies. Under the first alternative, shipments would be planned to avoid heavily populated areas where practicable. Preliminary analysis indicated that most spent fuel shipments would move by road and suggested that avoidance of heavily populated areas is generally practicable. This alternative became the basis for the rule issued on June 15, 1979. The chief benefit of this alternative is that it takes advantage of the fact that sabotage of spent fuel must take place in a heavily populated area if the serious consequences discussed in a Sandia Report (SAND 77-1927) are to be obtained. The necessary conditions for successful sabotage would thus entail the adversary gaining control over the shipment, moving it to a heavily populated area, and then placing and detonating the necessary explosive charge. It is believed that the measures set forth in the June 15, 1979 regulation are capable of interrupting this sequence of events. The principal disadvantage of this protection strategy stems from the fact that the highway system is designed to connect population centers, and therefore major highways pass near or through the population centers. Avoidance of heavily populated areas leads to the use of secondary roads. Compared with interstate highways, these secondary roads are characterized by a higher likelihood of conventional traffic accident, by longer times in transit, by less frequent patrolling by the local law enforcement agency (LLEA), and by lengthened response times in the event that LLEA assistance is requested.

Under the second alternative, shipments would be permitted to transit heavily populated areas under armed escort. The significant advantages and disadvantages of the first alternative are interchanged in the second alternative. In the second alternative, highways are the best available, the likelihood of a conventional traffic accident is reduced, total travel time for the shipment is reduced, the roads are more frequently patrolled by the LLEA, and the LLEA response time in the event of a call for assistance is reduced. On the other hand, spent fuel would be within heavily populated areas on a planned basis some of the time, thus satisfying one of the necessary conditions for successful sabotage with potentially serious consequences.

The Commission has decided that there is no clear advantage of the one alternative strategy over the other. Accordingly, the rule has been revised to allow either protection strategy to be used. The revised provisions make it clear that either (i) avoidance of heavily populated areas, or (ii) passage through heavily populated areas on approved routes employing additional protective measures, which are delineated in § 73.37(c)(1), (d)(1), and (e)(1), are acceptable routing alternatives. The Commission retains its earlier position that interstate highways should be used whenever possible.

(3) *Performance objectives.* Some comments suggest that the NRC should provide criteria and guidelines for the use of force for the protection of spent fuel shipments. Another comment suggests that the regulation and guidance be modified to clarify whether escorts have the duty to defend spent fuel shipments or merely to detect and report threats to the shipment. The amendments have been modified to include a new section, now designated as § 73.37(a), which provides performance objectives to be achieved by the physical protection system for spent fuel shipments. These performance objectives do not specifically address the issue of the degree of force escorts are to use in protecting shipments, but indicate the general level of protection that is to be provided by the entire physical protection system. Within heavily populated areas, armed escorts are expected to carry out their assigned duties, including implementation of emergency procedures in case of attack, under the same legal umbrella extended all other private guards (or law enforcement personnel, in the case LLEA personnel are employed as escorts).

(4) *Clarification of certain terms.* Some comments request that certain troublesome phrases in the regulation be clarified. With respect to § 73.37(a)(3), which requires that "the route is planned to avoid, where practicable, heavily populated areas," comments request that the phrase "where practicable" be clarified. In § 73.37(d), which requires that " * * * if it is not possible to avoid heavily populated areas, the Commission may require, depending on individual circumstances of the shipment, additional protective measures," comments request that the phrases "not possible" and "additional protective measures" be clarified. The requirements have been revised and the troublesome phrases have been eliminated or clarified.

(5) *Calls for assistance.* Some comments present the concern that the rule does not require that escorts communicate directly with the LLEA in the event that LLEA assistance is required. The Commission agrees with this concern. The regulation has been modified to explicitly require that escorts communicate directly with the LLEA in the event LLEA assistance is required.

(6) *Road shipments:* Immobilization. Some comments are concerned with the safety consequences of immobilization and that inadvertent operation of the immobilization device could lead to a serious accident. Some comments suggest that immobilization of both the tractor and the trailer (rather than the tractor or trailer) should be provided. Some comments suggest that the method of immobilization should be specified and approved by the NRC rather than allowing the method to be specified by the licensee. Other comments suggest the NRC analysts consider strengthening the immobilization requirement while simultaneously reducing the number of escort personnel required. Finally, one comment suggests that LLEA's along the route should be familiarized with the immobilization technique in the event that the need should arise to move a vehicle following activation of the immobilization device.

The NRC is concerned with the possible safety consequences of immobilization. The method of immobilization proposed by the licensee was intended to be reviewed by the

NRC for its safety implications. The regulation has been modified to specifically require that the method of immobilization be approved by the NRC prior to the making of shipments. The intent of the regulation and the related guidance is to assure that, when operated, the immobilization device will delay movement of the spent fuel shipment for at least one-half hour. The immobilization provision is essentially a performance requirement that can be complied with by immobilizing the trailer or the tractor or both. The guidance has been reviewed and appears to be clear on this point.

It is also intended that the licensee should have the opportunity to use his ingenuity and skill in determining how to best accomplish the immobilization. Accordingly, the particular method of immobilization required has not been specified.

The staff recognizes that a licensee might develop alternative methods of immobilization. The staff will evaluate any proposed method of protection and will approve the proposal if it provides adequate protection against sabotage occurring in heavily populated areas.

The staff believes that it would be self defeating to familiarize a large number of individuals with the immobilization technique, with a view toward constructive use of this information in the event that the need should arise to move a vehicle following immobilization. Instead, the guidance document has been revised to suggest that the possible need for traffic control following operation of the immobilization device should be considered by the licensee when preparing the operating procedures for the shipment.

(7) *Road shipments: Training.* Some comments suggest a significant expansion of the driver and escort training program. Some of these comments suggest that the training curriculum should include training in anti-sabotage and in initial response to spills of radioactive material. Some comments suggest that clarification of the level of proficiency needed to satisfy the training curriculum of Appendix D should be provided. One comment contends that some of the topics in Appendix D are superfluous. Another comment suggests that the training curriculum in Appendix D should apply to drivers as well as escorts. One comment suggests that the training program should emphasize safe driving techniques.

The driver and escort training requirements have been reviewed and the regulations and guidance have been adjusted accordingly. The revised amendments include specific requirements for familiarization of the driver and LLEA personnel with certain safeguards procedures, and inclusion of a weapons training and qualifications program for escorts who are armed. The Commission has decided that the training requirements, as revised, are consistent with the duties and responsibilities of the drivers and escorts.

(8) *Rail shipments: Route restrictions.* Some comments content that rail transport is penalized, compared with truck transport, through the lack of realistic alternative routes. The regulation has been modified to permit transport through heavily populated areas. One effect of that change is to eliminate the need for alternative rail routes which avoid heavily populated areas.

(9) *Rail shipments: Stops:* Some comments ask that the regulation and guidance pertaining to planned rail stops be modified to allow for the crew changes that take place every 100–200 miles. The comments also point out that rail shipment planners cannot meet the current stop criteria, which would permit stops only for refueling and provisions. These suggestions were adopted and the regulation and guidance document have been modified accordingly.

(10) *Shipments by sea.* Some comments suggest that the rule be expanded to include requirements for the protection of spent fuel aboard ships and boats. A review of the rule as published June 15, 1979, will show that § 73.1(b)(5), § 73.37(a), and § 73.37(d) apply to shipments independent of the mode of transport. However, in the interest of clarity, the rule has been revised to include a new section specifically addressing the protection of spent fuel shipments aboard vessels. New guidance has been added to NUREG–0561, accordingly.

(11) *Written log.* The original version of NUREG–0561 contained a chapter describing a written log to be kept by shipment escorts during the course of a spent fuel shipment. The purpose of this log was to provide a durable record of the circumstances surrounding a given shipment, to support inspection and enforcement functions of the NRC, and form the basis for any further regulatory actions regarding spent fuel shipments, in general. It was determined that this guidance needed to be given a firm regulatory basis by specifically requiring the maintenance of a written log in the regulations. These requirements are comparable to the recordkeeping requirements of § 73.70, which cover shipments of other types of special nuclear material.

(12) *Communications center.* The amendments published on June 15, 1979, included requirements for calls by escorts to a "designated location," for purposes of monitoring the spent fuel shipment. Further details regarding the duties of personnel at this designated location were included in the guidance document, NUREG–0561. It was determined that further detail regarding this safeguards function would be desirable so as to give the detailed guidance included in NUREG–0561 a firm regulatory basis. The facility at the designated location has been termed the "communications center," and is now described in the regulation.

B. In some instances, the comments showed a need for modification of the guidance document alone. Following is a summary of those changes:

(1) *Definition of heavily populated areas.* A number of comments suggest that the definition of a heavily populated area be modified in various ways to permit more areas to qualify. Some point out that the present definition causes certain cities to be excluded from the list of heavily populated areas provided in the guidance document even though they have populations or population densities greater than some of those which were included. These anomalies were explained to arise from failures to take into account the combined populations of contiguous cities in the same urbanized area and the total populations of urbanized areas. Other comments suggested that areas with large temporary populations such as colleges be included although their permanent populations would not otherwise qualify the areas as heavily populated areas. Some comments suggested that specific cities be added to the list of heavily populated areas.

Reconsideration of the bases for defining heavily populated areas has led to a broader definition which is included in the revised guidance document. Accordingly, the number of urbanized areas listed as heavily populated areas is increased to approximately 180.

The NRC would like to take temporary population centers into account in determining whether an area qualifies as a heavily populated area. However, there are no readily available census figures upon which the NRC presently can base such determinations. Therefore, the NRC invites officials of temporary population centers to submit, to the NRC, information in support of including that area in the list of heavily populated areas.

This same mechanism will be used to assist in the continuous updating of the list relative to those areas meeting the population criteria.

(2) *Road shipments: Criteria for selection of highways.* Some comments suggest that NRC guidance should include a prioritizing or ordering of the various highway types (interstate, 4 lane, 2 lane marked, 2 lane unmarked, etc.) to aid licensees in the selection of alternative routes. One comment suggests that routes used in the past for spent fuel shipments, including routes used for military spent fuel shipments, should be approved automatically. The suggestion to prioritize route highway-types was adopted and the guidance in NUREG–0561 has been amended to include suitable criteria. Routes used for spent fuel shipments prior to the issuance of the interim rule, however, will not be automatically approved inasmuch as those routes, like all other proposed routes, must meet current criteria before approval.

(3) *Road shipments: Criteria for detours.* Some comments express concerns about detours from pre-planned routes. Some of these comments ask that the guidance document be modified to provide better criteria for determining when detours are appropriate. These comments also suggest that the NRC, rather than the licensee, should produce the guidelines. Some comments are concerned that once a shipment is en route, implementation of the detour procedures set forth in the guidance document might not be possible. Some comments suggest that LLEA's should be notified at the outset of each unplanned detour. In response to these suggestions, the guidance document has been modified to set forth some new guidelines to be followed in detour situations. However, except for the obvious instance of where a shipment is being escorted by LLEA personnel, it is believed that the LLEA need not be notified of each detour inasmuch as the agency is not expected to do anything differently as a result of a detour.

(4) *Rail shipments: Advance notification.* Comments indicate that not all of the required advance notification data can be provided in advance of a rail shipment; among these data are routing, specification of stops, and cask serial numbers. Some comments contend that some of the information specified in the guidance document may be irrelevant to rail shipments. These suggestions were generally adopted. The guidance document has been modified to clarify advance notification requirements for rail shipments.

(5) *Rail shipments: Unanticipated route changes.* Some comments suggest that the rule and the guidance should be modified to allow for the unanticipated route changes that sometimes occur in rail transport. This suggestion was adopted by modifying the guidance document.

C. The Commission also received a number of comments and suggestions which were considered but which did not lead to changes to the amendments or to NUREG–0561. Following is a discussion of those comments:

(1) *Justification for the rule.* Some comments contend that the NRC has not provided proper or sufficient basis for the new regulation.

(a) Some comments ask that the NRC not modify its regulations on the basis of unproven information in draft form, such as the Sandia report. The Commission has decided that there is an adequate basis for interim requirements for the protection of spent fuel shipments. The NRC continually reexamines the adequacy of its regulations for the protection of the public health and safety against deliberate acts. Part of this reexamination consists of studies and research projects. One of these studies, conducted by Sandia Laboratories and published in draft form in May 1978 as SAND–77–1927, concluded that serious public health consequences could result in the event of successful sabotage of a spent fuel shipment in a heavily populated area. Although a later draft Sandia report predicts less serious consequences, a significant degree of uncertainty remains that can only be resolved by further study. The Commission is currently pursuing a research effort to resolve these issues. While awaiting the results of this research the Commission believes that it is prudent to retain these requirements on an interim basis. When the final research results are analyzed the NRC will either modify, continue, or rescind 10 CFR 73.37, whichever is appropriate, based on those results.

(b) Other comments point out that the NRC should regulate on the basis of risk, a concept wherein risk equals the product of the consequences of an event, such as sabotage, and the probability of the event. Inasmuch as the NRC has no basis to specify an identifiable threat, some comments conclude that the probability of sabotage is insufficient to justify a legitimate concern.

NRC has not pursued quantitative risk studies for safeguards because of extreme difficulty in adequately quantifying the various factors contributing to risk. This view was expressed in the Reactor Safety Study (WASH 1400) and sustained by the Lewis panel's peer review of that document. The Lewis Panel Report (NUREG/CR–0400) states: "The risk from sabotage was not calculated in the Reactor Safety Study. The omission was deliberate, and proper, because it was recognized that the probability of sabotage of a nuclear power plant cannot be estimated with any confidence." Similarly, estimates of the probability of successful sabotage of spent fuel shipments cannot be made with any confidence.

In their report (NUREG/CR–0400) the Lewis panel points out that, even with "realistic" risk estimates, further conservatisms must be incorporated in the regulatory process. In the absence of "realistic" risk estimates, it is even more important to incorporate conservatisms in regulatory decision making. This is the approach taken in safeguards.

We know of no attempts to sabotage spent fuel shipments in a manner leading to a significant radiological release. But we have conservatively assumed that such a sabotage act might be attempted. Furthermore, we have tried to determine, logically and systematically, the characteristics of persons who might attempt to perpetrate such crimes. The results of our threat characterization work have been published as NUREG–0459, *Generic Adversary Characteristics Summary Report.*

Another factor in making a determination concerning the probability of successful sabotage is the reaction of spent fuel to sabotage. It is generally agreed among analysts that the serious consequences discussed in the Sandia report could result only if sabotage is carried out in or near a heavily populated area and only if some of the normally solid spend fuel contained in a massive, durable cask is somehow released as respirable particles. It is further agreed among analysts that the only credible way to carry out such sabotage is through the skillful use of explosives. The reaction of spent fuel and spend fuel casks to explosive sabotage is subject to large uncertainty. A research program is being carried out to improve our understanding, but the program will likely not yield useful results for approximately one year.

The Commission frequently uses the concept of risk in its deliberations concerning the need for new regulations and did so in this case. The Commission found that the likelihood of successful sabotage is uncertain inasmuch as the existence of a credible adversary organization cannot be ruled out and the response of spent fuel and spent fuel casks to credible explosive sabotage is

subject to large uncertainty. With respect to consequences, it appears that the release of a small fraction of the inventory of a spent fuel casks as respirable particles could produce serious consequences in a heavily populated area. On this basis the Commission has decided to generally let stand these requirements designed to protect spent fuel shipments against sabotage in heavily populated areas on an interim basis. The need for permanent requirements will be reconsidered when the results of the research program become available.

(c) with respect to the Sandia report, the staff notes that the latest draft of the report projects sabotage consequences less serious than are set forth in the May 1978 draft, and cited by the NRC as the basis for the rule. Another comment points out that even the consequences set forth in the May 1978 Sandia Draft, are not that much more serious than those of a severe accident, the risk of which the NRC appears to be willing to accept.

As mentioned above, a later draft of the Sandia report issued during September 1979, estimates less serious consequences than the May 1978 version, partly because the May version assumed larger amounts of material released as a result of sabotage. In view of the continuing uncertainities concerning the release fraction, the Commission has decided it is purdent to, in the interim, protect spent fuel in-transit.

(d) Other comments point out that Department of Energy (DOE) analysts have concluded that the rule is premature and inappropriate. The comments also point out that DOE does not require protection of spent fuel shipments for which it is responsible.

The Commission notes that the DOE and the NRC have access to the same information and that DOE has decided not to require protection for the spent fuel shipments for which it is responsible. Despite the policy of NRC and DOE to have comparable requirements for the protection of nuclear materials, the Commission accepts the fact that from time to time reasonable administrators will differ temporarily on the difficult question of what constitutes adequate safeguards. Both agencies are developing additional information on the issues and are coordinating with one another. It is believed that the differences in positions of the two agencies are temporary and will be resolved as new information, such as that from the research program discussed above, becomes available.

(e) Other comments argue that adequate protection is provided by the durable containers in which spent fuel shipments are made.

The Commission agrees that the massive, durable casks in which spent fuel shipments are made provide a high degree of protection against many kinds of sabotage, including explosive sabotage. However, in view of the uncertainties in predicting the response of spent fuel and spent fuel casks to explosives, the Commission believes that it is no longer purdent to depend upon cask design alone to protect against sabotage in heavily populated areas. Accordingly, until additional information can be developed to resolve some of the present uncertainties concerning the response of spend fuel to explosives, the Commission has decided that spent fuel shipments should be protected as specified in 10 CFR 73.37, as modified.

(f) Some comments question the need for significant, costly protection measures for rail casks. They point out that rail casks are more substantial than truck casks and that according to Sandia, successful sabotage entails even more explosives and skill than for truck casks. The comments further point out that there is no record of hijacking trains, and therefore the movement of a hijacked train from a low population area to a high population area seems quite remote. Comments also point out that protection measures for rail shipments in heavily populated areas already include frequent surveillance by railroad police and are therefore adequate.

The referenced Sandia Report indicates that similar uncertainties apply to possible explosives attacks on both road and rail shipments. Even though rail shipments would most likely require a higher level of adversary resources for successful sabotage, such sabotage is considered possible for both road and rail modes. The Sandia Report states in particular that attacks on rail casks using shaped charges is possible since the requisite materials can be carried by men on foot. Moreover, the likelihood that available rail routes would include passages through heavily populated areas diminishes the importance of the consideration that it would be more difficult for an adversary to illicitly move a hijacked train from a less densely populated area to a heavily populated area. Protection for rail shipments, therefore, is still required.

(2) *Adequacy of protection requirements.* Some comments state that protection of spent fuel shipments under the interim rule is not adequate against terrorist action. These comments argue that protection equivalent to that already given strategic special nuclear materials is needed.

Some comments suggest that NRC should require licensees to justify all spent fuel shipments by considering all possible alternatives to the making of shipments.

One of the most frequent comments favored an embargo of spent fuel shipments until a permanent storage facility is established. Thereafter, spent fuel shipments would be permitted only to that facility.

Some comments contend that the additional measures required for movements through heavily populated areas are too weak to deter or to provide protection against successful sabotage; these comments ask that the regulation be modified to indicate additional safeguards and list them in detail.

One comment suggests that for any given heavily populated area the protection measures required should be similar for all shipments, rather than allowing various options for each shipment.

The Commission considered a number of sets of measures for the protection of spent fuel shipments. One of these sets of measures would have provided that spent fuel shipments would be protected equivalently to shipments of formula quantities of strategic special nuclear material (SSNM), which must also be protected against theft. However, 10 CFR 73.6 of the Commission's physical protection rules for SSNM specifically exempts spent fuel which is not readily separable and which has a total external dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding. Such materials possess intrinsic protection against theft and are not readily usable to fabricate nuclear explosives. Nevertheless, the Commission considers it prudent to require some additional measures to protect spent fuel against radiological sabotage.

Shippers of spent fuel must submit route information and security plans to the NRC for authorization to carry out the shipment. The NRC thus has the opportunity to review the shipper's plan for the shipment and to assure that he has considered alternatives to the making of the shipment.

The Commission reaffirms its judgment that spent fuel can be shipped safely without constituting unreasonable risk to the health and safety of the public. Accordingly, the Commission does not believe that it is necessary to prohibit spent fuel shipments until a permanent storage facility is established.

Some requirements of the regulation, particularly regarding transiting urbanized areas, have been changed considerably in this later version. Given these changes, the Commission has decided that the protection level required reasonably protects the public against risk from sabotage of spent fuel shipments. The escort force has the capability to call for assistance and in a heavily populated area, local law enforcement authorities could be on the scene within minutes. Within a heavily populated area, the escort force is armed and therefore has the potential to prevent sabotage until local authorities arrive.

The Commission is seeking adequate protection for shipments which must pass through heavily populated areas. In the Commission's view, an adequate level of protection can be provided by either private guards or law enforcement personnel.

(3) *Liability limits.* One comment suggests that no shipments of spent fuel should be permitted unless the shipper carries private liability insurance without limit. Other comments favor informing the public of the liability limits currently in force for shipments.

The Commission has not at the present time extended indemnity coverage to spent fuel shipments on a generic basis. However, spent fuel shipments are indemnified while in the course of transportation to or from an indemnified facility (principally nuclear reactors). Indemnity coverage for spent fuel shipments to or from reactors terminates at the point at which transportation ends.

The provisions of Section 170 of the Atomic Energy Act of 1954, as amended, require production and utilization facility licensees, i.e., reactors and reprocessing plants to have and maintain financial protection (e.g., nuclear liability insurance) to cover public liability claims resulting from a nuclear incident. The Commission is also directed to enter into protection and indemnify the licensee for up to $500 million in excess of that financial protection.

The indemnity protection afforded the public for accidents arising during transportation is derived from the coverage provided under the insurance policies maintained by licensees of reactors and reprocessing plants and in the indemnity agreements executed by these licensees with the Commission. The coverage under the policies and indemnity agreements incorporated the so-called "omnibus" provisions of the Price-Anderson Act. Under the "omnibus" coverage liability protection extends not only to the liability of the licensee, but also to any other person who may be liable, such as a transporter. However, there would be no Price-Anderson Act protection (or limit on liability) under facility licensees' insurance policies and indemnity agreements once a shipment was highjacked and placed beyond the control of the transporter. Extension of the Price-Anderson Act protection to cover incidents occurring after a shipment has been highjacked is beyond the scope of this rulemaking.

(4) *ALARA implications.* One comment suggests that the implications of the rule with respect to the Commission policy of maintaining radiation exposure levels as low as reasonably achievable (ALARA) should be examined.

The Commission has not at the present time extended indemnity coverage to spent fuel shipments on a generic basis. However, spent fuel shipments are accidents involving radioactive material shipments are sufficiently small to allow continued shipments by all modes. Because transportation conducted under present regulations provides adequate safety to the public, the staff concludes that no immediate changes to the regulations are needed at this time. This determination is partly based on the conclusion in NUREG–0170 that the average radiation dose to the population at risk from normal transportation is a small fraction of the limits recommended for members of the general public from all sources of radiation other than natural and medical sources and is a small fraction of natural background dose.

The staff has examined the ALARA implications of the rule for the specific case of spent fuel shipments by truck. Calculations indicate that routine exposure from shipments routed around cities would likely be about 30% higher than the small but calculable routine exposure for similar shipments routed through cities. The Commission considers that this difference in such small routine exposures is not a significant health factor and therefore not to be considered a significant factor in the choice of routing.

(5) *Transportation mode.* Some comments suggest that the scope of the rule should be expanded to require licensees to examine alternative transportation modes for shipments.

The Commission agrees that alternative modes of transportation should be considered during the development of a program for the protection of spent fuel shipments against sabotage. The characteristics of alternative modes have been considered in the revised rule and suitable measures have been developed for road, rail and water transport. Accordingly, a licensee may choose the mode of transportation for his shipment on the basis of considerations other than safeguards.

(6) *High level waste.* Some comments suggest that the scope of the rule should provide requirements for the protection of high level waste shipments.

No licensed shipments of high level waste are presently being made. Only a few facilities currently possess high level waste. Shipments of the waste from a facility at which it now resides to another facility would involve the amendment of one or more licenses. At that time, appropriate requirements would be issued.

(7) *Test reactor fuel shipments.* Comments suggest that the staff consider relaxing protection requirements for test reactor spent fuel in recognition of the fact that it contains no free radioactive gases.

The revised rule has not been modified to reduce the protection requirements for test reactor spent fuel. Fission gases would account for only a tiny fraction of the calculated health effects. Solid, respirable material would account for most of the health effects.

(8) *Distinction between guidance documents and regulations.* Public comments on both the amendments published in the **Federal Register** and the supporting guidance document (NUREG–0561) were received. Some comments apparently mistake the guidance document for a regulation and therefore conclude that the supposed regulation is too loosely worded. Other comments apparently reflect only the regulatory amendments and suggest that the amendments alone are worded too loosely to be effective.

Following is a discussion of the distinction between regulations and guidance documents. Regulations set forth legal requirements that licenses must follow. The NRC is empowered to inspect against and enforce the provisions of its regulations. Regulations without exception carry the approval of the Commission. Guidance documents, on the other hand, can be prepared and issued by the staff. The documents are not legally binding upon licensees. The primary purposes of the guidance documents are: (1) To describe and make available to the public the intent and scope of application of the regulatory provisions, (2) in some cases, to provide alternative methods that are normally acceptable to the NRC staff for implementing specific parts of the Commission's regulations, (3) in some cases, to delineate techniques used by

the staff in evaluating specific problems, and (4) to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses. Guidance documents are not intended as substitutes for regulations and, therefore, compliance with guidance documents is not required.

(9) *Licensee costs.* Some comments contend that the cost estimates developed by the staff are too low. One comment suggests that the cost for truck transportation would be at least double that estimated by the NRC staff and probably much higher. Another comment states that truck transportation cost is approximately double that estimated by the staff even before the cost of safeguards required by the rule are added in. One comment places cost in the range of twenty million dollars per year by assuming ten thousand shipments per year circa 1985. Comments argue that staff estimates of rail costs are in even greater error than staff estimates of truck costs; these comments conclude that rail shipments must be made in special trains in order to satisfy the rule and that, therefore, the cost of each rail shipment will be in the range of twenty to forty thousand dollars.

With respect to truck shipments, our latest information indicates that as many as 500 shipments might occur during calendar year 1980. The number of possible shipments is currently limited by the number of shipment casks available. Even if new casks were quickly manufactured, allowing the number of shipments to double, the Commission notes that the interim rule is designed to be in effect only until about mid CY81, and therefore, believes that the high cost estimates stemming from protection of large numbers of spent fuel shipments circa 1985 are not appropriate or relevant. With respect to rail shipment costs, the Commission disagrees with the contention that special trains are needed to meet the requirements for rail shipments, and therefore, rejects the high cost estimates which are based on the use of special trains.

(10) *Cost-benefit study.* Some comments suggest that the NRC should provide a cost benefit analysis in support of the regulation. Comments also suggest that the requirements of the rule should be clearly defined and should be cost effective. They argue that regulations must be cost effective in order to be meaningful and must avoid being arbitrary or capricious or an abuse of discretion. Some comments suggest that the rule is not cost effective in its present form.

This interim rule is expected to be in effect for a year or two. Recent figures indicate that if the maximum number of potential shipments occur, the requirements may result in a cost of about five hundred thousand dollars per year, distributed over a number of licensees. The addition of protection measures for spent fuel shipments does not have a significant effect on the environment. After taking into account the cost, the duration, and the absence of significant impact on the environment, the Commission has decided that a detailed cost-benefit study is not needed for this interim rule. Although a detailed cost-benefit study was not performed, the general costs and benefits resulting from this rule have been reviewed, as have the potential consequences of sabotage of spent fuel shipments to the public health and safety. A decision has been made that the benefits from reducing the probability of occurrence and potential consequences of spent fuel shipment sabotage justify the cost of the requirements. A detailed cost-benefit study will be prepared in support of any permanent rule that is issued.

(11) *Preemption.* Some comments urge that the NRC preempt state and local restrictions on spent fuel shipments. Some comments seek to preempt those state and local ordinances in conflict which would ban or otherwise restrict shipments or which would require rerouting of shipments over secondary roads, with an attendant increase in safety hazard.

Some comments argue that preemption would lead to a more responsible national policy concerning uniformity of spent fuel transport regulations. Some comments favoring preemption suggest that the NRC should take into account state and local concerns when drafting federal regulations. One comment suggests that NRC eliminate from its rule references to local ordinances as a basis for rerouting shipments; this comment concludes that a local community should not be able to prevent the use of a route acceptable to the NRC. One comment suggests that the regulations make clear that local ordinances with the NRC rule would be preempted.

Other comments took the opposite view of preemption. These comments declare that local communities have the right to be more restrictive than the NRC in the regulation of spent fuel shipments which they perceive as threatening their safety.

To date, the NRC has contested a local ordinance that regulates the transport of nuclear materials only once (United States v. New York City (S.D.M.V. No. 76 Civ. 273)). In this case NRC, ERDA (now DOE) and DOT sought a judgment declaring a New York Health Code provision to be inconsistent with the Federal Statutory scheme for transportation of nuclear materials. On January 30, 1976, a United States request for a preliminary injunction barring enforcement of the local ordinance was denied.

On August 17, 1978, the Materials Transportation Bureau of the DOT published an advance notice of proposed rulemaking (43 FR 36492) dealing with the subject of highway routing of radioactive materials. On October 26, 1978, the DOT published a notice (43 FR 50006) of its intention to hold a public hearing on this subject in Washington, D.C., on November 29, 1978. On January 31, 1980 the DOT published for public comment a proposed rule dealing with the highway transportation (including Federal routing requirements) of radioactive material. The DOT has expressed its intention to publish a final rule on this subject by the end of 1980.

Where state law is consistent with new Federal regulations promulgated under the Hazardous Materials Transportation Act (HMTA) or where the state in a legitimate exercise of its police power imposes general, non-radiological constraints (e.g., speed limits, load limits) on all truck transportation, the Commission does not presently contemplate actions to preempt the enforcement of these laws. However, the Commission reserves judgment on whether it may become necessary to seek such preemptive action in a limited way (e.g., where specific route considerations are at issue) prior to the time the DOT regulations become effective. Once the DOT regulations on this subject become effective, there appears a strong possibility that inconsistent state and local rules may be preempted on a broader basis.

(12) *Information on routes and schedules.* Some comments suggest that the NRC adopt a liberal policy concerning the information on routes and schedules that would be made public. These comments suggest that route information should be published in the **Federal Register**; subsequently the NRC should hold public hearings (or provide some other means for public input) on routes. These comments further suggest that NRC should contact state and local authorities before granting a route approval. Some comments conclude that a local

population has better knowledge of routes than could be developed by NRC surveillance teams, thereby allowing the defects and advantages of alternate routes to be more adequately considered. Comments suggest that the state and local authorities should be notified of details of routes. Comments also suggest that state and local authorities should be notified in advance of the schedule of each shipment. Some comments suggest that state and local authorities should take steps to have emergency response and law enforcement organizations alerted and on duty at the time spent fuel shipments are made.

Other comments suggest that the NRC should adopt a conservative policy with respect to information on routes and schedules. These comments suggest that NRC withhold information on routes and schedules, pointing out that information certified by the NRC would be valuable to potential saboteurs. The comments also point out that it is a principle of security that sensitive information should be restricted to the minimum number of people. These comments conclude that the NRC should restrict dissemination of route and schedule information to a limited number of elected and appointed state and local officials who should be requested or required to avoid making the information public.

Current staff policy concerning information on routes and schedules is to generally withhold this information from public disclosure. However, in one recent specific instance, the Commission decided that information on staff-approved routes should not be withheld. It noted, however, that the decision was case-specific and should not be considered a precedent.

(13) *Consolidated notice.* Some comments note the proliferation of local ordinances requiring advance notice and ask that the NRC establish in its rule such that only the NRC need be notified. The NRC could then notify state and local agencies as it deems necessary.

Adoption of this suggestion would imply that the NRC rule preempts local ordinances calling for advance notification of shipments. As was noted earlier, the NRC has not yet contested local ordinances that regulate the transportation of spent fuel. Although this suggestion will not be adopted at this time, it will be re-evaluated when DOT routing rules go into effect.

(14) *Need for comprehensive study.* One comment suggests that a comprehensive study of ports of entry for import of spent fuel shipments and subsequent routes is needed; the proposed principal criteria for selection of a port or route would be to affect the least population in event of sabotage.

In consideration of the Commission's revised position relative to avoidance of heavily populated areas; i.e., that passage through a heavily populated area, on approved routes, when supported by additional measures such as armed escorts, is acceptable, the Commission does not regard ports-of-entry as a particular problem area with respect to routing. Ports that are also listed as heavily populated areas will require the additional protection.

(15) *Expansion of response capabilities.* Some comments propose a significant expansion of capabilities for responding to accidents or sabotage. These comments suggest that all emergency response units in all communities along the route submit response plans to the NRC for approval. Some comments suggest that all emergency response units in all communities along the route submit response plans to the NRC for approval. Some comments suggest that these response units should be required to conduct drills. Other comments proposed that LLEA personnel along the route be trained to deal with radiological releases. Some comments suggested that the shipper should provide an escort capable of handling all emergency situations. Some comments also suggest that the NRC should help to develop these various emergency response units. Some comments suggest that the shipper should be responsible for the preparation of emergency plans, while others suggest that the NRC shoud be responsible. Some comments ask that provisions be made for local governments to approve licensee emergency response procedures and emergency plans.

These suggestions appear to be prompted, at least in part, by the provisions of 10 CFR 73.37(a)(6) which require a licensee to develop procedures for coping with threats and safeguard emergencies. As is noted in NUREG–0561, the purpose of this requirement is to provide for the development of a plan to be used by drivers, escorts, licensee personnel and other individuals involved in a shipment in case of threats, attempted sabotage, or other events that jeopardize the security of a shipment. The larger question of emergency plans, emergency preparedness, emergency response and the like are judged to be beyond the scope of these interm safeguards requirements. Recent staff views on these questions are available in *NUREG–0535—Review and Assessment of Package Requirements (Yellow Cake) and Emergency Response to Transportation Accidents.*

(16) *Arrangements with LLEA: Clarity and feasibility.* Some comments request that the NRC clarify its description of what constitutes acceptable arrangements, who must be contacted, and whether the arrangement or contact with the LLEA must be documented. One comment suggests that the licensee's responsibility with respect to this requirement be limited to maintaining an up-to-date list of telephone numbers and contacts in LLEAs.

One comment points out that the case of transcontinental shipment, a very large number of LLEAs would have jurisdiction along the route and that contacting all of them would not be feasible.

Under current practice, the NRC staff makes the initial contacts and arrangements with LLEAs as part of the approval process. Accordingly, the concerns set forth in the comment do not appear to be justified since the relevant burdens have been assumed by the NRC staff.

(17) *Arrangements with LLEA: Information security concerns.* Some comments suggest that coordination with LLEAs along the route would be tantamount to annoucing the route and would therefore be contrary to good information security practice.

During the coordination process, the NRC staff informs LLEAs of the importance of protection of spent fuel and asks that the agency not disclose sensitive information, such as routes, that would be helpful to a saboteur. The agencies have generally been cooperative. Accordingly, NRC practices were not changed as a result of the suggestion.

(18) *LLEA capabilities.* One commenter notes his experience which suggests that LLEAs in heavily populated areas are unwilling or unable to provide the additional protection suggested by the NRC for shipments through heavily populated areas.

NRC staff experience is at variance with the experience of this commenter. Staff experience is that LLEAs have been very cooperative in assisting in the protection of shipments of nuclear materials. Also the rule allows for private armed escorts, instead of LLEA personnel, to be used to protect shipments. For these reasons, no changes were made in the regulation or the guidance as a result of this comment.

(19) *Road shipments: Alternative routes.* Some comments suggest that NRC route approval policy should include approval of a reasonable

number of alternative routes. The comments suggest that the approvals remain valid indefinitely.

Current staff policy is to approve a number of alternative routes. The actual number of routes that can be approved is, of course, limited. Once a route is approved, the approval would remain valid until new information suggests that the approval should be withdrawn.

(20) *Road shipments: Rush-hour concern.* One comment suggests that in the event of routing through a heavily populated area, the scheduling should be planned so as to avoid the local rush hour traffic.

The staff performs route surveys, including route surveys through heavily populated areas, and makes arrangements with LLEAs along the route of the shipments for their response to an emergency or a call for assistance. Rush-hour concerns are taken into account during this planning.

(21) *Road shipments: Route planning.* Some comments contend that the information given in the guidance document and in the related reference documents does not provide detail sufficient to distinguish and select highway routes.

The staff agrees with the comments, but notes that the Census Bureau data supplemented by local road maps jointly provide a sufficient basis for route selection. Furthermore, the revised rule allows greater use of interstate highways, which should make route selection easier. Accordingly, no changes were made in the regulation or guidance as a result of this comment.

(22) *Road shipments: Drivers.* Some comments suggest that the NRC should confer more closely with the DOT inasmuch as it appears that some driver requirements imposed by NRC are in conflict with DOT requirements. One comment suggests that 10 CFR 73.37(b)(1) be modified to specify two trained drivers rather than one. Comments suggest that in view of the potential consequences from accidents, drivers should operate spent fuel shipment vehicles in the safest and most reassuring way in order to instill public confidence.

With respect to the coordination suggestion, the staff notes that in accordance with the terms of a Memorandum of Understanding, the latest version of which was published in the Federal Register on July 2, 1979, the NRC and DOT have agreed to advise and consult with one another before either issues a new regulation. This procedure was followed before issuance of this regulation. The DOT review did not reveal any conflicts between DOT regulations and the NRC interim regulation. The suggestion that the requirements of 10 CFR 73.37(b)(1) be modified to make explicit that two properly trained truck drivers satisfy the requirement was not adopted because the original phrasing already permits that option. The suggestion that two truck drivers rather than one should be required was not adopted because there appears to be no adequate safeguards justification. The provision is allowed to stand because it allows greater flexibility for the licensee in designing his security arrangements and it does not sacrifice the effectiveness of protection arrangements.

The NRC agrees with the comment that shipment vehicles should be operated safely. However, the rule was not changed because the subject of safe driving is not within the scope of this physical protection rule change proceeding.

(23) *Road shipments: Escorts.* Some comments suggest that the regulation should be changed to always require an escort vehicle to accompany the shipment vehicle; other comments contend that an escort vehicle is undesirable because it increases the likelihood of an accident. Some comments are concerned that the duties assigned to drivers and escorts in the regulation and guidance would overwhelm the drivers and escorts for shipments longer than one day. One comment proposes that the NRC should license escorts and test them annually. Finally, some comments suggest that more than one escort might be needed for extended stopovers.

The Commission has decided that the current level of protection, which permits a single vehicle system to be used outside of heavily populated areas, is adequate. In addition, a second escort or other added safeguards measures are required for transiting urban areas. The Commission has also decided that the duties of the drivers and escorts are straight-forward; that the training program as revised (Appendix D of 10 CFR Part 73) is adequate. With respect to the size of the escort force, the regulation specifies the number, capabilites, and duties of personnel who are to be on duty at any one time; it is the obligation and responsibility of the licensee to provide a force size sufficient to provide for relief and rest periods.

(24) *Road shipments: Call-in schedule.* Some comments contend that the two-hour call-in schedule required by 10 CFR 73.37(b)(2) is not practicable; they argue that carrying out the requirements would violate DOT regulations by disturbing the co-driver's rest period on long trips. The comments suggest that an eight-hour call-in schedule would be more appropriate. Comments also point out that the two-hour call-in schedule (if carried our) would require extra stops for telephone calls, thereby making the shipment vulnerable to sabotage.

The two-hour call-in schedule has been reviewed with DOT. Representatives of DOT found nothing in the requirement that was unsafe for a lone driver to carry out while driving or that was in conflict with DOT regulations. Accordingly, the two-hour call-in requirement is allowed to stand. The Commission reaffirms its judgment that the benefits from two-hour call-ins justify the additional risk of those instances where the vehicle must be stopped and the call-in done by conventional telephone.

(25) *Road shipments: Citizens band (CB) radio.* Some comments suggest that there is no assurance that CB contacts can be made, and therefore the requirement for CB radio in the shipment vehicle is superfluous. Other comments note that the designated control location is not required to be equipped with a CB radio and ask that the NRC reconsider whether a potential saboteur could gain advantage from this situation.

A requirement for CB radio is included in recognition of the fact that CB radio offers an inexpensive back-up to the primary communication system.

It is true that there is no guarantee that a CB contact can be established in the event that there is a need to call for assistance. On the other hand, the adversary is faced with a back-up communications system that he can neither ignore nor readily defeat. The CB requirement is included because it, in some measure, reduces an adversary's likelihood of success. Also, CB radio is useful for communication among the escort vehicles and shipment vehicle and can be used in most heavily populated areas to contact the LLEA. However, because the transmission range of CB radio is short compared with the likely distance that shipments will be transported, there is no requirement for a CB radio to be installed in the control location.

(26) *Rail shipments: Special trains.* Some comments urge the use of special trains to transport spent fuel rail casks. These comments contend that special trains have the following advantages: The requirements of 10 CFR 73.37(c) are difficult for regular trains but can be handled readily by special trains. Special train speeds are lower and can be tailored to circumstances. Special trains are shorter than regular trains with the advantage that "burying" the shipment car under other cars in the event of an accident is less likely; this

feature, the comments argue, would be very significant in the event of a fire. A special train offers better observation of the shipment car. Most railroad accidents occur in rail yards and special trains spend less time in rail yards than do regular trains. Special trains have priority in use of track over regular trains. Regular trains could conceivably carry spent fuel together with other hazardous material, such as explosives or inflammables, in different cars of the same train; this situation would not occur with a special train.

Special routing is possible to avoid rail yards and heavily populated areas. Finally, the probability of certain classes of train accidents, such as brake failure or railroad crossing accidents, is lower because special trains are shorter than regular trains.

Other comments take the opposite view and suggest that the use of regular trains for spent fuel shipments is entirely satisfactory for the following reasons: The likelihood of hijacking a regular train from a low population to a high population area is remote in the extreme. Special trains have no particular advantage in avoiding high population areas. Special trains, as now proposed, would be stopped to yield right-of-way to regular trains.

NRC approval of alternative routes would provide adequate response to the uncertainties of weather, rail damage, and other uncontrollable influences.

A regular train in a rail yard would be under surveillance by the escort and the railroad police. Special trains have no advantage in communications; moreover, rail traffic controllers always know the approximate location of their trains.

Needed protection requirements for rail shipments can be met by regular trains. Accordingly, the suggestion that the regulations be modified to require the use of special trains was rejected.

(27) *Rail shipments: Arrangements with LLEA.* Some comments suggest that arrangements with LLEAs are needed only when a shipment car is stopped in a rail yard. This suggestion was not adopted because it would be inconsistent with the fundamental protection measure that an escort should always be present with a spent fuel shipment and that escort should be able to request and obtain assistance from the LLEA independent of the location of the shipment.

(28) *Rail shipments: Escorts.* Some comments contend that escorts are not needed when a train is moving. Other comments point out that more than one escort will be needed to provide surveillance during extended stopovers and that special lighting might be needed for effective surveillance. One comment points out that no existing spent fuel rail cask car provides for an escort within the car, as is implied by the guidance document and the regulation. Finally, some comments request that the NRC consider speed restrictions for spent fuel shipments and reconsider its decision not to require surveillance while the train is moving—particularly while the train is moving very slowly.

One of the fundamental protection measures is that an escort should always be present near the shipment, independent of the location of the train and independent of whether the train is moving. Accordingly, the suggestion that an escort is not needed while the train is moving was rejected.

One intent of the requirement is that a stopped shipment car always be under observation; it is the responsibility of the licensee to provide an escort force sufficiently large to meet that intent.

The object of the observation requirement is the early detection of circumstances that threaten deliberate damage to the shipment in a heavily populated area. Lighting in heavily populated areas is expected to be sufficient for this purpose.

With respect to the comment concerning the escort in the same rail car with the spent fuel cask, the guidance document was written so as not to preclude the escort from riding in a rail car containing a spent fuel cask. The staff had in mind a small cask in which slightly greater than exempted quantities of spent fuel might be shipped rather than a typical rail cask containing up to ten fuel assemblies.

The Commission has recognized the need for surveillance capabilities while trains are moving, and has reflected this in the regulation.

(29) *Rail shipments: Strengthening of requirements proposed.* One comment asserts that spent fuel shipments by road are inherently unsafe and that shipments should be made by rail. The comment contends that current capabilities for the safety and protection of rail shipments are inadequate and identifies numerous areas where he believes improvements are needed.

The Commission disagrees with the view that spent fuel shipments by road are inherently unsafe. The comment does not provide an adequate justification for the extreme measures proposed pertaining to rail shipments. The Commission has no new information to modify its current view that spent fuel shipments can be moved safely on the existing rail system. Accordingly, no changes were made to the regulation or the guidance as a result of this comment.

The following modifications to the rule have been coordinated with the Department of Transportation in accordance with the Memorandum of Understanding between NRC and DOT that was published in the **Federal Register** on July 2, 1979. The Department of Transportation has determined that the NRC rule is not in conflict with current DOT regulations.

These amendments to the interim final rule are being published in effective form subject to codification. In the **Federal Register** notice issuing the interim final rule (44 FR 34466), comments were requested on the rule even though it was published in effective form. It is those comments received that have led to the amendments being made here. It is as if comments had been received on a proposed rule. Accordingly, the Commission for good cause finds that further notice and public procedure is unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73, are published as a document subject to codification.

1. Section 73.1 of 10 CFR Part 73 is amended by revising paragraph (b)(5) to read as follows:

§ 73.1 Purpose and Scope.

* * * * *

(b) *Scope.* * * *

(5) This part also applies to the shipment of irradiated reactor fuel in quantities that in a single shipment both exceed 100 grams in net weight of irradiated fuel, exclusive of cladding or other structural or packaging material, and have a total radiation dose in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

2. Section 73.37 of 10 CFR Part 73 is revised to read as follows:

§ 73.37 Requirements for physical protection of irradiated reactor fuel in transit.

(a) *Performance objectives.* (1) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a quantity of irradiated reactor fuel in excess of 100 grams in net weight of irradiated fuel, exclusive of cladding or other structural or packaging material, which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any

accessible surface without intervening shielding, shall establish and maintain, or make arrangements for, and assure the proper implementation of, a physical protection system for shipments of such material that will achieve the following objectives:

(i) Minimize the possibilities for radiological sabotage of spent fuel shipments, especially within heavily populated areas; and

(ii) Facilitate the location and recovery of spent fuel shipments that may have come under the control of unauthorized persons.

(2) To achieve these objectives, the physical protection shall:

(i) Provide for early detection and assessment of attempts to gain unauthorized access to, or control over, spent fuel shipments;

(ii) Provide for notification to the appropriate response forces of any spent fuel shipment sabotage attempts; and

(iii) Impede attempts at radiological sabotage or spent fuel shipments within heavily populated areas, or attempts to illicitly move such shipments into heavily populated areas, until response forces arrive.

(b) *General requirements.* To achieve the performance objectives of paragraph (a) of this section, a physical protection system established and maintained, or arranged for, by the licensee shall:

(1) Provide for notification of the Nuclear Regulatory Commission in advance of each shipment, in accordance with § 73.72 of this part.

(2) Include procedures for coping with circumstances that threaten deliberate damage to a spent fuel shipment and with other safeguards emergencies.

(3) Include instructions for each escort that, upon detection of the abnormal presence of unauthorized persons, vehicles or vessels in the vicinity of a spent fuel shipment, or upon detection of a deliberately induced situation that has the potential for damaging a spent fuel shipment, the escort will:

(i) Determine whether or not a threat exists;

(ii) Assess the extent of the threat, if any;

(iii) Inform local law enforcement agencies of the threat and request assistance; and

(iv) Implement the procedures developed in accordance with paragraph (b)(2) of this section.

(4) Include a communications center at a designated location, which will be staffed continuously by at least one individual who will monitor the progress of the spent fuel shipment and will notify the appropriate agencies in the event a safeguards emergency should arise.

(5) Provide for maintenance of a written log by the escorts and communications center personnel, for each spent fuel shipment, which will include information describing the shipment and significant events that occur during the shipment, and will be available for review by authorized NRC personnel for a period of at least 1 year following completion of the shipment.

(6) Provide that arrangements have been made with local law enforcement agencies along the routes of road and rail shipments, and at U.S. ports where vessels carrying spent fuel shipments are docked, for their response to an emergency or a call for assistance.

(7) Provide for advance approval by the NRC of the routes used for road and rail shipments of spent fuel, and of any U.S. ports where vessels carrying spent fuel shipments are scheduled to stop.

(8) Provide that shipments are planned so that scheduled intermediate stops are avoided to the extent practicable.

(9) Provide that at least one escort maintains visual surveillance of the shipment during periods when the shipment vehicle is stopped, or the shipment vessel is docked.

(10) Provide that escorts (other than members of local law enforcement agencies, or ship's officers serving as unarmed escorts) have successfully completed the training required by Appendix D of this part.

(11) Provide that shipment escorts make calls to the communications center at least every 2 hours to advise of the status of the shipment for road and rail shipments, and for sea shipments while shipment vessels are docked at U.S. ports.

(c) *Shipments by road.* In addition to the provisions of paragraph (b), the physical protection system for any portion of a spent fuel shipment that is by road shall provide that:

(1) A transport vehicle within a heavily populated area is:

(i) Occupied by at least two individuals, one of whom serves as escort, and escorted by an armed member of the local law enforcement agency in a mobile unit of such agency; or

(ii) Led by a separate vehicle occupied by at least one armed escort, and trailed by a third vehicle occupied by at least one armed escort.

(2) A transport vehicle not within any heavily populated area is:

(i) Occupied by at least one driver and one other individual who serves as escort; or

(ii) Occupied by a driver and escorted by a separate vehicle occupied by at least two escorts; or

(iii) Escorted as set forth in paragraph (c)(1) of this section.

(3) Escorts have the capability of communicating with the communications center, local law enforcement agencies, and one another, through the use of:

(i) A citizens band (CB) radio available in the transport vehicle and in each escort vehicle;

(ii) A radiotelephone or other NRC-approved equivalent means of two-way voice communications available in the transport vehicle or in an escort vehicle committed to travel the entire route; and

(iii) Citizens band (CB) radio and normal local law enforcement agency radio communications in any local law enforcement agency mobile units used for escort purposes.

(4) The transport is equipped with NRC-approved features that permit immobilization of the cab or cargo-carrying portion of the vehicle.

(5) The transport vehicle driver has been familiarized with, and is capable of implementing, transport vehicle immobilization, communications, and other security procedures.

(d) *Shipments by rail.* In addition to the provisions of paragraph (b), the physical protection system for any portion of a spent fuel shipment that is by rail shall provide that:

(1) A shipment car within a heavily populated area is accompanied by two armed escorts (who may be members of a local law enforcement agency), at least one of whom is stationed at a location on the train that will permit observation of the shipment car while in motion.

(2) A shipment car not within any heavily populated area is accompanied by at least one escort stationed at a location on the train that will permit observation of the shipment car while in motion.

(3) Escorts have the capability of communicating with the communications center and local law enforcement agencies through the use of a radiotelephone, or other NRC-approved equivalent means of two-way voice communications, which shall be available on the train.

(e) *Shipments by sea.* In addition to the provisions of paragraph (b), the physical protection system for any portion of a spent fuel shipment that is by sea shall provide that:

(1) A shipment vessel, while docked at a U.S. port within a heavily populated area, is protected by:

(i) Two armed escorts stationed on board the shipment vessel, or stationed on the dock at a location that will permit observation of the shipment vessel; or

(ii) A member of a local law enforcement agency, equipped with normal LLEA radio communications, who is stationed on board the shipment vessel, or on the dock at a location that will permit observation of the shipment vessel.

(2) A shipment vessel, while within U.S. territorial waters, or while docked at a U.S. port not within a heavily populated area, is accompanied by an escort, who may be an officer of the shipment vessel's crew, who will assure that the shipment is unloaded only as authorized by the licensee.

(3) Escorts have the capability of communicating with the communications center and local law enforcement agencies through the use of a radiotelephone, or other NRC-approved equivalent means of two-way voice communications.

Appendix D of 10 CFR Part 73 [Amended]

3. Appendix D of 10 CFR Part 73 is amended by adding a paragraph at the end, as follows:

* * * * *

The licensee is also required to assure that armed individuals serving as shipment escorts, other than members of local law enforcement agencies, have completed a weapons training and qualifications program equivalent to that required of guards, as described in III and IV of Appendix B of this part, to assure that each such individual is fully qualified to use weapons assigned him.

§ 73.72 [Amended]

4. The first sentence of § 73.72 is amended by adding the phrase "or spent fuel required to be protected under the provisions of § 73.37," after the words "special nuclear material of moderate strategic significance".

(Secs. 53, 161b, 161i, Pub. L. 83–703, 68 Stat. 930, 948, 949; Sec. 201, Pub. L. 93–438, 88 Stat. 1242–1243 (42 U.S.C. 2073, 2201, 5841))

Dated at Washington, D.C. this 27th day of May, 1980.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-16645 Filed 6-2-80; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Parts 95 and 140

Deletion of Reference to Panama Canal Zone; Minor Amendments

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is deleting references to the Panama Canal Zone in Parts 95 and 140 of its regulations. This action was taken in regard to all other parts of the Commission's regulations on March 24, 1980 (45 FR 18905). Parts 95 and 140 were inadvertently excluded from that previous action. These minor amendments reflect the provisions of the Panama Canal Treaty of 1977 and the recently enacted Panama Canal Defense Act of 1979. Under the Act and the Treaty, the U.S. Government relinquished jurisdiction over the Panama Canal Zone to the Republic of Panama. These amendments revise portions of the Commission's regulations to reflect the revised status of the Canal Zone.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: Under the Panama Canal Treaty of 1977, the territory of the former Panama Canal Zone became subject to the jurisdiction of the Republic of Panama on October 1, 1979. The Treaty, and the recently enacted Panama Canal Defense Act of 1979 (P.L. 96–70) passed on September 27, 1979, supersede all previous legislation. Thus, all references in the Atomic Energy Act to the Canal Zone as being jurisdictionally part of the United States are no longer valid. Therefore, the Nuclear Regulatory Commission is deleting references to the Canal Zone from Parts 95 and 140 of its regulations in Title 10, Chapter 1 of the Code of Federal Regulations.

Since these amendments are corrective and relate solely to minor procedural matters, notice of proposed rulemaking and public procedure thereon are unnecessary and good cause exists to make the amendments effective upon publication in the **Federal Register.**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 95 and 140 are published as a document subject to codification.

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

1. The second sentence of paragraph (c)(2) of § 95.39 is revised to read as follows:

§ 95.39 External transmission of documents and material.

* * * * *

(c) Methods of Transportation

* * * * *

(2) * * * First Class, express, or certified mail may be used in transmission of Confidential documents to Puerto Rico or any United States territory or possession.

* * * * *

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

§§ 140.92–140.95, 140.107, 140.108[Amended]

1. Part 140 is amended by revising the definition of "United States" wherever it appears, namely in each of the following sections:

a. § 140.92, Article I, paragraph 10
b. § 140.93, Article I, paragraph 10
c. § 140.94, Article I, paragraph 9
d. § 140.95, Article I, paragraph 9
e. § 140.107, Article I, paragraph 9
f. § 140.108, Article I, paragraph 9

The defining sentence is revised to read as follows:

"United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

(Sec. 161, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Maryland, this 22d day of May 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-16675 Filed 6-2-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Reg. D; Docket No. R-0304]

Member Banks; Marginal Reserve Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On October 6, 1979, the Board of Governors amended Regulation D to establish an 8 per cent marginal reserve requirement on the amount by which the total of managed liabilities of member banks (and Edge and Agreement Corporations) and certain United States branches and agencies of foreign banks exceeds the amount of an institution's base of managed liabilities. On March 14, 1980, the Board acted to increase the

marginal reserve requirement ratio from 8 to 10 per cent and to reduce an institution's managed liabilities base by the greater of 7 per cent or by the amount of reduction in an institution's gross loans to non-United States residents and balances due from foreign offices of other institutions. Based upon an evaluation of recent banking and other credit data, the Board has determined to decrease the marginal reserve requirement ratio to 5 per cent and, generally, to increase the managed liabilities base of an institution by 7½ per cent.

EFFECTIVE DATE: This action is effective for marginal reserves required to be maintained during the seven-day period beginning June 12, 1980, against total marginal managed liabilities outstanding during the seven-day period beginning May 29, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), or Paul S. Pilecki, Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 6, 1979, the Board of Governors amended Regulation D (12 CFR Part 204) to impose a marginal reserve requirement of 8 per cent on the amount by which the total managed liabilities of member banks (and Edge and Agreement Corporations) and United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion exceeds the amount of the institution's managed liabilities outstanding during the base period (September 13–26, 1979) or $100 million, whichever is greater (44 FR 60071).

On March 14, 1980, the Board acted to increase the marginal reserve ratio to 10 per cent and to adjust the base of managed liabilities (45 FR 17924). Managed liabilities include the total of (1) time deposits in denominations of $100,000 or more with original maturities of less than one year; (2) Federal funds borrowings with original maturities of less than one year from U.S. offices of depository institutions not required to maintain Federal reserves and from U.S. government agencies; (3) repurchase agreements with original maturities of less than one year on U.S. government and agency securities entered into with parties other than institutions required to maintain Federal reserves; and (4) Eurodollar borrowings from foreign banking offices, asset sales to related foreign offices and member bank foreign office loans to U.S. residents. The purposes of these actions were to better control the expansion of bank credit, help curb speculative excesses in financial, foreign exchange and commodity markets and thereby serve to dampen inflationary forces.

Based upon an evaluation of recent banking and other credit data, the Board has determined to decrease the marginal reserve requirement ratio to 5 per cent. This reduction will take place for the reserve maintenance period beginning on Thursday, June 12, 1980. In addition, the Board has determined to adjust the base amount of managed liabilities for institutions subject to the marginal reserve requirement program. For the reserve computation period beginning May 29, 1980, if an institution was a net borrower of managed liabilities during the fourteen-day period ending September 26, 1979, its managed liabilities base shall be the lesser of its managed liabilities base for the reserve computation week ending May 21, 1980, as reported on line 8 of Form FR 2414d, multiplied times 1.075 or its daily average total managed liabilities during the fourteen-day period ending September 26, 1979. For example, if an institution has a reported managed liabilities base for the computation period ending May 21, 1980, of $100 million, its new base would be $107.5 million (107.5 per cent times $100 million). However, if such institution's daily average total managed liabilities for the fourteen-day period ending September 26, 1979, was $105 million, then the new managed liabilities base of such institution would be $105 million, because the managed liabilities base cannot be increased above the September amount.

The managed liabilities base will continue to be reduced in computation periods after May 28, 1980, by the amount by which the institution's daily average of gross loans to non-United States residents and gross balances due from foreign offices of other institutions during the statement week is lower than the lowest daily average amount of such loans and balances outstanding during any statement week for the period from March 6, 1980 to May 28, 1980. The base for an institution that was a net borrower of managed liabilities during the base period (September 13–26, 1979), will not be reduced below $100 million. The base will not change for an institution that was a net lender of managed liabilities during the period September 13–26, 1979.

In order to achieve the objectives of this action more quickly, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to this action is impracticable and contrary to the public interest.

These actions are taken pursuant to the Board's authority under sections 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 461, 601 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

Effective June 12, 1980, § 204.5(f) of Regulation D (12 CFR 204.5) is revised as follows:

§ 204.5 Reserve requirements.

* * * * *

(f) *Marginal Reserve Requirements.*— (1) *Member banks.* A member bank shall maintain a daily average reserve balance against its time deposits equal to 5 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the member bank's managed liabilities base as determined in accordance with subparagraph (3) of this paragraph.

(2) *United States branches and agencies of foreign banks.* A United States branch or agency of a foreign bank with total worldwide consolidated bank assets in excess of $1 billion shall maintain a daily average reserve balance against its liabilities equal to 5 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day reserve maintenance period exceeds the institution's managed liabilities base as determined in accordance with subparagraph (3) of this paragraph.

(3) *Managed liabilities base.* During the seven-day reserve computation period beginning May 29, 1980, and during each seven-day reserve computation period thereafter, the managed liabilities base of a member bank or a family of United States branches and agencies of a foreign bank ("family") shall be determined as follows:

(i) For a member bank or family that, on a daily average basis, is a net borrower of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the lesser of the reported managed liabilities base for the reserve computation period ending May 21, 1980, (Form FR 2414d, line 8) multiplied times 1.075, or the daily average of its total managed liabilities during the fourteen-day period ending September 26, 1979. For each computation period beginning after May

28, 1980, the managed liabilities base of a member bank or family shall be reduced during the computation period by the amount by which its lowest daily average of

(A) Gross loans to non-United States residents [18] and

(B) Gross balances due from foreign offices of other institutions [19] or institutions, the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof, [20]

Outstanding during any computation period begining after May 28, 1980, is lower than the lowest daily average amount of such loans and balances outstanding during any computation period between March 6, 1980, and May 28, 1980. The amount representing such difference shall be rounded to the next lowest multiple of $2 million. In no event will the managed liabilities base for an institution that was a net borrower of managed liabilities during the fourteen-day base period ending September 26, 1979, be less than $100 million.

(ii) For a member bank or family that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending September 26, 1979, its managed liabilities base shall be the sum of its daily average negative total managed liabilities and $100 million.

By order of the Board of Governors of the Federal Reserve System, May 27, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16770 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

[18] A United States resident is: (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[19] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[20] A foreign central bank, or any international organization of which the United States is a member, such as the International Bank for Reconstruction and Development (World Bank), International Monetary Fund, Inter-American Development Bank, and other foreign international, or supranational entities exempt from interest rate limitations under § 217.3(g)(3) of Regulation Q (12 CFR 217.3(g)(3)).

12 CFR Part 229

[Docket No. R-0303]

Reports Under Special Credit Restraint Program

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201, under its Special Credit Restraint Program issued on March 14, 1980, the Board has amended its regulation to enable it to reduce the reporting burden on U.S. commercial banks, and U.S. branches and agencies of foreign banks, finance companies, U.S. bank holding companies, and to discontinue the reporting requirements for large corporate borrowers.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Bronwen Mason, Senior Attorney (202/452–3564) Legal Division, or Eleanor J. Stockwell, Senior Deputy Associate Director (202/452–3651), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board announced a Special Credit Restraint Program designed to encourage lenders and borrowers, in their individual credit decisions, to take specific account of the overall aims and quantitative objectives of the Federal Reserve in restraining growth in money and credit generally. While compliance with the Program guidelines is on a voluntary basis, the Board instituted a reporting program, as authorized by section 1–104 of Executive Order 12201, to monitor developments in the credit markets and compliance with the Program. Under this reporting program the affected lenders were required to provide data periodically concerning types and amounts of outstanding loans and selected corporations were required to provide data on certain types of borrowing. (45 FR 22883.)

Based on an evaluation of recent banking and credit data, on May 22, 1980, the Board announced that it would reduce the reporting burden on U.S. commercial banks, U.S. branches and agencies of foreign banks, finance companies, and U.S. bank holding companies, which should now file reports on a bimonthly basis. In addition, the Board stated that it would discontinue reports by large corporate borrowers. The first quarterly report for intermediate size banks due in June, will be simplified, and the need for subsequent reports will be evaluated after that checkpoint is passed.

In order to achieve the objectives of this action more quickly the Board for good cause has determined that the notice and public procedure provisions of 5 U.S.C. 553(b) with regard to this action are not in the public interest, and will not be followed.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201 the Board has revised §§ 229.33 and 229.34 of Subpart D of its Credit Restraint Regulation (12 CFR Part 229) to read as follows:

Subpart D—Reports Under Special Credit Restraint Program

§ 229.33 Reports by Large Lenders.

(a) *Large commercial banks.* Each U.S. commercial bank having U.S. consolidated assets of $1 billion or more shall file such reports on its activities as may be required by the Board from time to time on forms prescribed by the Board in accordance with the instructions thereto.

(b) *U.S. agencies and branches of foreign banks.* Each family of U.S. offices of a foreign bank having worldwide banking assets of more than $1 billion monthly shall file such reports on its activities as may be required by the Board from time to time on forms prescribed by the Board in accordance with the instructions thereto.

(c) *U.S. bank holding companies.* Each U.S. bank holding company with U.S. consolidated financial assets of $1 billion or more shall file such reports on its activities as may be required by the Board from time to time on forms prescribed by the Board in accordance with the instructions thereto.

(d) *U.S. finance companies.* Each U.S. finance company with total business receivables outstanding (that is, all loans excluding those made for personal, family or household uses) of $1 billion or more shall file such reports on its activities as may be required by the Board from time to time on forms prescribed by the Board in accordance with the instructions thereto.

§ 229.34 Reports by Intermediate-Sized Commercial Banks.

Each U.S. commercial bank with U.S. consolidated assets of $300 million or more but less than $1 billion shall file such reports on its activities as may be required by the Board from time to time on forms prescribed by the Board in

accordance with the instructions thereto.

Board of Governors of the Federal Reserve System, effective May 27, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16769 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 229

[Docket No. R-0300]

Consumer Credit; Maintenance of Special Deposit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: On March 14, 1980, the Board adopted a consumer credit restraint program (12 CFR Part 229, Subpart A; 45 FR 17927, March 19, 1980) that requires certain creditors that extend certain types of consumer credit to maintain a special deposit with the Federal Reserve equal to 15% of the amount by which the creditor's outstanding covered credit during a month exceeds the creditor's base. The purpose of the program was to curb inflationary pressures in the economy by restraining the growth of consumer credit covered by the regulation through the imposition of the special deposit requirement. Recent trends in the growth of consumer credit indicate that modification of the Board's consumer credit regulation would be appropriate. The Board has therefore amended its consumer credit restraint regulation to reduce the special deposit requirement to an amount equal to 7½% of the amount by which a creditor's outstanding covered credit during a month exceeds its base.

EFFECTIVE DATE: July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Robert E. Mannion, Deputy General Counsel (202/452-3274); Gilbert T. Schwartz, Assistant General Counsel (202/452-3625); or Margaret L. Egginton, Attorney (202/452-3786); Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In adopting its consumer credit restraint regulation, pursuant to the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201, the Board adopted 15% of a creditor's increase in covered credit as the required special deposit amount because the Board regarded that amount as appropriate to restrain the growth of covered credit. Since adoption of the regulation in mid-March, trends in consumer credit have led the Board to conclude that a reduction in the ratio to be applied in determining the special deposit requirement is appropriate. Beginning with the special deposit for the month of June, 1980, which must be held during the period beginning July 24, 1980, the amount of the special deposit will be equal to 7½% of the amount by which the creditor's outstanding covered credit during the month exceeds the creditor's base.

The Board believes that it is in the public interest to reduce the burden of its credit restraint program, while maintaining its effectiveness, as promptly as possible, and that publication of this rule for comment would not serve a useful purpose. The Board therefore for good cause finds that the notice and public procedure provisions of 5 U.S.C. 553(b) with regard to this action are unnecessary and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901-1901), as implemented by Executive Order 12201, the Board hereby amends 12 CFR Part 229, Subpart A, effective July 24, 1980, by substituting the number "7½" for the number "15," so that the first sentence of § 229.4(a) reads as set forth below:

§ 229.4 Maintenance of special deposit.

(a) Each covered creditor shall hold a non-interest bearing special deposit equal to 7½ percent of the amount by which the average amount of its covered credit outstanding during the month exceeds its base.

* * * * *

By order of the Board of Governors of the Federal Reserve System, effective May 22, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16768 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 229

[Docket No. R-0302]

Nonmember Commercial Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Pursuant to the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201 the Board adopted provisions on March 14, 1980, requiring commercial banks that are not members of the Federal Reserve System to maintain a non-interest bearing special deposit with the Federal Reserve equal to 10 per cent of the amount by which the total of managed liabilities of those banks exceeds the amount of such managed liabilities outstanding during a base period. Based upon an evaluation of recent banking and credit data, the Board has determined to decrease the special deposit ratio from 10 per cent to 5 per cent and increase, generally, an institution's managed liabilities base.

EFFECTIVE DATE: This amendment will be effective for the special deposit required to be maintained by nonmember commercial banks for the sevenday period beginning June 12, 1980, for the computation period beginning May 29, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452-3625), Paul S. Pilecki, Attorney (202/452-3281), or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board adopted this Subpart pursuant to the Credit Control Act (12 U.S.C. 1901-1909) as implemented by Executive Order 12201 (45 FR 17932). This Subpart requires commercial banks that are not members of the Federal Reserve System to maintain a special non-interest bearing deposit with the Federal Reserve equal to 10 per cent of the total by which managed liabilities of the nonmember bank exceeded the amount of such managed liabilities outstanding during a base period. Additionally, this subpart requires a covered bank that was a net borrower of managed liabilities during the fourteen-day base period ending March 12, 1980, to reduce its base by an adjustment for the reduction in its foreign lending from domestic offices. The adjustment for any given computation period is based on the difference between the sum of its gross loans to non-United States residents and gross balances due from foreign offices of other institutions, and the lowest gross total of such lending for any computation week beginning after March 19, 1980. That difference is then rounded down to the largest lower multiple of $2 million and subtracted from the daily averge of managed liabilities for the base period. This Subpart does not apply to United States branches and agencies of foreign banks with total world-wide consolidated bank assets in excess of $1 billion that are subject to the Board's marginal reserve requirements (12 CFR 204.5(f)). Other United States branches and agencies of foreign banks are subject to this Subpart.

Based upon an evaluation of recent banking and credit data, the Board has determined to decrease the special deposit ratio for banks subject to this Subpart from 10 per cent to 5 per cent. The new 5 per cent deposit ratio will be effective for special deposits required to be maintained for the seven-day period beginning June 12, 1980. The corresponding computation period is the seven-day period beginning May 29, 1980.

The Board has also determined to allow certain covered banks to make a one-time only increase in their managed liabilities base. For a covered bank that was a net borrower of managed liabilities in excess of $100 million on a daily average basis during the fourteen-day period ending March 12, 1980, its managed liabilities base will be increased by 7-½ per cent. The new base will be determined by multiplying the bank's base reported on line 8 of form F.R. 241 2d for the computation period beginning May 15, 1980, by 1.075. However, a bank that was a net borrower of managed liabilities during the fourteen-day period ending March 12, 1980, whose base on March 12, 1980, was $100 million may not increase its base.

The managed liabilities base will continue to be reduced in computation periods after May 28, 1980, by the amount by which the bank's daily average of gross loans to non-United States residents and gross balances due from foreign offices of other institutions during the statement week is lower than the lowest daily average amount of such loans and balances outstanding during the base period or any statement week for the period from March 13, 1980 to May 28, 1980. The base for an institution that was a net borrower of managed liabilities during the base period (February 28—March 12, 1980) will not be reduced below $100 million.

The base will not change for a bank that was a net lender of managed liabilities during the period February 28—March 12, 1980.

In order to achieve the objectives of this action more quickly, the Board for good cause finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909), the Board hereby amends Subpart C of its Credit Restraint regulation by revising § 229.24 (12 CFR Part 229) effective June 12, 1980, to read as follows:

§ 229.24 Maintenance of Special Deposit.

(a) During the seven-day maintenance period beginning June 12, 1980, and each deposit maintenance period thereafter, each covered bank shall maintain a non-interest bearing special deposit equal to 5 per cent of the amount by which the daily average of its total managed liabilities during the seven-day computation period ending eight days prior to the beginning of the corresponding seven-day maintenance period exceeds its managed liabilities base as determined in accordance with paragraph (b) of this section.

(b) *Managed liabilities base.* During the seven-day deposit computation period beginning May 29, 1980, and during each seven-day deposit computation period thereafter, the managed liabilities base of a covered bank shall be determined as follows:

(1) For a covered bank that, on a daily average basis, was a net borrower of total managed liabilities during the fourteen-day base period ending March 12, 1980, its base for the computation period beginning May 29, 1980, shall be equal to its base reported for the computation period beginning May 15, 1980 (as reported on line 8 of form F.R. 2412d) multiplied by 1.075. However, a covered bank whose base has never exceeded $100 million shall not multiply its base by 1.075. The managed liabilities base of a covered bank shall be reduced by the amount by which its lowest daily average of

(i) Gross loans to non-United States residents [3] and

(ii) Gross balances due from foreign offices of other institutions [4] or institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof,[5]

outstanding during any computation period beginning after May 28, 1980, is lower than the lowest daily average amount of such loans and balances outstanding during the base period or any computation period between March 13, 1980 and May 28, 1980. The amount of the reduction shall be rounded down to the largest lower multiple of $2 million. However, in no event will the managed liabilities base for a covered bank that was a net borrower of managed liabilities during the fourteen-day base period ending March 12, 1980, be less than $100 million.

(2) For a covered bank that, on a daily average basis, is a net lender of total managed liabilities during the fourteen-day base period ending March 12, 1980, its managed liabilities base shall be the sum of its daily average negative total managed liabilities and $100 million.

By order of the Board of Governors of the Federal Reserve System, May 27, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16767 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

[3] A United States resident is: (a) Any individual residing (at the time the credit is extended) in any State of the United States or the District of Columbia; (b) any corporation, partnership, association or other entity organized therein ("domestic corporation"); and (c) any branch or office located therein of any other entity wherever organized. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more such domestic corporations will not be deemed to be credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

[4] Any banking office located outside the States of the United States and the District of Columbia of a bank organized under domestic or foreign law.

[5] A foreign central bank, or any international organization, of which the United States is a member, such as the International Bank for Reconstruction and Development (World Bank), International Monetary Fund, Inter-American Development Bank, and other foreign international, or supranational entities exempt from interest rate limitations under § 217.3(g)(3) of Regulation Q (12 CFR 217.3(g)(3)).

12 CFR Part 229

[Docket No. R-0301]

Short Term Financial Intermediaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Rule.

SUMMARY: On March 14, 1980, the Board adopted this Subpart pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201 to restrain the expansion of short term credit through money market funds and other similar creditors. This Subpart subsequently was amended on March 28, 1980. Based upon an evaluation of recent credit data, the Board has determined to decrease the special deposit ratio from 15 per cent to 7½ per cent for creditors subject to this Subpart.

EFFECTIVE DATE: This action is effective for special deposits required to be maintained during the seven-day maintenance period beginning June 30, 1980, for the computation period beginning June 16, 1980.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), or Daniel L. Rhoads, Attorney (202/452–3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the Board adopted this

Subpart pursuant to the Credit Control Act (12 U.S.C. 1901–1909) as implemented by Executive Order 12201 to restrain the expansion of short term credit through money market funds and similar creditors (45 FR 17930). This Subpart subsequently was amended by the Board on March 28, 1980 (45 FR 23642). Based upon an evaluation of current credit data, the Board has determined to decrease the special deposit ratio from 15 per cent to 7½ per cent for all creditors covered by this Subpart. The decreased ratio will be effective for special deposits required to be maintained during the maintenance period beginning June 30, 1980, for the computation period beginning June 16, 1980.

In order to achieve the objectives of this action more quickly, the Board for good cause finds that the notice and public procedure provisions of 5 U.S.C. § 553(b) with regard to these actions are impracticable and contrary to the public interest.

Pursuant to its authority under the Credit Control Act (12 U.S.C. 1901–1909) the Board hereby amends Subpart B of its Credit Restraint regulation (12 CFR Part 229) effective June 30, 1980, as follows:

1. In section 229.14(a)(1), by striking "15" and inserting in its place "7½".

2. In section 229.14(b), by striking "15" and inserting in its place "7½".

By order of the Board of Governors of the Federal Reserve System, May 23, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16686 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373, 374, 376, 379, 385, and 399

Revision of Policy on Exports to Afghanistan

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Interim Rule With Request for Comments.

SUMMARY: The Export Administration Regulations are revised to reflect new policies on exports to Afghanistan in view of the increased risk of diversion to the USSR.

DATES: These regulatory changes are effective June 3, 1980. Comments must be received by August 4, 1980.

ADDRESS: Written comments (six copies when possible) should be sent to: Richard J. Isadore, Acting Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Room 1617M, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (Telephone: 202/377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Regulatory Changes

Since the Soviet invasion of Afghanistan, applications for licenses to export to Afghanistan have been reviewed on the assumption that commodities and technical data sent to Afghanistan will be available to the U.S.S.R. In order to assure a case-by-case review of the full range of exports subject to controls to the U.S.S.R., this revision extends to exports to Afghanistan validated license requirements that are virtually identical to those applicable to the U.S.S.R. This licensing control will permit a case-by-case review of exports to assure that such exports are not intended to benefit the U.S.S.R. The purpose of this action is not to deny commodities or technical data to Afghanistan but to implement more effectively those national security and foreign policy controls already in existence with regard to the U.S.S.R. In general, the licensing policy for applications subject to national security controls will be to approve such applications to Afghanistan only if they would be approved for the U.S.S.R. The licensing policy for applications subject to foreign policy controls will be to approve such exports if they are for the civilian economy of Afghanistan. Part 385 is revised to reflect this policy. In addition, Parts 373 and 379 are revised to provide that special licensing procedures and exports of technical data are restricted for Afghanistan to the same extent as they are for the U.S.S.R. Exporters are cautioned that this change substantially limits use of General License *GTDR* for exports of technical data to Afghanistan. Exporters of certain technical data to other destinations must now include Afghanistan in written assurances required from recipients of such data. Part 374 is revised so that reexports to Afghanistan are subject to the same supporting documentation and validity period requirements as those to the U.S.S.R. The General License provisions, other than GTDR, are not revised by these regulations. However, certain CCL entries that require a validated license for exports to the U.S.S.R. are revised to require also a validated license for Afghanistan. Commodities in such CCL entries may no longer be shipped under General License. Part 376 is revised to establish validated license procedures for export to Afghanistan of agricultural commodities removed from general license by these revisions.

The extension of U.S.S.R. licensing requirements to Afghanistan involves commodities and technical data controlled for national security and foreign policy reasons under Sections 5 and 6 of the Export Administration Act of 1979, respectively. The statutory basis for the extension of such controls to Afghanistan parallels that of the U.S.S.R. controls. Accordingly, the determinations and conclusions required under sections 5 and 6 with respect to the U.S.S.R. will also apply to Afghanistan.

Saving Clause

Shipments of any commodity removed from general license as a result of these revisions that were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to (effective date) may be exported under the previous general license up to and including (48 hours later). Any such shipment not exported before (48 hours) may not be shipped without specific authorization from the Office of Export Administration. There is no saving clause applicable to technical data removed from General License *GTDR*.

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, to be codified at 50 U.S.C. App. 2401 *et seq.*) exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Because they relate to a foreign affairs function of the United States, it has been determined that these regulations are not subject to Department of Commerce Administrative Order 218–7 (44 FR 2082, January 9, 1979) and the Industry and Trade Administration Administrative Instruction 1–6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations."

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in

developing final regulations. The period for submission of comments will close (60 days following publication). No comments received after the close of the comment period will be accepted or considered by the Department in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda that will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

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

Accordingly, the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

PART 373—SPECIAL LICENSING PROCEDURES

1. Part 373 is revised to:

a. Amend § 373.3(a)(2) to read:

§ 373.3 [Amended]

(a) * * *

(2) All countries in Country Group V except Afghanistan.

* * * * *

§ 373.7 [Amended]

b. Amend § 373.7 to insert "and Afghanistan" after "Country Groups P, Q, W, and Y" each time it appears; to insert "or Afghanistan" after "Country Group P, Q, W, or Y" or "Country Group P, Q, W, or Y destination" as appropriate, each time they appear; and to insert "except Afghanistan" after "V" each time it appears;

§ 373.8 [Amended]

c. Amend § 373.8(a)(2) to add "or Afghanistan" following "Country Group P, Q, S, W, Y, or Z"; *and*

d. Amend § 373.8(c)(1) to add "or Afghanistan" following "Group P, Q, S, W, Y, or Z country";

Supplement No. 3 [Amended]

e. Delete "Afghanistan" from Supplement No. 3 to Part 373.

PART 374—REEXPORTS

2. Part 374 is amended to:

§ 374.3 [Amended]

a. Add "Afghanistan" at the beginning of the country listing in § 374.3(c)(1)(ii);

§ 374.5 [Amended]

b. Add "or Afghanistan" after "Country Group P, Q, W, Y, or Z" both times it appears in § 374.5.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

3. Part 376 is revised to:

a. Establish a new § 376.15 as follows:

§ 376.15 Exports or Reexports of Agricultural Commodities to Afghanistan

(a) Scope

This section sets forth the policies and procedures applicable to exports and reexports to Afghanistan of U.S.-origin agricultural commodities and products (hereinafter referred to as "agricultural commodities").

(b) Licensing Policy

Applications for validated licenses to export or requests to reexport to Afghanistan commodities listed in Supplements No. 2 and 3 to Part 376 will be considered for approval provided it is established to the satisfaction of the Office of Export Administration that the export is destined to and will be used by the Afghan civilian economy, that it would not be significant in helping the U.S.S.R. to avoid or mitigate the effects of the restrictions on the export of agricultural commodities to the U.S.S.R., and that it would not otherwise be inconsistent with the foreign policy interest or the purposes of these controls. Among the factors that will be considered in making these determinations are the following:

(1) Whether the commodity and quantity are consistent with prior U.S.-Afghanistan trade patterns;

(2) The identity and general nature of activity of the end user;

(3) The stated end-use and appropriateness of that end-use for the particular commodity;

(4) Whether the shipment is likely to be diverted to another end-use and, if it were, whether such diversion would undermine the intent of the restrictions on the export of such commodities to the U.S.S.R.

Decisions on these applications will be made on a case-by-case basis in consultation with other appropriate Federal agencies.

(c) Documentation

An application for a validated license to export an agricultural commodity from the United States to Afghanistan must be submitted on Form ITA-622P, Application for Export License, and be accompanied by the documentation listed below. An application for an authorization to reexport to Afghanistan a U.S.-origin agricultural commodity previously exported from the United States must be submitted on Form ITA-699P, Request to Dispose of Commodities or Technical Data Previously Exported, and be accompanied by the documentation listed below.

(1) A certified copy or a photocopy of the export sales contract; and

(2) An affidavit signed by an authorized representative of the exporter stating the number of separate shipments of the commodities listed on the application, the approximate quantity of each shipment, and the aggregate quantity of all such shipments made by the exporter to Afghanistan during the period October 1, 1977-September 30, 1979.

(d) Method of Submission

Applications filed under this section may be hand-carried to Room 1623, Main Commerce Building, 14th and E Streets N.W., Washington, D.C., during normal business hours or mailed to the Office of Export Administration, Room 1617M, Main Commerce Building, 14th and E Streets N.W., Washington, D.C. 20230.

(e) Validity Period

All licenses and reexport authorizations for agricultural commodities to Afghanistan issued under this section will expire no later than 90 days from the date of issuance.

(f) Shipping Tolerance

A shipping tolerance of 5 percent is allowed over the unshipped balance remaining on a validated export license or reexport authorization for the shipment of an agricultural commodity to Afghanistan under the provisions of this section. (See also § 386.7 for a fuller discussion of shipping tolerance, including examples.)

* * * * *

(g) Submission to Office of Export Administration of Copy of Shipper's Export Declaration Covering Shipments to Afghanistan of Agricultural Commodities Listed in Supplement No. 1

When exporting from the U.S. to Afghanistan one or more of the agricultural commodities listed in Supplement No. 1 to this Part 376, exporters are required to mail a copy of the Shipper's Export Declaration filed with the exporting carrier (or the Post Office if shipment is made by mail), within 48 hours of filing the original Declaration at the port of export, to the following address:

Office of Export Administration
ATTENTION: Short Supply Division
P.O. Box 7138
Ben Franklin Station
Washington, D.C. 20230

Note.—See Part 386 of the Export Administration Regulations for provisions relating to the filing of Shipper's Export Declarations.

(h) Reporting of Diversions or Reexports

Should an exporter or other person involved in an export or reexport transaction involving a U.S.-origin agricultural commodity to Afghanistan at any time gain knowledge that a shipment, or any portion thereof, of a commodity listed in Supplements No. 1, 2, or 3 to this Part 376, has been or will be diverted or reexported to the U.S.S.R. or that a commodity listed in Supplements No. 2 or 3 has been or will be consumed in Afghanistan by Soviet or Afghanistan military or paramilitary forces, the exporter or such other person should immediately advise the Office of Export Administration (Attention: Short Supply Division) in writing of such actual or intended diversion, reexport, or consumption by the military (see Part 387). In urgent cases, such as when the intended diversion or reexport has not yet taken place, the exporter shall notify the Short Supply Division by telephone. (202-377-3984) and shall follow up such telephonic report by a full report in writing.

(i) Recordkeeping

Exporters are reminded that the recordkeeping requirements of § 387.11 of these regulations are applicable to both exports and reexports to Afghanistan of the agricultural commodities listed in Supplement No. 1 to this Part 376.

b. Amend the headings for Supplements No. 1, 2, and 3 read as follows:

* * * * *

Supplement No. 1 To Part 376

Agricultural Commodities and Products[1] Exported to the U.S.S.R. and Afghanistan That Require the Filing of Shipper's Export Declarations

* * * * *

Supplement No. 2 to Part 376

Agricultural Commodities and Products [1] Subject to Validated Licensing to the U.S.S.R. the Export Of Which is Restricted (See § 376.5)

and

Agricultural Commodities and Products [1] Subject to Validated Licensing to Afghanistan—Applications Considered Under § 376.15

* * * * *

Supplement No. 3 to Part 376

Agricultural Commodities and Products[1] Subject to Validated Licensing to the U.S.S.R. and Afghanistan—Applications Considered under §§ 376.5 or 376.15 [2]

* * * * *

PART 379—TECHNICAL DATA

4. Part 379 is amended to:

a. Revise the heading and opening sentence of § 379.4(b) to read:

§ 379.4 [Amended]

* * * * *

(b) Restrictions Applicable to Country Groups P, Q, W, and Y and Afghanistan. No technical data may be exported under this general license to Country Groups P, Q, W, or Y or to Afghanistan, except:

* * * * *

§ 379.4 [Amended]

§ 379.5 [Amended]

§ 379.6 [Amended]

§ 379.8 [Amended]

b. Add "or Afghanistan" after "P, Q, W, Y, or Z" and after "P, Q, W, or Y" each time they appear in §§ 379.4(f), 379.5, 379.6, and 379.8;

c. Add "(except Afghanistan)" after "S, T, or V" each time it appears in § 379.6.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

5. Section 385.4 is amended by adding a new (f) as follows:

§ 385.4 Country Group V

* * * * *

(f) Afghanistan

The Soviet military presence in Afghanistan requires special attention to exports because of the likelihood that commodities or technical data entering Afghanistan will be available to the U.S.S.R. Accordingly, the validated licensing requirements for the U.S.S.R. extend to shipments to Afghanistan. The purpose of this action is not to deny commodities or technical data to Afghanistan but to implement more effectively those national security and foreign policy controls already in existence with regard to the U.S.S.R. Accordingly, the statutory bases for controlling such shipments to Afghanistan parallel those for the U.S.S.R. With regard to applications for shipments subject to national security controls, the general policy is to deny such applications if they would be denied if destined for the U.S.S.R. Further, foreign policy controls in effect for shipments to the U.S.S.R. of agricultural commodities (wheat and corn are subject also to national security controls), phosphates, and oil and gas exploration and production equipment are extended to Afghanistan as a means of preventing diversion. The general policy is to approve applications for such shipments when intended for use to meet the needs of the civilian Afghan economy and such shipments are otherwise consistent with U.S. foreign policy interests. Criteria to be considered in determining whether a shipment is intended for the civilian economy include a comparison of the proposed shipment with historic trade with Afghanistan and the end-uses of a shipment. (See § 376.15 for special requirements for applications to export agricultural commodities to Afghanistan.)

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

6. The Commodity Control List (incorporated by reference at 15 CFR 399.1) is revised as follows:

§ 399.1 [Amended]

a. The "Validated License Required" column for entries 6098, 6191, 6390, 6391, 6598, 6779, 6794, and 4994 is amended to read "SZ, Afghanistan and the U.S.S.R.";

b. The "Validated License Required" column for entries 5091, 5391, 5406, 5431, 5485, 5510, 5565, 5568, 5585, 5595, 5596, and 5799 is amended to read "PQSWYZ and Afghanistan".

§ 399.2 [Amended]

7. The heading for and first sentence under Interpretation 27 (incorporated by reference at 15 CFR 399.2) are revised to read:

Interpretation 27: Phosphate Materials Subject to Validated Licensing to the U.S.S.R. and Afghanistan

The commodities described below are included in ECCN 6794 F and are subject to the policy set forth in §§ 385.2(e) and 385.4(f)

* * * * *

(Sections 4, 5, 6, 13, 15, Pub. L. 96–72, 93 Stat. 503, to be codified at 50 U.S.C. App. 2401 et seq.; Executive Order 12214, 45 FR 29783 (May 6, 1980); Department Organization Order 10–3, 45 FR 6141 (January 25, 1980); Department Organization Order 41–1, 45 FR 11862 (February 22, 1980))

Dated: May 27, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80–16689 Filed 6–2–80; 8:45 am]

BILLING CODE 3510–25–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1508

Full-Size Baby Crib Regulation; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Correction to final rule.

SUMMARY: The Commission is correcting the diagram (figure 1) that accompanies the full-size baby crib regulation because it contains incorrect dimensions. That regulation was codified as 16 CFR Part 1508 and was published as FR Doc. 73–24687, November 21, 1973.

DATE: The correction becomes effective on June 3, 1980.

FOR FURTHER INFORMATION CONTACT: John Preston, Engineering Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6604.

SUPPLEMENTARY INFORMATION: Since issuing its full-size baby crib regulation (16 CFR Part 1508), the Commission has discovered errors in the figure 1 diagram that accompanies it. Two of the dimensions for the Crib Slat Loading Wedge in the figure are stated incorrectly.

Rather than correcting the dimensions of the existing diagram (figure 1), the Commission has decided to substitute a new diagram that is a better representation of the loading wedge. This substitute diagram is the one that accompanies the Commission's non-full-size baby crib regulation. Both diagrams are representations of the same loading wedge, and it will avoid confusion to use the same diagram for both regulations. Since the substitution of the new diagram does not change the test procedure for full-size baby cribs, there is no need for public notice or comment on it. Under the Administrative Procedure Act (5 U.S.C. 553(b)), the Commission "for good cause finds . . . that notice and public procedure" are unnecessary.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission corrects Figure 1 of 16 CFR Part 1508 by substituting for Figure 1 the diagram shown below.

EFFECTIVE DATE: June 3, 1980.

Dated: May 29, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

BILLING CODE 6355–01–M

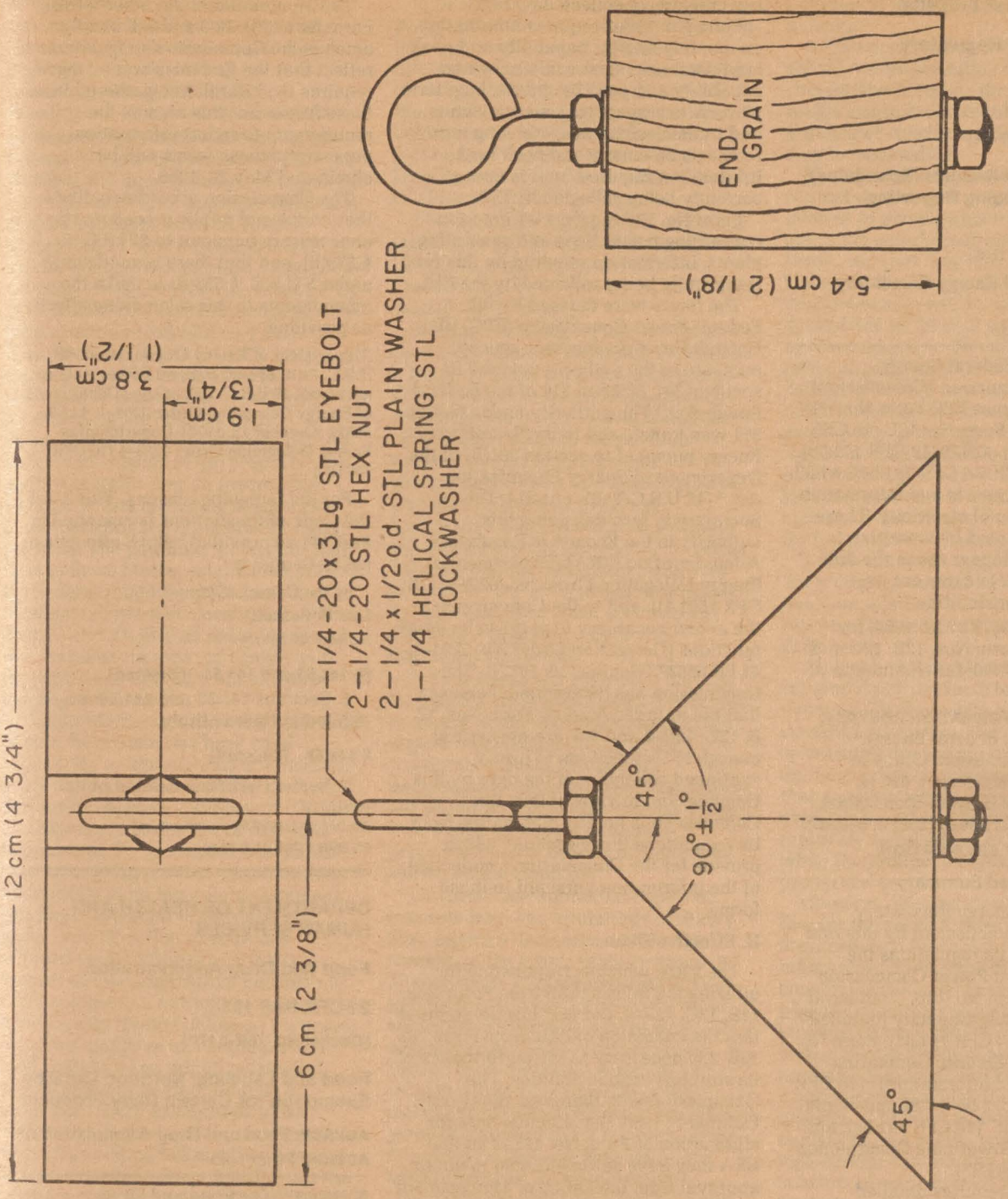

FIG 1

[FR Doc. 80-16883 Filed 6-2-80; 8:45 am]
BILLING CODE 6355-01-C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM80-61]

Statements and Reports (Schedules); Order Discontinuing Reporting Requirements

Issued: May 28, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby discontinues FPC Form No. 12B (18 CFR 141.53), Form No. 12C (18 CFR 141.54), Form No. 12E–2 (18 CFR 141.56), and Form No. 12F (18 CFR 141.57), which require various reports and information on the generation of electricity. These forms are eliminated because the Commission no longer needs the data reported thereon to carry out its regulatory responsibilities.

EFFECTIVE DATES: May 28, 1980, for elimination of Form Nos. 12B, 12C and 12F; October 1, 1980, for elimination of Form No. 12E–2.

FOR FURTHER INFORMATION CONTACT: Daniel G. Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 N. Capitol Street, N.E., Mail Stop 300RB, Washington, D.C. 20426 (202) 376–9227.

SUPPLEMENTARY INFORMATION:

I. Background and Summary

The Federal Energy Regulatory Commission (Commission) by this rule eliminates from its regulations the following Federal Power Commission (FPC) forms: Form No. 12B, "Industrial Electric Generating Capacity (detailed information)" (18 CFR 141.53); Form No. 12C, "Industrial Electric Generating Capacity (limited information)" (18 CFR 141.54); Form No. 12E–2, "Supplemental Power Statement" (18 CFR 141.56); and Form No 12F, "Power Line Construction Data" (18 CFR 141.57).

Form No. 12B requires detailed information concerning electric generating equipment owned or operated by industrial establishments. This information is not currently being collected by this Commission or the Energy Information Administration (EIA).

Form No. 12C requires information concerning the net generation of electric energy and the installed nameplate capacity of industrial plants. Information required by this form is currently being collected by EIA.

Form No. 12E–2 requires information on monthly energy, capability and peak load data, near-term summer/winter capability and peak load data, long-term plans with respect to generating units and transmission lines, and long-term forecasts on energy and peak load. Information required by this form is currently being collected by EIA.

Form No. 12F requires information concerning power lines and generating plants. Information required by this form is currently being collected by the EIA.

The forms were devised by the Federal Power Commission (FPC) (the Commission's predecessor agency) pursuant to the authority granted in sections 301, 309 and 311 of the Federal Power Act.[1] The authority under section 311 was transferred to the Secretary of Energy pursuant to section 301(b) of the Department of Energy Organization Act [2] (42 U.S.C. 7101, *et seq.*). The Secretary in turn delegated this authority to the Economic Regulatory Administration (ERA) (Department of Energy Delegation Order No. 0204–4 (10 CFR 1001.1)), and to the Commission to the extent necessary to perform its other functions (Delegation Order No. 0204–1, 42 FR 55637 (October 18, 1977)). The Commission has determined, however, that the data required by Form Nos. 12 B, 12C, 12E–2 and 12F are not central enough to its functions to justify continued collection of the data by this Commission. In view of this, the Commission is hereby eliminating from its regulations those sections which provide for the Commission's collection of the information pursuant to those forms.

II. Effective Date

The ERA, which is responsible for utilizing the information from Form Nos. 12B, 12C, 12E–2 and 12F, has determined that the collection of data from Form No. 12E–2 is necessary to the performance of its statutory responsibilities. The Commission will, therefore, delay until October 1, 1980, the effective date for elimination of Form No. 12E–2 so that ERA may have sufficient time to obtain approval from the Office of Management and Budget for the future collection of these data.

[1] Form Nos. 12B and 12F were established under FPC Order No. 141 (Form No. 12F was amended by Order Nos. 372 and 527); Form 12C was established by Order No. 559; and Form No. 12E–2 was established by Order No. 544.

[2] Section 301(b) provides that powers vested in the FPC under the FPA and the natural Gas Act (NGA) (15 U.S.C. 717) which were not transferred to the Commission by Title IV of the DOE Act are vested in the Secretary.

The elimination of the other forms, Form Nos. 12B, 12C and 12F simply amends the Commission's regulations to reflect that the Commission no longer requires the information gathered from these forms. For this reason, the requirement to report information pursuant to these forms will be eliminated May 28, 1980.

The Commission accordingly finds that notice and public procedure are unnecessary pursuant to 5 U.S.C. § 553(b), and that there is good cause under 5 U.S.C. § 553(d) to make the amendments in this rulemaking effective as provided.

(Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.;* Federal Power Act, as amended, 16 U.S.C. 792, *et seq.;* Department of Energy Delegation Order 0204–1, 42 FR 55637 (October 18, 1977); Department of Energy Delegation Order 0204–4 (10 CFR 1001.1))

For the foregoing reasons, Title 18 of the Code of Regulations is amended in Part 141 as provided below, effective as set forth above.

By the Commission.

Lois D. Cashell,

Acting Secretary.

§§ 141.53 and 141.54 [Deleted]

1. Sections 141.53 and 141.54 are deleted in their entirety.

§ 141.56 [Deleted]

2. Section 141.56 is deleted in its entirety.

[FR Doc. 80–16825 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 76P–0470]

Food and Labeling; Nutrition Labeling Exemption for Certain Dairy Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food labeling regulations for certain dairy products. This rule is based on a proposal published in response to a petition submitted by the Milk Industry Foundation. This rule permits the labels of certain milks, creams, milk products, and cream products to provide a fat content declaration in the ingredient statement without also providing complete nutrition information as set forth in 21 CFR 101.9.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–3092.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 4, 1977 (42 FR 6834), the agency proposed to amend § 1.17 (21 CFR 1.17), to permit the labels of dairy products listed in 21 CFR 1.1c(a)(7)(i) to bear a declaration of the milkfat content without also bearing the nutrition labeling otherwise required by 21 CFR 1.17. Sections 1.17 and 1.1c were subsequently recodified as § 101.9 (21 CFR 101.9) and § 1.24 (21 CFR 1.24), respectively. The proposal was published in response to a petition submitted by the Milk Industry Foundation (MIF), Washington, DC. As grounds in support of the proposal, the petitioner states that an inequitable situation exists regarding at least two States' labeling requirements for dairy products. The petitioner points out that laws in these States, established prior to the Federal requirement for nutrition labeling, require a declaration of milkfat content on virtually all dairy foods and that therefore, in order to comply with the provisions of § 1.17, full nutrition labeling is required.

The petitioner asserts that a statement of milk fat content has been used historically to identify and differentiate many dairy products and that such a declaration is more a statement of identity than a statement of nutrition information. The petitioner concludes that "conveying product identification information in an ingredient statement was never intended to be a nutrient claim" and cites that exemptions afforded by § 1.17(h)(6) and (h)(7) in support of this proposition: Section 1.17 (h)(6) applies to a nutrient(s) included in a food solely for technological purposes; § 1.17(h)(7) applies to a standardized food containing an added nutrient(s) and included in another food as a component. Both exemptions allow declaration in the ingredient statement without providing full nutrition labeling so long as neither the nutrient(s) nor the component is otherwise referred to on the label or in labeling or in advertising.

Eighteen comments were received in response to the proposal. There were 14 comments from consumers and consumer organizations, 3 from industry, and 1 from a local government agency. Eleven comments opposed the proposal, and four comments supported it. Two others agreed with the intent of the proposal, but suggested specific modifications, and one comment was not applicable to the proposal.

1. Several comments opposing the proposed amendment said that nutrition labeling is a source of valuable information and should be required for all dairy products. One comment said that nutrition labeling would enable consumers to know what they are getting. Another said that nutrition labeling would enable consumers to intelligently plan a healthy diet.

The agency recognizes that nutrition labeling provides valuable information. However, it appears many of those commenting are not aware that its use is essentially voluntary.

Nutrition labeling is required for a food only when a nutrient(s) is added or a nutrition claim is made. Although a declaration of fat content is generally considered to be a nutrition claim, the agency believes that, for products covered by this regulation, the fat content declaration is only intended to provide product identification information that is needed to facilitate value comparison. The agency therefore believes that an exemption should be granted for the dairy products covered by this regulation when a fat content declaration appears only in the ingredient statement.

2. Two comments suggested that the fat content statement should be allowed to appear some place other than in the ingredient statement. One of these comments suggested that a fat declaration in the ingredient statement would not be compatible with its State law, which requires a minimum percentage of the milkfat content to be shown on the container.

The petitioner submitted copies of excerpts from the regulations of States that require a declaration of the fat content on the labels of dairy products. The language in these excerpts did not specify the exact location on the label where the declaration is to appear. The exemption provided by the present regulation applies only when the fat content declaration appears in the ingredient statement on the information panel of specified dairy products. If the fat content statement appears on the lable other than in the ingredient statement, full nutrition labeling is still required by § 101.9, regardless of the reason for the statement's location. The agency believes that locating the fat content declaration outside the ingredient statement would give it undue prominence and be misleading to consumers unless accompanied by complete nutrition labeling. It should be noted that although certain products such as 2 percent low-fat milk and cottage cheese provide a prominent statement of fat content, they also are required to provide complete nutrition labeling.

3. One comment said the exemption should not be permitted because a fat content statement on the label has weight control connotations and in the absence of specific nutrition information may be misleading.

The agency recognizes that the fat content declaration may be of special interest to people who are concerned about the calories contributed by fat in foods, and that they could be misled. However, the agency does not believe that consumers will be misled by the declaration of fat content as permitted by this regulation. The allowed percentage fat content declaration is limited in how it may appear on the label; it is to be listed without prominence in the ingredient statement. Any reference to this declaration in other labeling or advertising could indicate an intent to make it a nutrition claim and thus trigger the requirement for full nutrition labeling.

4. One comment suggested that, for the products covered by the proposal, nutrition labeling is an unnecessary expense that would be passed on to consumers.

Although this regulation will permit covered dairy products to avoid nutrition labeling while providing fat content information, the agency still encourages the use of nutrition labeling on these products. The agency believes that nutrition labeling is beneficial to consumers and will be worth the relatively small added expense, even when the product's nutritional properties are generally well known.

However, the agency also believes that for the subject dairy products a declaration of fat content is useful information apart from nutrition considerations and should not alone trigger a requirement for full nutrition labeling under § 101.9. Fat content is one means of identifying certain dairy products in at least two States. Furthermore, although reduction or absence of milk fat is today often thought of as a selling point, historically high milkfat content has been considered indicative of value for many products and probably still connotes value to many consumers.

5. One comment contended that butter should be required to bear a percentage declaration of the fat content and should not be required to bear full nutrition labeling.

A requirement for butter to bear a percentage declaration of its fat content is not within the scope of the regulation. The proposal covered only milks, creams, milk products and cream products listed in § 1.24 (21 CFR 1.24).

Neither these products nor butter are required to bear nutrition labeling in accordance with § 101.9 unless optional nutrients are added or nutritional claims are made. The amendment permits, but does not require, dairy products listed in § 1.24 to bear a percentage fat content declaration, heretofore generally considered a nutrition claim, without complete nutrition labeling.

6. One comment said that a percentage declaration of the milkfat content appearing in the ingredient declaration of a label does not represent the actual percentage of fat in the product because of the dilution factors caused by the addition of other ingredients.

The agency advises that a fat percentage declaration on the label of these foods is required to be an accurate representation of the actual fat in the food.

Having considered the petitioner's request and the comments received in response to the proposal, the agency has determined that the exemption to the nutrition labeling regulation should be permitted as proposed.

Since publication of this proposal, the Food and Drug Administration, the Department of Agriculture, and the Federal Trade Commission jointly published a notice of public hearing in the **Federal Register** of June 9, 1978 (43 FR 25296) and solicited testimony and written comments to determine what information consumers want to appear in the labeling of foods. Those public hearings were concluded in October 1978, and the agency received approximately ten thousand written responses. The agency has examined this final rule in relation to these food labeling proceedings, including the advance notice of proposed rulemaking published in the **Federal Register** of December 21, 1979 (44 FR 75990), and the agency considers this final rule to be consistent with consumers views and with the tentative position stated in the notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 101.9 is amended by adding new paragraph (h)(11), to read as follows:

§ 101.9 Nutrition labeling of food.

* * * * *

(h) * * *

(11) A percentage declaration of the fat (milkfat, butterfat) content appearing only in the ingredient statement on the label of a food listed in § 1.24(a)(7)(i) of this chapter does not constitute a "nutrition claim or information" within the meaning of paragraph (a) of this section if:

(i) The declaration appears on the information panel (for requirements for information panels, see § 101.2) with no greater prominence than any other printed matter appearing on the panel, and in a type size no larger than the minimum type size required by § 101.105(i) for the declaration of net quantity of contents, and

(ii) The declaration is not required by other regulations in this chapter.

* * * * *

Effective date. This amendment is effective June 3, 1980.

(Secs. 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))

Dated: May 27, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-16731 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 103

[Docket No. 76N-0217]

Quality Standards for Foods With No Identity Standards; Summary of Comments and Responses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document summarizes and responds to the comments received in response to the amendment and confirmation of the effective date of regulations relating to standards of quality for foods for which there are no standards of identity.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 23, 1972 (37 FR 20038), a notice of proposed rulemaking set forth under Subpart A of 21 CFR Part 103 (previously 21 CFR Part 11, recodification published in the **Federal Register** of June 15, 1976 (41 FR 24262)) proposed general principles for the establishment of quality standards for foods.

The notice also contained, under Subpart B of Part 103, proposed microbiological quality standards for frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies (§ 103.23, previously § 11.5) and food-grade gelatin (§ 103.29, previously § 11.6). The regulations adopting the proposals with changes were published in the **Federal Register** of August 2, 1973 to become effective on February 4, 1974, unless the Subpart B regulations were stayed by objections filed within 30 days. Written objections and requests for a hearing were filed against the general principles of Subpart A as well as against the Subpart B regulations, although the Subpart B regulations were stayed pending further consideration, a notice was published in the **Federal Register** of August 9, 1976 (41 FR 33249) which amended and confirmed the adoption of Subpart A. The notice also invited interested persons to comment on points not previously addressed or discussed, because the apparent confusion about the status of Subpart A may have kept some persons from submitting detailed comments on it prior to that notice. Subpart A was further amended when the final rule for bottled water was published in the **Federal Register** of March 6, 1979 (44 FR 12169). This amendment incorporated into § 103.5 (21 CFR 103.5) a reference to the current food manufacturing regulation for bottled water in Part 129.

Five written comments were received in response to the August 9, 1976 notice confirming Subpart A. All comments raised opposition to various portions of this regulation. Three were received from trade associations, one was from a food manufacturer, and another was from a food chemist. None of the comments raised issues that had not already been addressed in earlier **Federal Register** documents. No changes in the regulation are justified by these most recent comments.

The following is a summary of the comments received and the agency's responses to these comments:

1. One comment stated that the agency needs to show statutory authority for it to categorize microbial levels as reflecting the "quality" rather than the "condition" of a food.

In paragraph 3 of the preamble to the August 9, 1976 notice amending and confirming Subpart A (41 FR 33250) and in paragraph 8 of the August 2, 1973 final regulation (38 FR 20727), the Food and Drug Administration (FDA) stated that the concept of quality embraced in FDA standards of quality includes some elements of the term "condition" as defined by U.S. Department of Agriculture (USDA) regulations. However, the Agricultural Marketing Act authorizes the development of standards of quality, condition, quantity, grade, and packaging; whereas, the Federal Food, Drug, and Cosmetic Act (the act) authorizes only standards of identity, quality, and fill of container.

Section 401 of the act does not define the word "quality" and does not contain the word "condition." The agency has concluded that microbial levels are properly categorized under the act as reflecting the "quality" as well as the "condition" of a food.

2. Another comment objected to the language in § 103.5(a) "that microbial levels * * * are indicative of the quality of raw materials."

The agency acknowledged in both paragraph 2 of the preamble to the August 2, 1973 regulation and paragraph 2 of the August 9, 1976 notice that it is not unusual for the manufacturing process to reduce the level of microorganisms present in the finished food from the microbial level present in raw materials. However, this acknowledgment does not conflict with the statement in § 103.5(a) that microbial levels "are indicative of the quality of the raw materials and ingredients, the degree of quality control used in the manufacture, processing, and packing, and the conditions of distribution and storage."

This statement does not imply that the microbial level is necessarily due to any one of the factors listed in the statement. The microbial level, that is, the microbiological quality, of a food may be influenced by all the factors listed in § 103.5(a).

3. Four of the five comments received suggested that the regulation cite the specific need for the various microbiological standards. These comments questioned whether Subpart A would promote honesty and fair dealing in the interest of the consumer.

The agency stated in paragraph 1 of the August 9, 1976 notice that each microbial standard of quality will provide consumers with information on the microbial level of a specific food. The consumer will be informed whether a food exceeds the microbial limits of the standard and will thereby be given the choice of buying a food on that basis.

4. One comment argued that the term "contains excessive bacteria" would mislead consumers about the safety of the product, that it is an emotionally charged term which implies a safety concern, and, further, that the alternative general statement for the labeling of a substandard food does not contribute to informing the consumer of the nature of a deviation.

In paragraph 6 of the preamble to the August 2, 1973 regulation and paragraph 4 of the preamble to the August 9, 1976 notice, the agency stated that Subpart A does not provide that foods meeting established microbial quality standards are necessarily safe for all purposes, nor does the regulation authorize a representation of safety on the label. The agency recognizes that a declaration of substandard quality will carry a negative connotation and will likely reduce the value of products so labeled, but the suggestion that the consumer will be misled about safety is without merit. A general statement of substandard quality is permitted as an alternative precisely because the presence of excessive bacteria does not necessarily constitute a safety concern.

5. Several of the comments questioned whether adequate sampling and analytical criteria for determining microbiological quality have been provided. These comments argued for specific provisions for sampling in the distribution system.

The agency addressed this issue in paragraph 8 of the August 9, 1976 preamble notice, and in paragraph 14 of the preamble to the August 2, 1973 regulation, explaining that sampling during the manufacturing process is exclusively the responsibility of the manufacturer because the final standard will apply only to the finished food. Subpart A does not impose any sampling or testing requirements. However, everyone handling a food before retail sale is responsible for maintaining its microbiological quality. The agency concludes that because a microbiological quality standard will be continuously applicable to the finished food up to the point of retail sale, the designation of specific sampling points in the distribution system ordinarily will be unnecessary. Microbiological standards promulgated in the future may set forth more specific compliance requirements for individual products.

6. One comment cited the likely burden of the "relabeling" provision of § 103.5(b) that makes the regulation applicable to the entire chain of food distribution.

In paragraph 5 of the preamble to the August 2, 1973 regulation and paragraph 5 of the preamble to the August 9, 1976 notice, the agency stated that in some instances compliance with the regulation may require the complete relabeling and/or repacking of the product.

However, the agency advises that this is not a sufficient basis for nullifying the consumer's right to have substandard quality food labeled as such, regardless of what point in the manufacturing, distributing, or retailing sequence the food falls below standard quality. Where relabeling is required under the provision of Subpart A and when the relabeling is undertaken by a person other than the one whose name appears on the label as the manufacturer, packer, or distributor, it shall be the policy of FDA to permit modification of the original label only when the original manufacturer, packer, or distributor agrees to the manner of such relabeling. Otherwise, completely new labels will be required.

7. Another comment stated that the distributor rather than the manufacturer is to blame for the presence of substandard food in the market.

The agency responded to this comment in paragraph 5 of the preamble to the August 2, 1973 regulation and paragraph 6 of the preamble to the August 9, 1976 notice by pointing out that FDA has always had authority to take legal action against a product found to be adulterated or misbranded irrespective of who is responsible for the illegal condition of the food. The consumer rightly expects the quality of food to be adequately and continuously maintained through the point of retail sale. Regulatory action can and will be taken against a product that is substandard in quality and which fails to bear the label statement of substandard quality, regardless of whether the product deterioration occurred during the manufacture or subsequently during distribution or retailing.

8. A comment suggested that microorganisms are desirable and necessary in some foods and objected that no reference was made to this in the regulation.

In paragraph 2 of the preamble to the August 9, 1976 notice and paragraph 7 of the preamble to the August 2, 1973 regulation, the agency acknowledged that certain microorganisms are deliberate, desirable ingredients in some foods and in such instances cannot be considered to reduce quality. The controlled use of microorganisms is useful and desirable to impart a particular flavor or other desirable characteristics to foods such as cheese and some other dairy products. Subpart A is not intended to effect any changes in current good manufacturing practices for controlled use of microorganisms, and microbiological quality standards will not be established that would prohibit the use of such desirable microorganisms.

9. A comment questioned the need for microbiological quality standards because the presence of microorganisms is not noticeable to the consumer and because they often pose no health hazard.

The agency answered this comment in paragraph 1 of the preamble of the August 9, 1976 notice and paragraph 2 of the August 2, 1973 regulation by noting that the courts have long recognized that

the proper scope of the act in regulating the quality of foods is not limited to factors which are organoleptically perceptible to the consumer. Indeed, those factors which a consumer cannot detect are perhaps most deserving of attention by FDA. The agency concludes that it is reasonable and in the interest of consumers to establish microbiological quality standards for foods so that the consumer may have some assurance, where such standards have been promulgated, that unreasonable levels of microorganisms do not exist in foods not labeled to that effect.

10. Several comments argued that Subpart A should have been issued under section 701(e) of the act, rather than section 701(a).

In the introductory paragraph to the August 9, 1976 notice, the agency discussed its statutory authority for issuing Subpart A under section 701(a) of the act. Section 701(a) of the act authorizes the adoption of regulations "for the efficient enforcement of the Act." Although individual quality standards issued under section 401 of the act must be adopted through the procedures prescribed by section 701(e), it is entirely appropriate for the agency to explain in regulations adopted under the general rulemaking authority of section 701(a) how it will formulate quality standards generally. Nonetheless, the present document is responding to comments to the August 9, 1976 confirmation of this regulation to answer those who thought that section 701(e) was applicable.

11. One comment suggested that the microbial content of foods is an element of sanitation rather than quality and that, consequently, microbial levels should be established as advisory guidelines under the current good manufacturing practice (GMP) regulations.

In paragraph 2 of the preamble to the August 9, 1976 notice and paragraph 4 of the preamble to the August 2, 1973 regulation, the agency concluded that microbiological quality standards should be promulgated separately from GMP regulations. The GMP regulations are promulgated for the efficient enforcement of the adulteration provisions of the act, while the microbiological quality standards are not based on adulteration. The GMP regulations are generally limited to manufacturing procedures and usually do not extend to distribution and retail sale. The consumer is entitled to be informed of excessive levels of microbial organisms regardless of whether they result from manufacturing, distribution, or retailing practices. Where the need and sufficient data and resources exist for the promulgation of a quality standard, it would not be in the interest of consumers to delay promulgation until an appropriate GMP could also be developed.

However, the agency has determined that the establishment of recommended microbiological quality standards rather than regulations for the purpose of evaluating microbiological quality of specific foods may be appropriate in some cases. A more thorough discussion of this approach along with the full text of recommended microbiological quality standards for frozen fish sticks, fish cakes, and crab cakes is provided in a separate notice published elsewhere in this issue of the **Federal Register**.

Accordingly, Subpart A (§§ 103.3 and 103.5) of Part 103 stands as amended and confirmed in the **Federal Register** notice of August 9, 1976 (41 FR 33249) and as amended in the **Federal Register** of March 6, 1979 (44 FR 12169).

Dated: May 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-16701 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 510 and 558

New Animal Drugs and New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Old Monroe Elevator & Supply Co., Inc., providing for safe and effective use of a 10-gram-per-pound tylosin premix for making complete swine feeds, and to add this firm to the list of approved NADA sponsors.

EFFECTIVE DATE: June 3, 1980.

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

SUPPLEMENTARY INFORMATION: Old Monroe Elevator & Supply Co., Inc., Old Monroe, MO 63369, is the sponsor of an NADA (119-261) providing for safe and effective use of a premix containing 10 grams of tylosin (as tylosin phosphate) per pound. The premix is to be used for manufacture of complete swine feeds used to increase rate of weight gain and improve feed efficiency.

Approval of this application relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491. Use of the data in NADA 12-491 to support this NADA has been authorized by Elanco. Approval of this application poses no increased human risk from exposure to tylosin residues because the drug is currently regulated for the conditions of use herein approved. Accordingly, under the Bureau of Veterinary Medicine's Supplemental Approval Policy, 42 FR 64367, approval of this NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA-12-491.

Old Monroe Elevator & Supply Co., Inc., has not previously been included in the regulations under the list of approved sponsors. The regulations are amended to reflect this approval and to include this firm in the list of sponsors.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m. Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and delegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Old Monroe Elevator & Supply Co., Inc., Old Monroe, MO 63369.	026948
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
026948.....	Old Monroe Elevator & Supply Co., Inc., Old Monroe, MO 63369.
* * * * *	

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(69) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) [1] * * *

(69) To 026948: 10 grams per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment is effective June 3, 1980.

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

Dated: May 27, 1980.

Lester M. Crawford,

Director, Bureau of Veternary Medicine.

[FR Doc. 80-16730 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Prednisolone Acetate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulation for sterile prednisolone acetate aqueous suspension to indicate the 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. Approval may require submission of bioequivalence or similar data instead of effectiveness data required under 21 CFR 514.111. An earlier **Federal Register** publication reflected this product's compliance with conclusions of the review.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of April 12, 1969 (34 FR 6447). In that document, the Academy concluded, and FDA concurred, that the product was effective as an anti-inflammatory agent for use in certain animals.

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 identical products 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.

The Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, responded to the notice by submitting a supplemental NADA (10-312V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product as an anti-inflammatory agent in horses, dogs and cats. The supplemental application was approved by a regulation published in the **Federal Register** of May 30, 1973 (38 FR 14166). The regulation reflecting this approval established a new section for the drug in 21 CFR 135b.82, recodified at 21 CFR 522.1881. The new section did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate the conditions of use for which applications for approval of identical products need not include certain types of effectiveness data required by § 514.111(a)(5)(ii)(*a*)(*4*) of the new animal drug regulations. 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 Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.1881 by adding after paragraph (c)(1), (2), (3), (4), and (5) the footnote reference "[1] and by adding at the end of the section the footnote to read as follows:

§ 522.1881 Sterile prednisolone acetate aqueous suspension.

* * * * *

(c) *Conditions of use.* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

(4) * * *[1]

(5) * * *[1]

Effective date. This regulation shall be effective June 3, 1980.

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

Dated: May 27, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-15732 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Rules and Regulations, Series 8; Service of Process and Papers

AGENCY: National Labor Relations Board.

ACTION: Amendments to rules.

SUMMARY: These regulations amend the Agency's rules to permit the service of process and of documents by certified mail as well as by registered mail pursuant to H.R. 5673 enacted by Congress on May 21, 1980.

EFFECTIVE DATE: June 2, 1980.

FOR FURTHER INFORMATION CONTACT: George A. Leet, Associate Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570, Telephone: 254-9430.

SUPPLEMENTARY INFORMATION: Sections 102.30(c) and 102.111(a) are amended to reflect the change mandated by Congress.

Subsection (c) is to read as follows:

§ 102.30 Examination of witnesses; deposition.

* * * * *

(c) At the time and place specified in said order the officer designated to take such deposition shall permit the witness to be examined and cross-examined under oath by all the parties appearing, and his testimony shall be reduced to typewriting by the officer or under his direction. All objections to questions or evidence shall be deemed waived unless

[1] These conditions are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

made at the examination. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the event of the proceeding or investigation. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be included in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver an original and two copies of said transcript, together with his certificate, in person or by registered or certified mail to the regional director or the administrative law judge, care of the chief administrative law judge in Washington, D.C., or the presiding judge, San Francisco, California, as the case may be.

Subsection (a) is revised to read as follows:

§ 102.111 Service of process and papers; proof of service.

* * * * *

(a) Charges, complaints and accompanying notices of hearing, final orders, administrative law judges' decisions, and subpenas of the Board, its member, agent, or agency, may be served personally or by registered or certified mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered or certified and mailed or when telegraphed as aforesaid shall be proof of service of the same.

* * * * *

Dated: Washington, D.C., May 29, 1980.

By Direction of the Board:

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[FR Doc. 80-16848 Filed 6-2-80; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF EDUCATION

34 CFR Parts 5b, 30, 73, 100, 104, and 106

Establishment of Title 34; Correction Notice

AGENCY: Department of Education.

ACTION: Correction of final regulation.

SUMMARY: This document corrects errors in the final regulations establishing Title 34 and recodifying regulations of the Department of Education in that title, published in the **Federal Register** on May 9, 1980 (45 FR 30802).

EFFECTIVE DATE: May 4, 1980.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Department of Education (Room 2129), Washington, D.C. 20202, Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Certain regulations of the former Department of Health, Education, and Welfare were recodified by the Department of Education (ED) in Title 34 on May 9, 1980. These regulations apply to ED as a matter of law under Section 505(a) of the Department of Education Organization Act. Technical errors in the recodification document are identified and corrected by this notice of correction.

§ 5b.1 [Corrected]

34 CFR 5b.1(b) is corrected by changing the definition from " 'Agency' means the Department of Health, Education and Welfare." to read " 'Agency' means the Department of Education."

5B—APPENDIX B [CORRECTED]

34 CFR 5b Appendix B is corrected by changing "HEW" in the title of the appendix to read "ED". The title of Appendix B is listed correctly in the Table of Sections.

§ 73.735-1207 [Corrected]

34 CFR 73.735-1207(b)(1)(ii) is corrected by inserting the word "the" between the words "before" and "Department" in the first sentence.

PART 100—APPENDIX B [CORRECTED]

34 CFR 100 Appendix B is corrected by changing the words "I. Scope and Coverage 1a. application of guidelines 1a. application of guidelines" to read "I. Scope and Coverage

A. Application of Guidelines"

§ 104.23 [Corrected]

34 CFR 104.23 is corrected by inserting the words "of the standards are" between the words "Copies" and "obtainable" in the sentence at the end of of the section.

§ 106.2 [Corrected]

34 CFR 106.2 (b) is corrected by changing the definition from " 'Department' means the Department of Health, Education, and Welfare" to read " 'Department' means the Department of Education."

(Department of Education Organization Act, Pub. L. 96-88, October 17, 1979 (20 U.S.C. 3401 *et seq.*))

Dated: May 28, 1980

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-16824 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-02-M

POSTAL SERVICE

39 CFR Part 111

Electronic Postage Meters

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The final rule would amend postal regulations to include electronic meters in postage meter specifications. Since their introduction in 1920, all postage meters have performed their computations mechanically. Although existing regulations contain sufficient criteria to approve any meter based on endurance tests, the use of solid state electronics in postage meters requires additional criteria to more adequately assure the construction of electronic meters which are accurate and which protect postal revenue.

The final regulations also establish requirements for authorized meter manufacturers and anyone who proposes to become a meter manufacturer. These requirements were developed with the cooperation of meter manufacturers in the course of the development and approval of an electronic meter for the F.M.E. Corporation. In making the requirements, many things were taken into consideration, including the effects of temperature, humidity, altitude, vibration and shock, and electrical and electrostatic conditions which may be anticipated in transportation, handling, storage, and industrial use.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. F. E. Gardner, (202) 245-4529.

SUPPLEMENTARY INFORMATION: On February 11, 1980 the Postal Service published for comment in the **Federal Register** (45 FR 9011) proposed changes to 144.9 of the Domestic Mail Manual as

described in the Summary. Interested persons were invited to submit written comments concerning the proposed changes by March 27, 1980.

Pitney Bowes, the only commenter, pointed out a printing error that we also had noticed in the spelling of the word "nonvolatile". The commenter also suggested a revision of the second sentence of 144.92i(1) to permit the optional use of a battery for a solid state memory, since not all solid state memories require the use of a battery. We revised the proposal to adopt this suggestion.

The commenter also expressed his understanding, which is correct, that the requirement of 144.92i(4) that electronic meters must be resettable by postal employees, preferably without customized equipment, does not conflict with the Computerized Postage Meter Resetting System covered elsewhere in Part 144 of the Domestic Mail Manual.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following changes to the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. (39 CFR 111.1).

PART 144—POSTAGE METERS AND METER STAMPS

1. In 144.911b and in the first sentence of 144.92, strike out the word "mechanical".

2. In 144.92c, add after the second sentence the following: "In electronic meters, the locking device must prevent printing if the amount that would be printed would reduce the descending register to less than zero."

3. In 144.92d, strike out the word "mechanism" in the first sentence and insert "meter" in lieu thereof; and strike out the word "mechanism" in the third and fifth sentences and insert "components" in lieu thereof.

4. In 144.92h, strike out the word "mechanism" and insert "meter" in lieu thereof.

5. In 144.93, renumber .931–.936 as .932–.937.

6. Add new 144.92i and 144.931 reading as follows:

144.92 Specifications.

* * * * *

i. In addition to the features and safeguards described in a–h above, electronic meters must:

(1) Have either nonvolatile ascending and descending registers or a solid state memory that stores the data for the ascending and descending registers. Solid state memories that rely on applied voltage for memory retention must be powered by batteries that have a minimum support life of five years from date of battery renewal with no external power applied, and that have sufficient redundancy to be self checking.

(2) Be able to display the amounts in both the ascending and the descending registers (not necessarily at the same time).

(3) Be able to display—free from accidental changes—the amount of postage that will be printed next.

(4) Be resettable by postal employees, preferably without customized equipment.

(5) Contain a fault detection device for computational security that will automatically lock out the meter and prevent printing of additional postage in the event of malfunction.

(6) Meet Postal Service test specifications contained in United States Postal Service Specification, Postage Meters, Electronic, USPS–M–942(RCD). Persons wishing to manufacture electronic postage meters may obtain a copy of this Postal Service test specification from U.S. Postal Service, Office of Mail Classification, Washington, D.C. 20260.

.93 Test Plans, Testing and Approval

.931 Test Plans

To receive Postal Service approval, a postage meter must be tested. Manufacturers of electronic meters must submit a detailed test plan to the Office of Mail Classification for approval at least 60 days prior to the conduct of the tests. The test plan must include tests which, if passed by a meter, prove compliance by the meter with all postal requirements. The test plan must list the parameters to be tested, test equipment, procedures, test sample sizes, and test data formats. Also, it must include detailed descriptions, specifications, design drawings, schematic diagrams and explanations of the purposes of all special test equipment and nonstandard or noncommercial instrumentation.

7. In 144.943, revise the first sentence to read as follows:

"During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts (such as denomination printing dies, or auxiliary power supply and meter setting equipment for electronic meters) which might be used in some manner to defraud the Government of postal revenues."

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2))

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-16726 Filed 6-2-80; 8:45 am]

BILLING CODE 7710-12-M

39 CFR Part 111

Extension of City Delivery

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: This final rule will permit the extension of delivery service sooner than would otherwise be the case. One of the current prerequisites for the establishment or extension of city delivery service is that fifty percent of the building lots in the area to be served must be improved with houses or business places. Under the final rule the fifty percent requirement could be waived if local postal delivery managers find that there is a reasonable expectation that fifty percent of the building lots in the area to be served will be improved within twelve months and that delivery will be made by the use of cluster boxes or neighborhood box units.

This final rule could result in the provision of city delivery service to customers who might not otherwise become eligible. Once service had been extended under the final rule in a particular area, the service would be available to other customers as soon as they moved into the area.

Although under the final rule the Postal Service would incur delivery service expenditures and obligations sooner than would otherwise be the case, it is anticipated that adoption of this rule will ultimately lead to long-term cost savings by encouraging customer acceptance of an effective form of home delivery service which is less costly for the Postal Service to provide.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: Charles R. Braun, (202) 245–4620.

SUPPLEMENTARY INFORMATION: On April 22, 1980, the Postal Service published for comment in the **Federal Register** (45 FR 26982) proposed changes to 155.12 of the Domestic Mail Manual as described in the Summary. Interested persons were invited to submit written comments concerning the proposed changes by May 22, 1980. No comments were received.

Accordingly, the Postal Service hereby adopts, without change, the following revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1.

PART 155—CITY DELIVERY

In 155.1 of the Domestic Mail Manual, amend .12 to read as follows:

155.1 *Requirements for Delivery Service*

* * * * *

.12 *Extensions.* In this part the word "extension" refers to the initiation of city delivery service in any areas which are not included in the boundaries of present delivery service, but which are part of a community for which city delivery service has already been established. The delivery service requirements for extensions are the same as those listed in 155.11 for establishments, except that:

a. 155.11a does not apply to extensions; and,

b. The applicability of 155.11b may be waived if:

(1) There is a reasonable expectation that the requirements of 155.11b will be met within 12 months, and

(2) Clusterboxes or neighborhood box units will be used for delivery.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2); 403(a); 403(b)(1); 404(a)(1); 1001(e)(1), (4), (5); 2010)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-16727 Filed 6-2-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1502-3]

Approval and Promulgation of Implementation Plans; Emergency Episodes; Southeast Desert Air Basin, California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: The EPA takes final action to approve portions of the emergency episode regulations and promulgate additional regulations for the Southeast Desert Air Basin (SEDAB). No action is being taken on the remainder of those rules. This notice affects Imperial County and the desert portions of Riverside, Los Angeles, and San Bernardino Counties. Together, these approved and promulgated rules meet all the requirements of 40 CFR 51.16, Prevention of air pollution emergency episodes.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section (A-4-3), Air Technical Branch, Air & Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556-2002.

SUPPLEMENTARY INFORMATION: On March 27, 1980 (45 FR 20119) the EPA published a Notice of Proposed Rulemaking regarding air pollution emergency episode rules in the SEDAB. That notice proposed to approve certain portions of Regulation VI (Rules 601-614), Emergency Regulations, for the Imperial County Air Pollution Control District (APCD) and Regulation VII (Rules 701-715), Emergencies, for the desert portions of the Riverside, Los Angeles, and San Bernardino County APCD's. In addition, the notice proposed supplemental regulations to insure that the Districts' emergency episode plans conform to all the requirements of 40 CFR 51.16. The additional rules that are being promulgated in this action include the following subjects:

1. Particulate matter episode criteria levels.

2. A time schedule for the submittal and review of stationary source curtailment plans.

3. More specific requirements for the content of such plans.

The California Air Resources Board (ARB) submitted Rules 601-614 on November 4, 1977 to the EPA for the Imperial County APCD and Rules 701-715 on June 6, 1977 for the SEDAB portion of the Riverside, Los Angeles, and San Bernardino County APCD's, as revisions to the California State Implementation Plan (SIP). Revisions to Rule 701 for the Riverside County APCD and Rules 701, 702, 712, and 715 for the San Bernardino County APCD were submitted on November 4, 1977.

The EPA is taking no action on those portions of the regulations that refer to carbon monoxide or sulfur dioxide. For a more detailed discussion supporting the above actions, consult the March 27, 1980 Notice.

Public comments and requests for a public hearing were invited in the Notice of Proposed Rulemaking. In response to that Notice, two comment letters were received regarding the emergency episode rules of San Bernardino, Imperial, and Riverside Counties. The comments and EPA's responses are as follows:

Comment: The EPA's SIP actions should be based on the most recent rules of the San Bernardino County Desert Air Pollution Control District.

Response: The only rules upon which the EPA may take action are those submitted by the State as revisions to the SIP. The rules submitted on November 4, 1977 are the most recent emergency episode rules for this District submitted to the EPA by the ARB.

Comment: No action should be taken on the emergency episode rules of the Riverside County APCD because all of this county is now included in the South Coast Air Quality Management District (SCAQMD) and subject to rules previously approved by the EPA.

Response: Although the Riverside County APCD may have become part of the SCAQMD, that jurisdictional change has not been submitted to the EPA by the ARB as a revision to the SIP. Thus the EPA must continue to rely on the rules submitted by the ARB for the Riverside County APCD.

Comment: A revised standard for particulates (TSP), based on particle size and health effects, is needed for rural agricultural areas.

Response: The EPA is reviewing the health effects of particulate matter to determine if the current standard should be revised.

Comment: Curtailment of farming operations would "create a chaotic condition and economic disruption".

Response: EPA does not propose to curtail farming operations. The implementation of such measures would be at the discretion of the Air Pollution Control Board, the County Counsel, and the Emergency Action Committee of Imperial County.

Comment: Windblown dust from agricultural areas is visible to the public and "this in itself would provide notification and self-control for health purposes".

Response: The EPA requires official public announcement whenever any episode stage has been determined to exist (40 CFR 51.16). The purpose of this notification is to inform people with special health problems that precautions should be taken against exposure to high TSP levels.

Comment: Source curtailment plans would have an insignificant effect on lowering the particulate concentration during episodes.

Response: During the stagnant meteorological conditions associated with an episode, there is very little wind-blown dust and negligible diffusion of other non-traditional source emissions. Emissions from stationary sources, although normally a small part of the emission inventory, gain importance during these conditions. Thus, stationary sources curtailment plans will have a significant impact on mitigating short term air quality problems.

The EPA has determined that this action is "specialized" and therefore not subject to the procedural requirements of Executive Order 12044.

The ARB has certified that the public hearing requirements of 40 CFR 51.4 have been met.

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

Dated: May 27, 1980.

Douglas M. Costle,

Administrator.

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(39)(ii)(E), (c)(39)(iii)(E), (c)(39)(iv)(E), (c)(42)(i)(C), (c)(42)(xiii)(C), and (c)(42)(xiv)(B) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(39) * * *

(ii) * * *

(E) Rules 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 713, and 714.

* * * * *

(iii) * * *

(E) Rules 701, 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(iv) * * *

(E) Rules 702, 703, 704 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, and 715.

* * * * *

(42) * * *

(i) * * *

(C) Rules 601, 602 (except those portions that pertain to the criteria levels for carbon monoxide and sulfur dioxide), 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 614.

* * * * *

(xiii) * * *

(C) Rules 701, 702, 712, and 715.

* * * * *

(xiv) * * *

(B) Rule 701.

* * * * *

2. Section 52.274 is amended by adding paragraphs (a)(8), (a)(9), (a)(10), (a)(11), (o), and (p) as follows:

§ 52.274 California air pollution emergency plan.

(a) * * *

(8) Los Angeles County Air Pollution Control District.

(9) Riverside County Air Pollution Control District.

(10) San Bernardino County Desert Air Pollution Control District.

(11) Imperial County Air Pollution Control District.

* * * * *

(o) The requirements of this chapter are met in the Los Angeles County, San Bernardino County Desert, Riverside County, and Imperial County Air Pollution Control Districts with the following exceptions: (1) There is no time schedule to initiate the call for the submittal or the review of individual abatement plans from major stationary sources, as defined by section 169(1) of the Act; (2) the requirements for the content of the stationary source curtailment plans are not sufficiently specific to ensure that adequate plans are submitted; and (3) there are no episode criteria levels for particulate matter.

(p) *Regulation for prevention of air pollution emergency episodes—requirements for stationary source curtailment plans and particulate matter episodes.* (1) The requirements of this paragraph are applicable in the Los Angeles County, Riverside County, San Bernardino County Desert and Imperial County Air Pollution Control Districts.

(2) For the purposes of this regulation, the following definitions apply:

(i) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(ii) "ug/m^3" means micrograms per cubic meter.

(iii) "Major national holiday" means a holiday such as Christmas or New Year's Day.

(3) Stationary source curtailment plans shall be prepared by major stationary sources, as defined by section 169(1) of the Act:

(i) The plans required by this paragraph shall include the following information:

(A) The information requested in the California Air Resources Board's Criteria for Approval of Air Pollution Emergency Abatement Plans (Executive Order G–63).

(B) The total number of employees at the facility during each work shift on a normal weekday and on a major national holiday.

(C) The amount of energy (gas, fuel oil, and electricity) used on a normal weekday and on a major national holiday.

(D) For first-stage episodes:

(*1*) The measures to voluntarily curtail equipment emitting air pollutants.

(E) For second-stage episodes:

(*1*) The measures to curtail, as much as possible, equipment operations that emit air pollutants specific to the type of episode and, in the case of oxidant episodes, the equipment operations that emit hydrocarbons and nitrogen oxides.

(*2*) The measures to postpone operations which can be postponed until after the episode.

(F) For third-stage episodes:

(*1*) A list of equipment, with permit numbers if applicable, which can be shut down without jeopardizing the public health or safety, and an estimate of the resultant reductions in hydrocarbons, nitrogen oxides, and particulate matter emissions.

(*2*) A list of all equipment, with permit numbers if applicable, which must be operated to protect the public health or safety, and an estimate of the hydrocarbons, nitrogen oxides and particulate matter emissions from such equipment.

(4) A copy of the stationary source curtailment plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this paragraph.

(5) The owner or operator of any governmental, business, commercial, or industrial activity or facility listed in subparagraph (3) of this paragraph shall submit a stationary source curtailment plan to the Administrator within 60 days after promulgation of final rulemaking.

(6) The plans submitted pursuant to the requirements of this paragraph shall be reviewed by the Administrator within 90 days.

(7) The owner or operator of any major stationary source required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated as to whether the plan has been approved or disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of receipt of the notice of disapproval.

(8) All submittals or notifications required to be submitted to the Administrator by this regulation shall be sent to:

Regional Administrator, Attn: Air and Hazardous Materials Division, Air Technical Branch, Technical Analysis Section (A–4–3), Environmental Protection Agency, 215 Fremont Street, San Francisco CA 94105.

(9) Any source that violates any requirement of this regulation shall be subject to enforcement action under section 113 of the Act.

(10) For the purposes of this regulation the following episode criteria shall apply to particulate matter episodes:

Pollutant	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Particulate matter.	24	375 μg/m³	625 μg/m³	875 μg/m³.

* * * * *

[FR Doc. 80-16763 Filed 6-2-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1505-5]

Approval and Promulgation of Implementation Plans; Alabama: 1979 Plan Revisions, Removal of Conditions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces final approval action on the State Implementation Plan (SIP) revisions which the Alabama Air Pollution Control Commission submitted pursuant to requirements of Part D, Title I of the Clean Air Act (CAA), as amended in 1977, with regard to particulate and ozone nonattainment areas. The revisions approved today correct two deficiencies noted in a conditional final approval announced in the November 26, 1979, **Federal Register** (44 FR 67375). The revisions were submitted on February 20, 1980, and amend the new source permitting requirements to require sources located outside nonattainment areas, but impacting those areas, and sources impacting secondary nonattainment areas, to undergo the more stringent permitting requirements specified in Section 173 of the Clean Air Act.

EPA has found that the deficiencies are adequately corrected by the revisions, and today approves them. This action renders the 1979 plan revisions for particulate and ozone fully approved, with no conditions, except for Morgan County. The State has requested redesignation of Morgan County to "unknown" (cannot be classified) based on four quarters of attainment data. This request will be dealt with in a separate **Federal Register** notice. It should be noted that the SO_2 plan revisions are undergoing separate approval procedures. The SO_2 plan revision was proposed for approval in the January 18, 1980, **Federal Register** (45 FR 3603). It should also be noted that the plan approved today does not contain measures to attain the particulate standards in Jefferson and Etowah Counties. The nonattainment designation for those areas was set aside by the Court of Appeals for the Fifth Circuit, and is being reproposed. The proposed designations appeared in the July 17, 1979, **Federal Register** (44 FR 41489).

DATE: These actions are effective June 3, 1980.

ADDRESSES: Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

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

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36104.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Pfaff, Air Programs Branch, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308, 404/881-3286 or FTS 257-3286.

SUPPLEMENTAL INFORMATION:

Background

On April 19, 1979 the State of Alabama submitted SIP revisions, pursuant to Part D, Title I of the Clean Air Act, with regard to the following particulate and ozone nonattainment areas:

Total Suspended Particulate Matter (TSP) ((P) Primary, (S) Secondary Standards)

A. That portion of Jackson County surrounding the Tennessee Valley Authority's Widows Creek Plant (P)(S).

B. That portion of Mobile County within a section of downtown Mobile (P)(S).

C. A portion of Morgan County including portions of the City of Decatur (S).

Photochemical Oxidants (Ozone)

A. Jefferson County
B. Mobile County
C. Madison County
D. Morgan County
E. Russell County

Receipt of the Alabama revisions was first announced in the **Federal Register** of May 9, 1979 (44 FR 27183). In the July 19, 1979 **Federal Register** (44 FR 42242), EPA proposed conditional approval of the submitted revisions. Additional information requested by EPA was submitted on August 10, 1979. The materials submitted concerned clarification of issues addressed in the proposed conditional approval of July 19, 1979. In addition, the State requested in a separate letter on August 10, 1979, redesignation of the TSP nonattainment area in Morgan County to "unknown" (cannot be classified) based on four quarters of attainment data. This request will be dealt with in a separate **Federal Register** notice.

The Alabama revisions have been reviewed by EPA in light of the Clean Air Act Amendments of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4 (44 FR 20372), July 2 (44 FR 38583), August 28 (44 FR 50371), September 17 (44 FR 53716), and November 23 (44 FR 67182), 1979, and need not be repeated in detail here.

On November 26, 1979, EPA conditionally approved the SIP revisions for the above areas other than the Morgan County particulate nonattainment area (44 FR 67375). The conditions required that the State submit to EPA by February 15, 1980, amendments to the State permitting rules as discussed below (see General Discussion). The amendments were adopted February 13 and submitted to EPA on February 20, 1980.

General Discussion

The two deficiencies in the conditionally approved Alabama 1979 SIP revision, as noted in the November 26, 1979, **Federal Register** (44 FR 67375), accompanied by an explanation of the corrections submitted to EPA on February 20, 1980, are listed below.

1. The State will revise the applicability section of the permit requirements (16.3.2(c)) to apply to those sources significantly impacting a nonattainment area.

The revised regulation applies to sources significantly impacting a nonattainment area. A definition of "significant impact" is included which corresponds to EPA policy.

2. The State will remove the exemption under subparagraph 16.3.2.(d)(5) which exempts those sources impacting a secondary nonattainment area from certain permitting requirements specified in Section 173 of the Clean Air Act.

The referenced subparagraph has been deleted from the regulation.

As noted in the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 20376 (April 4, 1979), the minimum acceptable level of stationary source control for ozone SIPs, such as Alabama's, includes RACT requirements for VOC sources covered by CTGs the EPA issued by January

1978, and schedules to adopt and submit by each future January additional RACT requirements for sources covered by CTGs issued by the previous January. The submittal date for the first set of additional RACT regulations was revised from January 1, 1980 to July 1, 1980 by **Federal Register** notice of August 28, 1979 (44 FR 50371). Today's approval of the ozone portion of the Alabama plan is contingent on the submittal of the additional RACT regulations which are due July 1, 1980 (for CTGs published between January 1978 and January 1979). In addition, by each subsequent January beginning January 1, 1981, RACT requirements for sources covered by CTGs published by the preceding January must be adopted and submitted to EPA. The above requirements are set forth in the "Approval Status" section of the final rule. If RACT requirements are not adopted and submitted to EPA according to the time frame set forth in the rule, EPA will promptly take appropriate remedial action.

Action

Based on EPA's review of the February 20, 1980 submittal from the Alabama Air Pollution Control Commission and EPA's finding that the submittal fully corrects the deficiencies outlined in EPA's conditional approval of the Alabama SIP on November 26, 1979, EPA is deleting the conditions imposed on the November 26, 1979, approval of 1979 plan revisions submitted by Alabama. This action is effective immediately. The Administrator finds that good cause exists for making this action immediately effective in that the July 1, 1979, statutory deadline for approving Part D revisions is past; moreover, this rulemaking action imposes no additional burden on sources.

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." EPA has reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410, 7502).)

Dated: May 27, 1980.

Douglas M. Costle,

Administrator.

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

Subpart B—Alabama

1. In § 52.50 paragraph (c) is amended by deleting the second sentence of subparagraph (20), dealing with conditional approval, and by adding subparagraph (21) as follows:

§ 52.50 Identification of plan.

* * * * *

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

* * * * *

(21) Revisions in permit regulations as follows: (i) Title of 16.3.2. is changed to "Permits to Construct in or near Nonattainment Areas;" (ii) a new subparagraph (9), "Significant Impact," is added to paragraph 16.3.2.(b); (iii) paragraph 16.3.2.(c) is revised; and (iv) subparagraph 16.3.2.(d)(5) is deleted; these revisions were adopted on February 13, 1980, and submitted on February 20, 1980, by the Alabama Air Pollution Control Commission to correct deficiencies in the Part D revisions given conditional approval by EPA on November 26, 1979.

2. Section 52.53 is revised to read as follows:

§ 52.53 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Alabama's plans for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

§ 52.58 [Revoked]

3. Section 52.58 is revoked.

[FR Doc. 80-16764 Filed 6-2-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 62

[FRL 1477-1]

Approval and Promulgation of State Plans for Designated Facilities; Emission Control of Existing Sulfuric Acid Plants

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act as amended, require states to submit to the Environmental Protection Agency plans to control sulfuric acid mist emissions from existing sulfuric acid plants. Alternately, a state can submit to the Environmental Protection Agency a "negative declaration" which certifies that no existing sulfuric acid plants are located within the state's boundaries. In the January 17, 1980 **Federal Register** (45 FR 3334) the Environmental Protection Agency proposed approval of "negative declarations" submitted to it by the Commonwealth of Puerto Rico and the Territory of the Virgin Islands. The purpose of this **Federal Register** notice is to announce final approval of these "negative declarations" submitted by the Commonwealth of Puerto Rico and the Territory of the Virgin Islands.

DATES: This action becomes effective June 3, 1980.

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

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 60 require states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included on a list published under the provisions of Section 108(a) or Section 112(b)(1)(A) of the Clean Air Act, but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act. A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new. Alternately, as provided for in 40 CFR Part 62, a state can submit to EPA a "negative declaration" which certifies that no existing sulfuric acid plants are located within its boundaries.

On January 17, 1980 (45 FR 3334) EPA proposed in the **Federal Register** approval of "negative declarations" relating to sulfuric acid mist emissions from existing sulfuric acid plants for the Commonwealth of Puerto Rico and the Territory of the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the negative declarations. EPA received no comment. Therefore, EPA is hereby promulgating its approval of the "negative declarations" as submitted by

the Commonwealth of Puerto Rico and the Territory of the Virgin Islands without change. Furthermore, this action is being made effective immediately as it poses no hardship on any source.

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

(Sec. 111, 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: May 28, 1980.

Douglas M. Costle,

Administrator, Environmental Protection Agency.

Part 62, Subchapter C, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding §§ 62.13101 and 62.13351 as follows:

Subpart BBB—Puerto Rico

Sulfuric Acid Mist Emissions From Sulfuric Acid Plants

§ 62.13101 Identification of plan—Negative declaration.

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing sulfuric acid plants in the Commonwealth subject to Part 62, Subpart A of this chapter.

Subpart CCC—Virgin Islands

Sulfuric Acid Mist Emissions From Sulfuric Acid Plants

§ 62.13351 Identification of plan—Negative declaration.

The Territory Department of Conservation and Cultural Affairs submitted, on November 8, 1977, a letter certifying that there are no existing sulfuric acid plants in the Territory subject to Part 62, Subpart A of this chapter.

[FR Doc. 80-16756 Filed 6-2-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 423

[FRL 1501-1]

Reinstatement of Coal Pile Pollutant Discharge Limitations at Electric Powerplants Under the Clean Water Act

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is reinstating pollutant discharge limitations for coal piles at electric power plants under the Clean Water Act. The limitations were issued in 1974 and vacated by court order in 1976.

DATES: In accordance with 40 CFR 100.01 (45 FR 26048), this amendment shall be issued for purposes of judicial review at 1:00 p.m. eastern time on June 17, 1980. This amendment shall become effective on July 17, 1980.

FOR FURTHER INFORMATION CONTACT: John W. Lum or Teresa Wright, Effluent Guidelines Division (WH–552), EPA, 401 M Street, SW., Washington, D.C. 20460 (202) 426–4617.

SUPPLEMENTARY INFORMATION: On October 8, 1974, EPA promulgated effluent limitations guidelines under the Clean Water Act for the steam electric power generating industry. 39 FR 36198. These guidelines covered a wide variety of pollution discharges from power plants, and included a special subcategory of rainfall "runoff" controls. 40 CFR Part 423, Subpart D. This subcategory applied basically to three types of runoff sources at power plants: (1) Coal piles, (2) ash piles, and (3) construction sites.

On July 16, 1976, the Fourth Circuit Court of Appeals vacated several portions of EPA's power plant guidelines. *Appalachian Power v. Train*, 545 F. 2d 1351 (4th Cir. 1976). In its order, the Court vacated the runoff regulations in their entirety. 545 F. 2d at 1378.

In its discussion of the runoff regulations (545 F. 2d at 1372–75), however, the Court found no fault with the coal pile portions of the regulations. In fact, the power companies did not challenge the coal pile portions. Accordingly, EPA petitioned the Court on September 21, 1976 to reinstate the rainfall runoff regulations solely as they applied to coal piles. The power companies opposed EPA's request on the grounds that EPA was free to republish the coal pile portions without any further action from the Court because the Court had found no fault with the coal pile portions.

On November 17, 1976, the Court responded, in an unreported order, that "the relief sought by the Administrator may be supplied by him by reinstating such aspects of the standards affected in which the court found no deficiency, so long as such reinstatement is not inconsistent with our opinion and orders." Thus, while the Court declined to amend its order, it made clear that EPA was free to reinstate the coal pile portions administratively.

Since that time, power plants have generally consented to abide by the technically-vacated coal pile limitations. EPA has consequently not considered formal reinstatement a matter of priority.

EPA is now, however, preparing to propose major amendments to the existing steam electric guidelines in accordance with the 1977 Clean Water Act Amendments and the Consent Decree in *NRDC* v. *Train*, 8 ERC 2120, modified at 12 ERC 1833 (D.D.C. 1976, 1979). Before such a proposal is published, it would be appropriate to clarify precisely which portions of the area runoff regulations are now effective. Thus, consistent with the *Appalachian* orders of July 16 and November 17, 1976, EPA is today reinstating the coal pile portions of the regulations.

Because this rulemaking merely republishes a rule which the industry did not challenge and for which the Court found no fault, I find that proposal and public comment are unnecessary. In light of the utility companies' position on this matter, judicial review of today's action appears to be unlikely. In the event parties seek such review, however, EPA has specified above that the "two week deferral" contained in its new "racing" regulations (45 FR 26048, April 17, 1980) applies to this action.

(Secs. 301, 304, 501, Clean Water Act, 33 U.S.C. 1311, 1314, 1361)

Dated: May 27, 1980.

Douglas M. Costle,

Administrator.

§§ 423.40 and 423.41 [Amended]

1. 40 CFR 423.40 is amended to read as follows:

The provisions of this subpart are applicable to discharges resulting from runoff from coal piles at units subject to the limitations in Subparts A, B, or C of this part.

2. 40 CFR 423.41(b) is revoked.

3. 40 CFR 423.41(c) is revoked.

4. 40 CFR 423.41(d) is redesignated as 40 CFR 423.41(b).

[FR Doc. 80-16762 Filed 6-2-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. A-11, Supp. 9]

Changes to Federal Travel Regulations; Corrections.

AGENCY: Transportation and Public Utilities Services, General Services Administration.

ACTION: Temporary regulation; Corrections.

SUMMARY: FPMR Temporary Regulation A–11, Supplement 9, published on April 23, 1980 (FR Doc. 80–12512), which amends the Federal Travel Regulations, is changed to (1) correct the spelling of "Pease AFB," that is included in the definition of Portsmouth/Newington, New Hamphsire, high rate geographical area, (2) correct the rate for Casper, Wyoming, and (3) add a change to paragraph 2–5.2.

FOR FURTHER INFORMATION CONTACT: Mrs. Phyllis Hickman, Federal Travel Management Division (202–275–6144).

SUPPLEMENTARY INFORMATION: In FR Doc. 80–12512 appearing at page 27436 in the **Federal Register** of Wednesday, April 23, 1980, the following changes should be made:

1. On page 27440, under the heading "Designated high rate geographical areas," the Portsmouth/Newington definition is corrected to read as follows:

New Hampshire:
Portsmouth/Newington (all locations within the corporate limits of Portsmouth and Newington, including Pease AFB) (See also Kittery, ME.)

2. On page 27441, under the heading, "Designated high rate geographical areas," Casper, Wyoming, is corrected to read as follows:

Wyoming:
Casper.....$46

3. On page 27441, paragraph 2–5.2 is updated to bring paragraph b into conformance with the rest of the document as follows:

b. *Additional time in certain cases.* To the extent determined to be necessary, expenses as provided above may be allowed for a period not to exceed an additional 30 consecutive days while the employee and family are occupying temporary quarters if the employee is transferred either to or from Hawaii, Alaska, the territories and possessions, the commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979). The same considerations as expressed above are applicable in allowing any extension of the additional period.

* * * * *

Dated: May 28, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80–16826 Filed 6–2–80; 8:45 am]

BILLING CODE 6820–AM–M

41 CFR Part 101–11

[FPMR Amdt. B–44]

Records Management; Disposition of Federal Records; Correction

AGENCY: General Services Administration.

ACTION: Correction.

SUMMARY: This document corrects the text of FPMR Amendment B–44 concerning the disposition of Federal Records.

FOR FURTHER INFORMATION CONTACT: George N. Scaboo, Deputy Assistant Archivist for Federal Records Centers, Office of Federal Records Centers (202–724–1614).

In FR Doc. 80–2237 appearing at page 5704 in the **Federal Register** of January 24, 1980, the citation in the last line of paragraph (a)(1) of § 101–11.404–1 appearing on page 5706 is corrected to read § 101–11.406–8.

Dated: May 22, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80–16765 Filed 6–2–80; 8:45 am]

BILLING CODE 6820–26–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 59

Grants for Family Planning Services

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The Public Health Service Act authorizes the Secretary of Health and Human Services to administer a program of grants for family planning services projects. This regulation amends the current rules in order to implement statutory amendments which require projects to: offer natural family planning methods, infertility services, and services to adolescents; assure that economic status not be a deterrent to receiving services; assure that local and regional entities participate in decisions to consolidate their projects and also have a voice in the ongoing decisionmaking of their consolidated grantees; and establish procedures for local review and approval of informational and educational materials.

EFFECTIVE DATE: June 3, 1980.

ADDRESSES: Written comments, preferably in triplicate, on those provisions incorporated in the final regulation which were not addressed in the Notice of Proposed Rulemaking (NPRM) due to subsequent statutory amendments, should be sent to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6–17, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received within 45 days of the date of publication of these regulations will be considered and will be available for public inspection and copying at the above address on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William White, Associate Bureau Director for Family Planning, Bureau of Community Health Services, Room 7–49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301 443–2430).

SUPPLEMENTARY INFORMATION: In September 1971, a regulation was published governing administration of project grants for family planning services which are authorized by section 1001 of title X of the Public Health Service Act (the Act) (42 U.S.C. 300). Amendments to title X enacted by Pub. L. 94–63 on July 29, 1975, added requirements for natural family planning services, participation of local and regional entities in consolidation decisions, and assurance that economic status not be a deterrent to receipt of services. A Notice of Intent (NOI) to Issue Proposed Rules, published on April 11, 1977 (42 FR 8947), discussed approaches to implementing these amendments, presented an additional issue involving removal of the waiver provision with respect to age discrimination, and invited public comment. The proposed changes to the regulation and discussions of comments received in response to the NOI were included in the NPRM published on September 19, 1978 (43 FR 42020).

Passage of Pub. L. 95–613 on November 8, 1978, further amended title X by adding specific provisions requiring projects to include infertility services and services to adolescents in the range of family planning services offered. Prior to the latest legislative changes, the statute (as amended by Pub. L. 94–63) authorized grants or contracts for voluntary family planning projects which "offer a broad range of acceptable and effective family planning

methods (including natural family planning methods)." Public Law 95–613 expanded this requirement to ". . . family planning methods and services (including natural family planning methods, infertility services, and services for adolescents)." The regulation implements this statutory amendment by including these requirements in § 59.5(a)(1).

The new legislation also added a provision to assure that informational or educational materials developed or made available under title X projects are suitable for the family planning program's purposes and for the population or community for which they are intended. Grantees are required to establish broadly representative advisory committees to review and approve materials prior to distribution. To implement these requirements, a new subsection (§ 59.6) is added to the regulation. This section requires each project to establish an advisory committee of five to nine members who are broadly representative of the community, in such terms as race, religion, ethnicity, sex, age, educational level, cultural background and the standards of the population to be served. The committee is charged with assuring the factual correctness of the informational material and its acceptability to the community. The size of the committee (not less than five nor more than nine members) permits flexibility and was selected because it is a sufficient number of persons to carry out the requirement for broad representation, yet is small enough to act effectively and expeditiously in carrying out its functions; in order that the size limits not be unduly restrictive, however, the rule also includes a "good cause" waiver provision with respect to the number of advisory committee members.

As noted above, all provisions of these regulations are effective upon publication despite the fact that public comment was not requested upon those changes which implement the 1978 amendments. Those amendments do not have a major impact on the program and do not raise significant issues of policy. However, an additional period for public comment is being afforded on the provisions which reflect these amendments. Comments received by July 18, 1980 will be considered, and the regulation will be revised as warranted.

Summary of the Comments Received and the Department's Response

In response to the September 1978 NPRM, 35 comments were received from individuals, institutions, State entities, local organizations, and natural associations. The issues raised in these comments are discussed below:

1. Public Law 94–63 amended section 1006(c) of the Act to require that the Secretary define the term "low-income family" to ensure that economic status will not be a deterrent to participation in the programs assisted under title X. By statute, low-income individuals are the priority group to receive family planning services and may not be charged for these services. The present regulatory definition places "low income" at fixed dollar levels, for example, $5,000 annual income for a family of four. The legislative history of the amendment shows that it was intended that the levels be raised to dollar amounts which are more realistic in the current economy. The NPRM accordingly proposed to tie the income cutoff to an annually revised national standard or index. Specifically, "low income" was defined as 150 percent of the Community Services Administration (CSA) Income Poverty Guidelines. The NPRM further proposed that persons other than those from low-income families be charged in accordance with a schedule of discounts based on ability to pay, except that persons from families whose annual income exceeds 250 percent of the CSA Income Poverty Guidelines would receive no discount. Thus, 150 percent to 250 percent of the CSA Income Poverty Guidelines were the proposed parameters for the establishment of a sliding fee schedule.

A number of respondents objected to the proposed 150 percent-of-poverty-income level as the definition of "low income," and recommended that it be revised downward to 100 percent. The commenters state that funding levels have not even kept pace with inflation, much less with a proposed increase in the number of persons to be served without charge. They point out that setting the "low income" cutoff at 150 percent of poverty would therefore decrease the total number of persons who could be served in a program with limited funding. A further objection was that establishing the 150 percent income level would create administrative burdens and increased costs for local programs (such as community health centers) which are working to integrate family planning services with primary care, because it would mean administering a different fee scale in the same health care delivery system.

This recommendation has been accepted. The Secretary has decided to revise the low-income parameter to 100 percent of the CSA Income Poverty Guildelines, making it possible to collect partial fees from persons with incomes between 100 and 250 percent of the poverty level in accordance with their ability to pay. This change will permit the number of persons who can be served, in a program with limited funding, to be increased. The Secretary is retaining the 250 percent-of-poverty-income level as the outside parameter beyond which full charges must be made. (See § 59.5(a)(7) and § 59.5(a)(8).) The Department believes that this approach still assures that low-income persons receive priority and are not charged, yet it allows flexibility in administering the program so as to assure the economic viability of family planning projects. It is expected that the program will be administered in a manner to assure that individuals with incomes between 100 percent and 150 percent of the income poverty guide lines will not be deterred from participation in the family planning program. The reduction of "low income" from 150 percent to 100 percent of poverty is designed to permit the program to charge persons, with incomes at this level, who by their circumstances are able to pay for some portion of the cost of providing the services they receive. It must be recognized, however, that many individuals in this income range are not in a position to defray any portion of these costs, and the definition of "low income" in the final rule enables projects to take this into account. Thus, although the final rule permits charges to persons with annual incomes between 100 percent and 150 percent of poverty, it should be stressed that projects must implement this provision in a way which does not create barriers to the receipt of services.

2. The definition of "low-income family" provides that individuals whose families do not meet the established income cutoffs but who are otherwise unable to pay for family planning services receive service without charge. One comment supporting this concept urged that specific regulatory language be added to eliminate the possibility of any charge barriers to serving teenagers. Although the proposed rule contained requirements for the availability of services and the elimination of service barriers, it did not stress the provision of family planning services to teenages without charge as appropriate. The Department agrees with this comment, particularly in light of the recent statutory inclusion of specific language mandating services for adolescents. The final rule is thus amended (see § 59.2 for definition of "low-income family") to require consideration of unemancipated minors on the basis of their own

resources, as appropriate, when they wish to receive services on a confidential basis. However, parental knowledge of and support for such teenage involvement in the program may enhance the effectiveness of the services, and adolescents should be encouraged to consult with their parents, whenever it is judged by an appropriate clinic staff member to be feasible.

3. Public Law 94–63 amended section 1001(a) of the Public Health Service Act to require that the range of the family planning methods offered by the family planning projects include natural family planning methods. Twenty-seven comments were received regarding the provision of natural family planning services by title X projects. Although most of these supported the requirement for a broad range of family planning methods, ten comments urged that the regulation be amended to permit direct grant assistance to organizations which offer only natural family planning methods. This recommendation was rejected as contrary to the statute. The statute (as amended by Pub. L. 94–63) requires that family planning projects "shall offer a *broad range* (emphasis added) of acceptable and effective family planning methods (including natural family planning methods)." Therefore, grants cannot be made to entities which propose to offer only one method or a limited number of methods. It should be noted, however, that a facility or entity offering only natural family planning methods can receive assistance under title X by participating, as a provider of natural family planning services, in an otherwise approvable project which offers a broad range of services.

One additional comment recommended that the regulation mandate the provision of natural family planning services either on site or by referral if such services are requested by a patient who may be able to pay for medical services, but cannot obtain natural family planning services in that community. The regulation requires, consistent with the statute, that natural family planning services be made available by the project. (See § 59.5(a)(1).) Thus, where such services are not available otherwise locally, the project must provide them directly. Therefore, it is unnecessary to revise the regulation.

Several comments recommended inclusion of a definition of "natural family planning methods." This recommendation was not accepted. The statute requires that family planning methods supported under title X projects be acceptable and effective, and § 59.5(a)(1) implements this requirement with respect to natural family planning services (as well as other methods of family planning) by funding only those methods which are acceptable and effective. The National Institute for Child Health Development, Center for Population Research, uses funds appropriated under title X to conduct research to determine effective family planning methods. As research in the field of natural planning makes new information available, the Department will broaden its range of approvable natural family planning methods and notify the interested public to this effect. A regulatory definition of "natural family planning methods" therefore could be restrictive, and hence has not been adopted.

4. The requirement that projects provide medical services (e.g., a physician's examination, laboratory services, and referral to other medical facilities when indicated) was the subject of nineteen comments. Sixteen favored this requirement, but three opposed it as unnecessary in conjunction with the provision of natural family planning services. One of the purposes of the law is that comprehensive family planning services be offered, and these services include medical services. The Department recognizes that provision of effective natural family planning services must include counseling, with a particular focus and degree of intensiveness designed to teach use of natural family planning methods, as well as other social and ancillary services. However, medical services also are necessary to assure that abnormal conditions related to fertility planning are detected and that all risks and benefits are known to the individual and considered in the selection of an appropriate method. The requirement for a medical examination and other appropriate medical services with respect to the family planning methods (including natural family planning) offered by assisted projects is therefore retained.

5. Two comments addressed manpower competencies required in the delivery of natural family planning methods. One respondent recommended the inclusion of objective and performance-based competency standards for personnel providing instruction in natural family planning methods. Another comment included the suggestion that specific language regarding qualifications for natural family planning providers be added to the regulation in those subsections of the regulation which address training or experience requirements. These suggestions were not accepted because the regulation already provides that standards and qualifications be established for all personnel and for all facilities to be used by the project (§ 59.4(c)(3)). These standards and qualifications must be submitted as part of an application and are subject to approval during the review process. Qualifications for providers of specific methods of family planning are spelled out in program guidelines. Therefore, no change in this regard is made in the regulation.

6. Five comments recommended revision of data reporting requirements for natural family planning services so that more accurate data regarding current use of these methods would be available. Data reporting requirements are administratively imposed in accordance with departmental priorities, and the inclusion of specific data elements could impose undesirable inflexibility. Therefore, no change is made in the regulation.

7. Section 1001(b) of the Act, as amended, assures local and regional entities of the right to apply directly for title X grants, and requires the Secretary by regulation to "fully provide for and protect such right." The legislative history of section 1001(b) shows that the intent of this provision is to prevent "systematic" consolidation of grantees. The present regulation gives local and regional entities the right to apply directly for such assistance; the proposed rule required, in addition, appropriate documentation that local and regional entities have participated in consolidation decisions, to ensure that their concerns are considered. This latter provision is consistent with the legislative history of the amendment to section 1001(b), which indicated that the amendment was intended to assure local and regional entities of the right to participate in consolidation decisions which would affect their operations, as well as to assure potential and existing subgrantees of the right to participate in the ongoing decisionmaking of their respective consolidated grantees.

Several comments were received regarding the need for regulatory language to protect the rights of potential subgrantees. One comment suggested that the regulation provide that local entities receive copies of all rules or proposed rules; another comment requested a definition of "potential subgrantee." In response to these concerns, the provision for a waiver of the requirement (included in the proposed rule) has been dropped, so as to implement the amendment to

section 1001(b) more effectively. Otherwise, the policies of the proposed rule have been retained unchanged.

One comment recommended that the regulation include a more specific monitoring procedure to assure subgrantee participation in decisionmaking. Because the regulation already requires applicants to document that entities which are potential subgrantees have been given an opportunity to participate in consolidation decisions, and describe how existing (or potential) subgrantees are to be given the opportunity to participate in the ongoing decisionmaking of their respective consolidated grantees (§ 59.5(a)(10), it is felt that a specific monitoring procedure in the regulation is unnecessary and would be unduly burdensome. Therefore, this suggestion was not adopted.

8. The present regulation requires that family planning services be available without discrimination on the basis of religion, creed, age, sex, number of pregnancies, or marital status except when grantees receive a waiver of this requirement for "good cause shown." One respondent stated that no State laws require parental consent prior to providing family planning services to minors and opposed the waiver provision on this basis. The recommendation to delete the waiver provision has been accepted, and the final regulation reflects this change. The Secretary believes that making the requirement nonwaivable is appropriate public policy and is consistent with the purpose of the Act to assist in making family planning services "readily available to *all* (emphasis added) persons desiring such services," Pub. L. 91–572, sec. 2(1). Moreover, it should be noted that no waiver is needed where refusal to serve minors is based on their inability to provide legally effective consent; in such case, denial of services is not based on parental-consent requirements and is not discrimination on the basis of age.

In addition to the above, extensive editorial changes have been made to the regulation. These changes have been made in accordance with the ongoing departmental effort to simplify and clarify departmental regulations.

Accordingly, the existing 42 CFR Part 59, Subpart A is revoked and a new Part 59, Subpart A is adopted as set forth below.

Dated: February 25, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: May 27, 1980.

Patricia Roberts Harris,

Secretary.

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

Subpart A—Project Grants for Family Planning Services

Sec.

59.1 To what programs do these regulations apply?
59.2 Definitions.
59.3 Who is eligible to apply for a family planning services grant?
59.4 How does one apply for a family planning services grant?
59.5 What requirements must be met by a family planning project?
59.6 What procedures apply to assure the suitability of informational and educational material?
59.7 What criteria will the Department of Health and Human Services (HHS) use to decide which family planning services projects to fund and in what amount?
59.8 How is a grant awarded?
59.9 For what purposes may grant funds be used?
59.10 What other HHS regulations apply to grants under this subpart?
59.11 Confidentiality.
59.12 Inventions or discoveries.
59.13 Additional conditions.

Authority: The provisions of this Subpart A are issued under sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1506, 42 U.S.C. 300.

Subpart A—Project Grants for Family Planning Services

§ 59.1 To what programs do these regulations apply?

The regulations of this subpart are applicable to the award of grants under section 1001 of the Public Health Service Act (42 U.S.C. 300) to assist in the establishment and operation of voluntary family planning projects. These projects shall consist of the educational, comprehensive medical, and social services necessary to aid individuals to determine freely the number and spacing of their children.

§ 59.2 Definitions.

As used in this subpart:

"Act" means the Public Health Service Act, as amended.

"Family" means a social unit composed of one person, or two or more persons living together, as a household.

"Low income family" means a family whose total annual income does not exceed 100 percent of the most recent Community Services Administration Income Poverty Guidelines (45 CFR 1060.2). "Low-income family" also includes members of families whose annual family income exceeds this amount, but who, as determined by the project director, are unable, for good reasons, to pay for family planning services. For example, unemancipated minors who wish to receive services on a confidential basis must be considered on the basis of their own resources.

"Nonprofit," as applied to any private agency, institution, or organization, means that no part of the entity's net earnings benefit, or may lawfully benefit, any private shareholder or individual.

"Secretary" means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

"State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, Northern Marianas, or the Trust Territory of the Pacific Islands.

§ 59.3 Who is eligible to apply for a family planning services grant?

Any public or nonprofit private entity in a State may apply for a grant under this subpart.

§ 59.4 How does one apply for a family planning services grant?

(a) Application for a grant under this subpart shall be made on an authorized form.

(b) An individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the grant, including the regulations of this subpart, must sign the application.

(c) The application shall contain—

(1) a description, satisfactory to the Secretary, of the project and how it will meet the requirements of this subpart;

(2) a budget and justification of the amount of grant funds requested;

(3) a description of the standards and qualifications which will be required for all personnel and for all facilities to be used by the project; and

(4) such other pertinent information as the Secretary may require.

§ 59.5 What requirements must be met by a family planning project?

(a) Each project supported under this part must:

(1) Provide a broad range of acceptable and effective medically approved family planning methods (including natural family planning methods) and services (including infertility services and services for adolescents). If an organization offers only a single method of family planning, such as natural family planning, it may

participate as part of a project as long as the entire project offers a broad range of family planning services.

(2) Provide services without subjecting individuals to any coercion to accept services or to employ or not to employ any particular methods of family planning. Acceptance of services must be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from or participation in any other program of the applicant.[2]

(3) Provide services in a manner which protects the dignity of the individual.

(4) Provide services without regard to religion, race, color, national origin, handicapping condition, age, sex, number of pregnancies, or marital status.

(5) Not provide abortions as a method of family planning.

(6) Provide that priority in the provision of services will be given to persons from low-income families.

(7) Provide that no charge will be made for services provided to any person from a low-income family except to the extent that payment will be made by a third party (including a Government agency) which is authorized to or is under legal obligation to pay this charge.

(8) Provide that charges will be made for services to persons other than those from low-income families in accordance with a schedule of discounts based on ability to pay, except that charges to persons from families whose annual income exceeds 250 percent of the levels set forth in the most recent CSA Income Poverty Guidelines (45 CFR 1060.2) will be made in accordance with a schedule of fees designed to recover the reasonable cost of providing services.

(9) If a third party (including a Government agency) is authorized or legally obligated to pay for services, all reasonable efforts must be made to obtain the third-party payment without application of any discounts. Where the cost of services is to be reimbursed under title XIX or title XX of the Social Security Act, a written agreement with the title XIX or title XX agency is required.

(10)(i) Provide that if an application relates to consolidation of service areas or health resources or would otherwise affect the operations of local or regional entities, the applicant must document that these entities have been given, to the maximum feasible extent, an opportunity to participate in the development of the application. Local and regional entities include existing or potential subgrantees which have previously provided or propose to provide family planning services to the area proposed to be served by the applicant.

(ii) Provide an opportunity for maximum participation by existing or potential subgrantees in the ongoing policy decisionmaking of the project.

(11) Provide for an Advisory Committee as required by § 59.6.

(b) In addition to the requirements of subsection (a) of this section, each project must meet each of the following requirements unless the Secretary determines that the project has established good cause for its omission. Each project must:

(1) Provide for medical services related to family planning (including physician's consultation, examination prescription, and continuing supervision, laboratory examination, contraceptive supplies) and necessary referral to other medical facilities when medically indicated, and provide for the effective usage of contraceptive devices and practices.

(2) Provide for social services related to family planning, including counseling, referral to and from other social and medical service agencies, and any ancillary services which may be necessary to facilitate clinic attendance.

(3) Provide for informational and educational programs designed to (i) achieve community understanding of the objectives of the program, (ii) inform the community of the availability of services, and (iii) promote continued participation in the project by persons to whom family planning services may be beneficial.

(4) Provide for orientation and inservice training for all project personnel.

(5) Provide services without the imposition of any durational residency requirement or requirement that the patient be referred by a physician.

(6) Provide that family planning medical services will be performed under the direction of a physician with special training or experience in family planning.

(7) Provide that all services purchased for project participants will be authorized by the project director or his designee on the project staff.

(8) Provide for coordination and use of referral arrangements with other providers of health care services, local health and welfare departments, hospitals, voluntary agencies, and health services projects supported by other Federal programs.

(9) Provide that if family planning services are provided by contract or other similar arrangements with actual providers of services, services will be provided in accordance with a plan which establishes rates and methods of payment for medical care. These payments must be made under agreements with a schedule of rates and payment procedures maintained by the grantee. The grantee must be prepared to substantiate that these rates are reasonable and necessary.

(10) Provide, to the maximum feasible extent, an opportunity for participation in the development, implementation, and evaluation of the project by persons broadly representative of all significant elements of the population to be served, and by others in the community knowledgeable about the community's needs for family planning services.

§ 59.6 What procedures apply to assure the suitability of informational and educational material?

(a) A grant under this section may be made only upon assurances satisfactory to the Secretary that the project shall provide for the review and approval of informational and educational materials developed or made available under the project by an Advisory Committee prior to their distribution, to assure that the materials are suitable for the population or community to which they are to be made available and the purposes of title X of the Act. The project shall not disseminate any such materials which are not approved by the Advisory Committee.

(b) The Advisory Committee referred to in subsection (a) of this section shall be established as follows:

(1) *Size.* The Committee shall consist of no fewer than five but not more than nine members, except that this provision may be waived by the Secretary for good cause shown.

(2) *Composition.* The Committee shall include individuals broadly representative (in terms of demographic factors such as race, color, national origin, handicapped condition, sex, and age) of population or community for which the materials are intended.

(3) *Function.* In reviewing materials, the Advisory Committee shall:

[2] Section 205 of Pub. L. 94-63 states: "Any (1) officer or employee of the United States, (2) officer or employee of any State, political subdivision of a State, or any other entity, which administers or supervises the administration of any program receiving Federal financial assistance, or (3) person who receives, under any program receiving Federal assistance, compensation for services, who coerces or endeavors to coerce any person to undergo an abortion or sterilization procedure by threatening such person with the loss of, or disqualification for the receipt of, any benefit or service under a program receiving Federal financial assistance shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

(i) Consider the educational and cultural backgrounds of individuals to whom the materials are addressed;

(ii) Consider the standards of the population or community to be served with respect to such materials;

(iii) Review the content of the material to assure that the information is factually correct;

(iv) Determine whether the material is suitable for the population or community to which it is to be made available; and

(v) Establish a written record of its determinations.

§ 59.7 What criteria will Health and Human Services use to decide which family planning services projects to fund and in what amount?

(a) Within the limits of funds available for these purposes, the Secretary may award grants for the establishment and operation of those projects which will in the Department's judgment best promote the purposes of section 1001 of the Act, taking into account:

(1) The number of patients and, in particular, the number of low-income patients to be served;

(2) The extent to which family planning services are needed locally;

(3) The relative need of the applicant;

(4) The capacity of the applicant to make rapid and effective use of the Federal assistance;

(5) The adequacy of the applicant's facilities and staff;

(6) The relative availability of non-Federal resources within the community to be served and the degree to which those resources are committed to the project; and

(7) The degree to which the project plan adequately provides for the requirements set forth in these regulations.

(b) The Secretary shall determine the amount of any award on the basis of his estimate of the sum necessary for the performance of the project. No grant may be made for less than 90 percent of the project's costs, as so estimated, unless the grant is to be made for a project which was supported, under section 1001, for less than 90 percent of its costs in fiscal year 1975. In that case, the grant shall not be for less than the percentage of costs covered by the grant in fiscal year 1975.

(c) No grant may be made for an amount equal to 100 percent of the project's estimated costs.

§ 59.8 How is a grant awarded?

(a) The notice of grant award specifies how long HHS intends to support the project without requiring the project to recompete for funds. This period, called the project period, will usually be for 3 to 5 years.

(b) Generally the grant will initially be for 1 year and subsequent continuation awards will also be for 1 year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and the funding level of such awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by HHS that continued funding is in the best interest of the Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

§ 59.9 For what purpose may grant funds be used?

Any funds granted under this subpart shall be expended solely for the purpose for which the funds were granted in accordance with the approved application and budget, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

§ 59.10 What other HHS regulations apply to grants under this subpart?

Attention is drawn to the following HHS Department-wide regulations which apply to grants under this subpart. These include:

42 CFR Part 50—PHS Informal Grant Appeals Procedure

45 CFR Part 16—Department Grant Appeals Process

45 CFR Part 19—Limitation on Payments or Reimbursements for Drugs

45 CFR Part 74—Administration of Grants

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services' Implementation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81—Practice and Procedures for Hearings Under Part 80

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

45 CFR Part 90—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

42 CFR Part 122, Subpart E—Health System Agency Reviews of Certain Proposed Uses of Federal Health Funds.

§ 59.11 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about individuals receiving services must be held confidential and must not be disclosed without the individual's consent, except as may be necessary to provide services to the patient or as required by law, with appropriate safeguards for confidentiality. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 59.12 Inventions or discoveries.

(a) A project grant award is subject to the regulations of HHS as set forth in 45 CFR Parts 6 and 8, as amended. These regulations shall apply to any activity of the project for which grant funds are used, whether the activity is part of an approved project or is an unexpected byproduct of that project.

(b) The grantee and the Secretary shall take appropriate measures to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the grant activity are aware of and comply with such obligations.

§ 59.13 Additional conditions.

The Secretary may, with respect to any grant, impose additional conditions prior to or at the time of any award, when in the Department's judgment these conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the proper use of grant funds.

[FR Doc. 80-16733 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5726

[S-229]

California; Withdrawal for Reclamation Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will withdraw approximately 1,515 acres of national forest land located within the Tahoe National Forest from the operation of the mining laws for the construction, operation, and maintenance of the Sugar

Pine Dam and Reservoir, a Water and Power Resources Service project in Placer County, California.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior pursuant to Section 204 of the Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from location and entry under the mining laws, (30 U.S.C. Ch. 2), and reserved for the Sugar Pine Dam and Reservoir project.

Tahoe National Forest

Sugar Pine Reservoir; Mount Diablo Meridian

T. 15 N., R. 10 E.,
Sec. 13, NE¼SE¼, S½NW¼SE¼, and S½SE¼;
Sec. 24, S½NW¼ and SW¼.
T. 15 N., R. 11 E.,
Sec. 18, lots 3 and 4, E½, S½SE¼NW¼, and E½SW¼;
Sec. 19, lots 1, 2, 5, 6, 7, and 8 (Iowa Hill 1, 2, 3, and 4), E½, and E½NW¼.

The area described aggregates 1,515.77 acres in Placer County, California.

2. Of the lands listed in paragraph 1, the following were reconveyed to the United States on February 27, 1932, with all minerals reserved to the Grantor for a 50-year period, at which time all minerals will vest in the United States.

T. 15 N., R. 11 E., M.D.M.,
Sec. 19, lots 1, 2, 5, 6, 7, and 8, E½, and E½NW¼.

Therefore, on February 27, 1982, subject to valid existing rights, the aforedescribed mineral estate is withdrawn from location and entry under the mining laws, (30 U.S.C. Ch. 2).

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

4. This withdrawal shall remain in effect for a period of 100 years from the date of this order.

Inquiries concerning the land should be addressed to the Bureau of Land Management, U.S. Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Guy R. Martin,

Assistant Secretary of the Interior.

May 27, 1980.

[FR Doc. 80–16738 Filed 6–2–80; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 5727

[N–054565, N–6453]

Nevada; Withdrawal and Reservation of Lands: Extending the Eastern Boundary of the Toiyabe National Forest

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order adds 1,133 acres of public domain land and approximately 10,977 acres of patented land to the Toiyabe National Forest and deletes 87 acres of patented land.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702–784–5703.

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

1. Subject to valid existing rights, the following described land is subject to all laws and regulations of the Toiyabe National Forest. The land is segregated from all forms of appropriation under the public laws excluding the mining and mineral leasing laws:

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 4, W½ of lots 1 and 2 of NE¼, NW¼SE¼;
Sec. 22, NW¼, N½SW½, SE¼ (fractional);
Sec. 23, SW¼SW¼;
Sec. 26, lot 5.
T. 13 N., R. 19 E.,
Sec. 4, lots 1 and 2 of NE¼, SE¼;
Sec. 9, NE¼NE¼, W½NE¼, NW¼SE¼;
Sec. 15, SW¼;
Sec. 16, SE¼NE¼, E½SE¼;
Sec. 21, E½E½;
Sec. 22, NW¼;
Sec. 28, E½, S½SW¼;
Sec. 33, N½, SW¼, W½SE¼.
T. 14 N., R. 19 E.,
Sec. 3, all;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, SE¼;
Sec. 9, E½;
Sec. 10, N½;
Sec. 16, W½E½.
T. 15 N., R. 19 E.,
Sec. 2, lot 1 of NW¼, E½ of lot 2 of NW¼, SW¼;
Secs. 3, 4, 8, 9, those portions lying south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
Sec. 10, all;
Sec. 11, W½;
Sec. 14, W½, exclusive of patented M.S. 38;
Sec. 15, exclusive of patented M.S. 38;
Sec. 16, all;
Sec. 17, NE¼, N½NW¼, that portion lying southeast of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, SW¼;
Sec. 21, S½SW¼;
Sec. 22, NE¼, S½;
Sec. 23, W½;
Sec. 27, all;
Sec. 28, SE¼;
Sec. 29, NE¼, N½NW¼;
Sec. 33, NE¼, NW¼SE¼;
Sec. 34, N½, N½SW¼, SE¼SW¼, SE¼.

T. 16 N., R. 19 E.,
Sec. 34, SE¼, that portion lying south and east of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line;
Sec. 35, SE¼SW¼, N½SW¼, SW¼SW¼, that part south of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate approximately 12,110 acres of public and patented lands in Ormsby and Douglas Counties. Of these lands, the following are public lands:

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 23, SW¼SW¼;
Sec. 26, lot 5.
T. 13 N., R. 19 E.,
Sec. 15, SW¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼.
T. 15 N., R. 19 E.,
Sec. 10, NE¼NE¼, S½SE¼;
Sec. 11, NW¼NW¼;
Sec. 14, W½NW¼, exclusive of patented M.S. 38, SW¼;
Sec. 15, NE¼NE¼, exclusive of patented M.S. 38, W½NE¼;
Sec. 27, W½NE¼.
T. 16 N., R. 19 E.,
Sec. 35, N½SW¼, SW¼SW¼, that part south of the hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate approximately 1,133 acres.

The following described patented land will be excluded from the Toiyabe National Forest and the boundary of said forest will be adjusted accordingly:

Mount Diablo Meridian

T. 12 N., R. 19 E.,
Sec. 9, E½NE¼.
T. 16 N., R. 19 E.,
Sec. 35, N½SE¼, that part lying north of hydrographic divide between Washoe Lake and Carson River being the old Washoe County line.

The areas described aggregate 87 acres in Douglas and Ormsby Counties.

Guy R. Martin,

Assistant Secretary of the Interior.

May 27, 1980.

[FR Doc. 80-16737 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. FEMA-DR-205K]

Disaster Assistance: Flood Insurance Requirements

AGENCY: Federal Emergency Management Agency, Disaster Response and Recovery.

ACTION: Final rule.

SUMMARY: This rule redesignates the existing Subpart E of 44 CFR Part 205 as a new Subpart K, amends certain sections, and clarifies and updates FEMA policies concerning flood insurance requirements under Pub. L. 93-234 for disaster assistance under the Disaster Relief Act of 1974, Pub. L. 93-288. It describes requirements to obtain flood insurance placed on recipients from FEMA of financial assistance for acquisition or construction under that Act.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: Gene Morath, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472; Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the **Federal Register** on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations (Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A-E) indicated that Disaster Assistance would be Subchapter D, Parts 200-299. On September 28, 1979, FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93-288 (44 CFR Part 205), are in the process of reorganization and revision.

On November 1, 1979, the Associate Director for Disaster Response and Recovery Published in the **Federal Register** (44 FR 63070) a proposed rule to revise and recodify the material in the existing 44 CFR 205 Subpart E as a new Subpart K. The proposed rule incorporated material previously published in the FEMA Insurance Handbook for Public Assistance, 3300.13 and portions of the material have been revised to clarify existing policy and procedures. Comments were invited to December 31, 1979. In addition, copies were sent to each State official responsible for disaster operations.

Eight comments were received, including submissions from Minnesota, New York, and Pennsylvania. One State cited its experience with flooding disasters, pointing out that basing the flood insurance requirement for public assistance on the full insurable value of the property was unreasonable and counter production to its hazard mitigation efforts. It also questioned the excessive amount of contents coverage required as a condition for receiving Federal disaster assistance for publicly-owned buildings. Another State questioned why emergency work was not excluded, and also questioned the flood insurance requirement for structures located outside of the base floodplain (flood hazard area). The other State requested clarification as to what types of emergency work are subject to the flood insurance requirement. The remaining comments urged that the flood insurance requirement be based on the Federally funded project cost, and one suggested that flood insurance be required for damage restoration work in non-flooding disasters.

All of the above comments were considered carefully in developing the final rule. The October 12, 1977, amendment (Pub. L. 95-128) to the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) eliminated the original exemption for emergency work, and also eliminated the previous requirement for flood insurance for Federal financial assistance in non-flooding disasters. Section 314, Pub. L. 93-288, requires such hazard insurance as may be reasonably available, adequate, and necessary for assistance under Sections 402 and 419 of Pub. L. 93-288. As was indicated in the proposed rule, § 205.253(a)(4), in such cases flood insurance may be required under Pub. L. 93-288 for buildings located outside of the base floodplain under Subpart J of the regulations, (Subpart J—General Insurance Requirements—was published as a final rule on December 11, 1979, in 44 FR 71794). Regarding the amount of flood insurance coverage on buildings and contents, the guidelines published by the Federal Insurance Administration on February 17, 1978, (43 FR 7146) base the mandatory insurance requirement on the "project cost" as the administering Federal agency involved normally would construe it. In administering the Federal disaster public assistance program a "project" is synonymous with the Federal financial assistance for the cost of repairing or restoring a particular damaged public facility. Based on the comments received we have modified the regulation to base the requirement for mandatory flood insurance on the amount of the applicable Federal grant (project cost) for the structure. This will place the flood insurance requirement on the same basis as the hazard insurance required under Section 314, Pub. L. 93-288, as provided in Subpart J of these regulations. Emergency work is covered in Subpart E (Public Assistance) which was published as a proposed rule on November 1, 1979, (44 FR 63061). Consequently, it is not deemed necessary to provide further discussion in this subpart, except to point out that "emergency work" as used herein refers to any Federal financial assistance for acquisition or construction purposes.

A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with "Procedures for Protection and Enhancement of Environmental Quality." Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provision of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

§§ 205.61—205.64 (Subpart E) [Deleted]

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is revised by deleting Subpart E (§§ 205.61—205.64) and adding a new Subpart K (§§ 205.250—205.253) as follows:

Subpart K—Flood Insurance Requirements

Sec.

205.250 General.
205.251 Definitions.
205.252 Exclusions.
205.253 Applicability.

Authority: Sec. 601, Disaster Relief Act of 1974, as amended, Pub. L. 93-288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792).

§ 205.250 General.

(a) The Flood Disaster Protection Act of 1973, Pub. L. 93-234, as amended, imposes certain restrictions on approval of Federal financial assistance for acquisition or construction purposes for use in any area defined by the Director, FEMA, as an area having special flood hazards. This subpart implements Pub.

L. 93–234 as amended, except as specified in paragraph (b) of this section.

(b) Specific flood insurance requirements pertaining to Temporary Housing Assistance and Individual and Family Grants are contained in new Subpart D, §§ 205.52 and 205.54, respectively. To the extent this subpart is inconsistent with those sections, the more specific regulations in those sections apply.

§ 205.251 Definitions.

As used in this Subpart:

(a) "Building" means a walled and roofed structure, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on a foundation.

(b) "Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native Village or organization which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

(c) "Federal financial assistance" means any loan or grant or other form of direct or indirect Federal financial assistance under the Act and these regulations which is not excluded under § 205.252.

(d) "Financial assistance for acquisition or construction purposes" means any form of Federal financial assistance which is intended in whole or in part for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machines, equipment, fixtures, and furnishings contained or to be contained in them but shall exclude assistance pursuant to the Disaster Relief Act of 1974 (other than assistance under such Act in connection with a flood).

(e) "National Flood Insurance Program" (NFIP) means the program authorized by 42 U.S.C. 4001–4128.

§ 205.252 Exclusions.

(a) The following categories of Federal disaster assistance are excluded from the provisions of the Flood Disaster Protection Act of 1973:

(1) Federal financial assistance on any State-owned property that is already covered by an adequate State policy or self-insurance approved by the Director, Federal Emergency Management Agency.

(2) Federal financial assistance under Title II of the Act.

§ 205.253 Applicability.

(a) Federal financial assistance for acquisition or construction purposes.

(1) FEMA shall not approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Director, FEMA, as an area having special flood hazards unless the community in which such area is situated is participating in the National Flood Insurance Program at the time of the approval. This prohibition applies only to communities which have been formally identified for at least one year as communities containing one or more areas having special flood hazards. The "time of approval" of financial assistance is the date on which the authorized FEMA official obligates Federal grant or loan funds. This subsection does not mandate a requirement for community participation in connection with damage resulting from a hazard other than flooding.

(2) FEMA shall not approve any financial assistance for acquisition or construction purposes for use in any area that has been identified by the Director, FEMA, as an area having special flood hazards and in which the sale of flood insurance is available under the National Flood Insurance Program unless the building or mobile home and their contents to which the financial assistance relates are or will be covered by an adequate policy of insurance. As in § 205.253(a)(1) above, this subsection does not mandate a requirement for an insurance purchase in connection with damage resulting from a hazard other than flooding.

(i) As a condition for receiving a grant under the Act, an adequate flood insurance policy for a project involving emergency or permanent work shall be:

(A) The Standard Flood Insurance Policy (44 CFR Part 61, Appendix A) or one which complies with the criteria for the "Acceptance of Private Flood Insurance To Meet Statutory Requirement (43 FR 7147, at "D"); and

(B) Purchased and maintained to cover the insurable building and any contents to which the grant relates during the anticipated useful life of the project, as determined by the Regional Director, in an amount equal to the lesser of the project cost (less estimated land cost, if any) or the maximum available limits of flood insurance coverage under the National Flood Insurance Act of 1968.

(ii) For purposes of this paragraph (a)(2), the term "project" shall mean the construction, acquisition, restoration or repair of a building or a part thereof together with the repair, restoration or replacement of any personal property to which the financial assistance relates.

(3) In the case of subparagraph (1) or (2) of this paragraph, any building may become eligible for Federal financial assistance if the community concerned:

(i) Qualifies for and enters the NFIP within six months after the date of the Presidential declaration,

(ii) Obtains and maintains the necessary flood insurance, and

(iii) Provides FEMA with written evidence of that insurance.

(4) If the applicant replaces a building outside of the base floodplain, Federal financial assistance will not be denied for failure of the community to participate in the NFIP or to obtain/maintain flood insurance, unless required under Subpart J of these regulations by the Regional Director as a condition for disaster assistance under the Act.

(b) The Regional Director shall work closely with the Governor's Authorized Representative, and State and local governments, to ensure that the provisions of this subpart for special flood hazard areas are considered in the processing and approval of project applications. In addition, the Regional Director shall require compliance with the provisions of this subpart in issuing mission assignments for direct Federal assistance under Subpart H of these regulations whenever property subject to the provisions of the Flood Disaster Protection Act of 1973 is involved.

(c) For any State owned building not covered by an approved State policy or self-insurance, the Regional Director shall require proof of adequate flood insurance covering proposed disaster assistance eligible for reimbursement under the Act.

(d) In accordance with § 205.253(a)(1) and (2) above, the applicant shall make a commitment to continue flood insurance for the useful life of the project, as determined by the Regional Director. For those buildings on which the eligible applicant is delinquent on prior flood insurance commitments in previous disasters, the Regional Director shall suspend any future Federal financial assistance for acquisition or construction purposes until such delinquency is eliminated. In such cases, any assistance shall be reduced by the insurance settlement which would have been received had the required insurance coverage been maintained in force.

(e) When a State has been approved by the Director, FEMA, as a self-insurer prior to the declaration of a major disaster or an emergency, the Regional Director shall determine the amount of self-insurance applicable to any building

damaged by a major disaster and shall deduct such self-insurance coverage from the Federal grant for disaster assistance work.

(f) In administering this section, the Regional Director shall utilize current information from the Federal Insurance Administration to identify States having a satisfactory program of self-insurance, the communities eligible for flood insurance under the regular or emergency programs, flood hazard boundary maps, and flood insurance rate maps.

(Sec. 601, Disaster Relief Act of 1974, as amended, Pub. L. 93–288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792))

Issued at Washington, D.C., May 27, 1980.

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-16758 Filed 6-2-80; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 65

[Docket No. FEMA-5831]

Notice of Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurnace Administrator, after consultation with local officials of the communities listed below, has determined based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of coversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State, County, Community Name, and Date of Conversion to Regular Program.

State	County	Community name	Date of conversion to regular program
Colorado	Otero	City of Rocky Ford.	June 3, 1980.
Nebraska	Cass	Village of Greenwood.	June 3, 1980.
Ohio	Ottawa	Village of Clay Center.	June 20, 1980.

(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: May 12, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-16760 Filed 6-2-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF EDUCATION

45 CFR Part 100c

Education Division General Administrative Regulations (EDGAR) Amendments

AGENCY: Department of Education.

ACTION: Final Amendments.

SUMMARY: This document makes technical amendments to the Education Division General Administrative Regulations (EDGAR) to revise the definitions of "Department" and "Secretary" to bring them up to date with the creation of the Department of Education on May 4, 1980.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd; (202) 245–7091.

Part 100c of Title 45 of the Code of Federal Regulations is amended as follows:

§ 100c.1 [Amended]

(1) The title of § 100c.1 is revised to read:

§ 100c.1 Definitions that apply to all programs.

* * * * *

(2) The definition of "Department" is revised to read: "Department" means the U.S. Department of Education.

* * * * *

(3) The definition of "Secretary" is revised to read:

"Secretary" means the U.S. Secretary of Education, or an official or employee of the Department acting for the Secretary under a delegation of authority.

Dated: May 28, 1980.

Shirley M. Hufstedler,

Secretary of Education.

[FR Doc. 80-16823 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 283

Dividend Policy for Operators Receiving Operating-Differential Subsidy

AGENCY: Maritime Administration, Commerce.

ACTION: Final Rule.

SUMMARY: The final amendment effectuated by this action adjusts the dividend requirements of 46 CFR Part 283 to reflect more appropriately the financial nature of the maritime industry and certain financial standards utilized by the Maritime Administration (MarAd) in other programs. As a result of this amendment, reliance on the working capital standard is deemphasized and a greater reliance is placed on long-term indictors of financial strength, such as the long-term debt to net worth ratio, net worth level and funds available for new construction and for other uses. In our

opinion, the dividend policy as amended is less restrictive than the old policy. A lengthy calculation required for reporting purposes under the old policy has been eliminated, as well as the reporting requirement for operators not desiring to pay a dividend. In addition, the new policy will be easier to administer and less subjective in operation.

EFFECTIVE DATE: June 3, 1980.

FOR FURTHER INFORMATION CONTACT: Murray A. Bloom, Office of the Secretary, Maritime Administration, Telephone: (202) 377-2188.

SUPPLEMENTARY INFORMATION: On July 18, 1979, the Maritime Administration (MarAd), published in the Federal Register a proposed rule (44 Fr 41854) to revise 46 CFR Part 283. Responses to the Notice were received on behalf of (1) Suwannee River Finance, Inc., Suwannee River SPA Finance, Inc. and Suwannee River Phosphate Finance, Inc. (Suwannee), (2) American President Lines, Ltd. (APL), (3) Moore McCormack Lines, Incorporated (MorMac), (4) Waterman Steamship Corporation (Waterman), (5) Delta Steamship Lines, Inc. (Delta), and (6) the Council of American Flag Ship Operators (CASO).

The present Conservative Dividend Policy applicable to operators of U.S.-flag vessels subsidized under Title VI of the Merchant Marine Act, 1936, as amended (the Act) (46 USC 1171 *et seq.*) contains two principal criteria. The operator must, after payment of a proposed dividend, meet a working capital test of one-half average voyage expenses and must also meet a funds available/funds required test whereby the operator's ability to fund for the replacement of existing vessels is considered. Operators are required to submit an annual report regardless of whether they desire to pay any dividends.

The present policy has been criticized for several reasons. The working capital standard is unnecessarily excessive since the industry is characterized by low amounts of inventory, in contrast to other industries where inventory constitutes a large portion of working capital. The calculation of the one-half average voyage expense standard is a long and tedious calculation not needed for any other purpose. The required annual report contains information duplicative of other required reports. Finally, from an administrative viewpoint, the funds required test has been applied with a greater degree of subjective interpretation than is desirable.

The proposed policy attempted to strike a reasonable balance between two divergent objectives. On one hand, MarAd expects in return for the payment of operating-differential subsidy that operators will retain sufficient capital to replace existing vessels at the end of their economic lives so as to fulfill the mandate of Section 101 of the Act to develop and maintain a U.S. merchant marine composed of the best-equipped, safest, and most suitable types of vessels. On the other hand, we recognize that it would be difficult or impossible to attract new capital to the industry without allowing for an adequate return on investment.

The new policy establishes two sets of criteria under the 40 percent rule and the 100 pecent rule. The 40 percent rule allows companies in good financial condition to pay some dividends while retaining 60 percent of their earnings for reinvestment in the industry. The retention of 60 percent of earnings should be adequate for replacement of existing assets and eliminates the need for meeting the funds required test under this rule. It provides for an adjustment to allow for the variability of yearly earnings associated with shipping company net income by applying the 40 percent against the prior three year pool of earnings, less dividends already paid during that period. The policy reflects the belief that if an operator were to experience a steep decline in earnings, evidenced by two successive loss years, as well as a loss in the immediate year, it should be precluded from paying a dividend.

Briefly, the criteria for eligibility under the 40 percent rule are as follows: If an operator, after payment of a proposed dividend has (1) working capital greater than $1, (2) long-term debt equal to or less than two times net worth, and (3) net worth above floor net worth, it may pay a dividend up to 40 percent of prior years' earnings, less any dividends that were paid in such years, unless there is an operating loss in the fiscal year to the date of proposed payment of dividend, as well as operating losses in the immediately preceding two years. Prior years' earnings means the aggregate income after tax for the three years immediately preceding the year in which the dividend is declared. An operator may include in prior years' earnings estimated net income after tax for the current fiscal year, provided that such amount is based upon actual net income after tax for the first nine months of the current year, and provided further, that if an operator includes estimated current income in its prior years' earnings computation, then it may also include only the immediately preceding two years' income in the prior years' earnings computation.

Briefly, the criteria under the 100 percent rule are as follows: If an operator, after payment of a proposed dividend, has (1) working capital of $1, (2) long-term debt equal to or less than net worth, (3) "funds available" greater than "funds required," and (4) net worth above floor net worth, then it may pay a dividend of up to 100 percent of retained earnings unless there is an operating loss in the fiscal year to the date of proposed payment of dividend, as well as operating losses in the immediately preceding two years.

If an operator cannot meet the requirements of the 100 percent rule, then it may pay dividends under the 40 percent rule. It is intended that the operator may pay dividends under the rule which allows it to pay the larger dividend.

If in any of the years included in the prior years' earnings calculation, dividends were paid under the 100 percent rule, those years' earnings and dividends may be excluded from the prior years' earnings calculation and then only the earnings and dividends associated with the remaining years of the three-year period may be used. This provision enables an operator to pay dividends under the 40 percent rule when in past years it has paid dividends under the 100 percent rule. The 100 percent rule is intended to allow operators in strong financial condition to pay out what they desire so long as they remain in strong financial condition. The 100 percent rule is to be applied against retained earnings without restriction as to earnings in any particular year, except where there has been an extended loss period.

All the comments received in response to the notice of proposed rulemaking were carefully considered and many suggestions were incorporated. It was apparent from the quality of the responses that despite the complexity of the regulation, each respondent understood the thrust of the proposed regulation and also understood our reasons for issuing the proposed regulation as we did. A detailed discussion of the principal comments, by issue and our response follows:

(1) Current Assets—

(a) *Net Unterminated Voyage Revenue*—The proposed policy required a deduction from current assets of net unterminated voyage revenue because

the expenses to be incurred on the voyage were not reflected in current liabilities. Waterman, MorMac, and CASO opposed this provision. Suwannee stated that a provision should be made for those operators who use period accounting instead of voyage accounting. In this case we have agreed with the operators. Since revenue is received before expenses are incurred on a voyage, the operator retains as a current asset revenue that has not yet been earned. This revenue is available as working capital to pay bills as they become due and presumably an operator making consecutive voyages will continually receive revenue for the next voyage, thereby maintaining a positive balance of net unterminated voyage revenue.

(b) *Guaranteed receivables*—The proposed policy permitted the inclusion in working capital of receivables from affiliates if they arise in the ordinary course of business and are no older than 60 days. APL stated that accounts receivable of affiliates should be included in working capital if properly secured. We believe that questions of this kind can be addressed on a case by case basis and, if appropriate, a waiver of the existing requirements can be granted. In the final regulation, we have increased the time limit for affiliate receivables from 60 days to 120 days.

(c) *CCF Accruals*—The proposed policy provided that amounts set aside in a Capital Construction Fund (CCF) are deducted from working capital. CASO and APL stated that 50 percent of the deposits in excess of minimum required deposits should be included in working capital. We have reconsidered our original position on this issue and have modified the final regulation to permit the inclusion in working capital of accrued CCF deposits, to the extent not actually deposited, if the operator has met its prorated CCF minimum deposit schedule. Our decision reflects the fact that until funds are actually deposited, the operator can decide not to accelerate its CCF deposits. Therefore, funds not deposited would be available as working capital.

(2) *Current Liabilities*—The proposed policy provided that current liabilities would be increased by ½ of annual charter hire and other lease obligations (having a term of more than six months) not already shown on the operators' balance sheet. CASO and MorMac disputed the necessity of this requirement. We maintain that such adjustment is necessary to reflect the current portion of such leases on approximately the same basis as the current portion of long-term debt would be reflected on an operator's balance sheet if it owned the vessel instead of leasing it. If these leases are already reflected on an operator's balance sheet, then no increase to current liabilities is required. We have, however, reconsidered the duration of leases to be included, and the final regulation requires inclusion only of charters and leases having terms in excess of 12 months.

APL argued that the current portion of long-term debt should be excluded from current liabilities and reflected in the debt/equity ratio to reflect the ability of operators to borrow long-term funds for use as working capital to comply with the working capital requirement. We disagree with APL on this point and do not want to sanction the practice of too much reliance on long-term capital structure for working capital purposes. We believe that we have taken a major step in reducing the present working capital standard and the further steps proposed by APL are not advisable.

(3) *Long-Term Debt*—As defined in the proposed policy, long-term debt includes, with certain exceptions, guarantees of the debt of any other person. MorMac, CASO and APL argued against this position. In reviewing their arguments, we concluded that these contingent liabilities need not be reflected in the operator's financial statements for the purposes of this policy. Accordingly, this provision has been deleted from the final regulation.

APL argued that a distinction be recognized between senior and subordinated debt. We disagreed and concluded that no distinction was advisable since both levels of debt represent an obligation of the company funds.

All respondents except Suwannee argued that the proposed long-term debt to equity ratios were too restrictive and should be relaxed. However, we believe that the ratios that we proposed are in line with those of most firms listed on the major stock exchanges which are considered to be in good financial condition. Also we believe that these ratios are necessary to protect the Government's exposure on the Title XI debt incurred by the operators.

(4) *Capitalized Lease Obligations*—Where in the proposed policy we referred to "Deferred Lease Hire", we now refer to "Capitalized Lease Obligations" to avoid confusion as to whether the term actually denotes a liability account. The proposed policy provided that capitalized lease obligations were defined as the outstanding long-term portion of lease or charter hire (unless already on the operator's books) relating, to vessels, major equipment or facilities and that the Assistant Secretary shall determine which leases shall be included and the computation of such outstanding long-term portion.

CASO argued against the inclusion of capitalized lease obligations in long-term debt. Suwannee and APL stated that capitalized lease obligations should be calculated as ½ of the aggregate of outstanding lease or charter hire payments. In addition, Suwannee stated that there is no provision for submission of these leases for review by the Assistant Secretary.

We believe that certain operating leases which are now required by accounting standards to be reflected only in footnotes to financial statements must be reflected in the debt/equity ratio to accurately reflect an operator's long-term financial position. With the exact definition of capitalized lease obligations, review of these leases by the Assistant Secretary is not required.

Accordingly, in the final regulation capitalized lease obligations are defined as an amount (excluding amounts already included in long-term debt) equal to the sum of (1) the present value of all capital leases and (2) ½ of minimum rentals of all operating leases required to be reflected in the footnotes to the operator's financial statements with regard to shipping property.

(5) *Floor Net Worth*—The proposed policy provided that the operator's net worth floor would be set at the greater of 90 percent of the operator's existing net worth or 50 percent of the operator's long-term debt at December 31, 1978. All respondents except Suwannee protested inclusion of this provision. Basically, they argued that setting a net worth floor would unfairly discriminate against operators that have accumulated earnings in prior years and have voluntarily forgone dividend payments they might have made. We believe that the net worth floor is needed to provide the operator with a cushion for periods of economic downturn. However, the respondent's point about accumulated earnings is valid. The final regulation provides that an operator's floor net worth requirement may be reduced, with the consent of the Assistant Secretary, by an amount equivalent to amounts an operator was authorized to pay in dividends in the three years prior to the effective date of this amended regulation but chose to retain. The operator shall have the burden of demonstrating the validity of its calculation of the amounts that could have been paid out under the policy prior to the effective date of this amendment to the regulation. The net worth floor shall be the greater of 90

percent of the operator's existing net worth or 50 percent of the operator's long-term debt as of December 31, 1979, reduced where appropriate.

(6) *Prior Years' Earnings Computation*—The prior years' earnings computation was designed to allow operators to pay a stable dividend in the face of a gyrating earnings pattern. The proposed policy excluded extraordinary gains but not extraordinary losses from this calculation. Delta and CASO argued that prior years' earnings should include investment income and other income from whatever source derived. In the final regulation, extraordinary items are being allowed in the prior years' earnings computation, since such extraordinary items (both income and losses) affect the operators' ability to pay dividends.

Delta further argued that an operator is limited by the 40 percent rule retroactively if in one of the prior years included in the prior years' earnings computation it had paid dividends in excess of 40 percent, under the 100 percent rule. We believe this point to be valid. Accordingly, in the final regulation we have provided that if dividends were paid under the 100 percent rule during one or more of the three prior years included in the prior years' earnings computation, then the earnings and dividends attributed to that year or years may be excluded from the prior years' earnings computation.

(7) *Funds Required Calculation*—In the proposed policy the funds required calculation reflected adoption of the previous policy, but it would apply only to dividends under the 100 percent rule. No respondent objected to this provision. However, problems exist with this provision from an administrative viewpoint. Most replacement obligations in the current ODSA's do not state the precise number of vessels required to be constructed. Thus, the operator has a great deal of discretion in determining what its anticipated cost will be for replacement vessels, without the concurrence of the Maritime Administration. Accordingly, the final regulation provides that an operator must submit the basis for the estimate of vessel replacement costs for approval prior to the payment of dividends under the 100 percent rule.

(8) *Application of Policy*—The proposed policy provided that it would be applicable when effective for both new and existing operators. MorMac stated that operators should be allowed to remain under the present policy if they desired. Delta stated that the policy should be applicable only with consent of the operator. CASO stated that the operator should be allowed to elect to remain under the present policy until December 31, 1982. Suwanee stated that the policy should not apply at all to operators with no replacement obligation.

We believe that it would not be advisable to operate with two dividend policies in existence, even for a short period of time. We also believe that we have provided for the problems associated with a transition from the previous policy to the new policy. There is no legal requirement for the consent of operators under an ODSA to an amendment to applicable regulations. The regulation being amended is promulgated under Section 204(b) of the Act, which authorizes the Board to adopt all necessary rules and regulations to carry out the powers, duties and functions vested in it by the Act. Adoption of a new dividend policy is within the scope of the provisions of the ODSA's which provide that the ODSA's are subject to such rules and regulations which have been or which may be from time to time promulgated.

(9) *Reporting Requirements*—The proposed policy provided that operators declaring dividends must immediately submit a report containing information no older than 30 days. Also, even if no dividend is declared, the operator must submit a report within 90 days of the end of each calendar year.

CASO and Suwannee stated that the reporting requirement should be waived if an operator does not declare dividends. CASO and APL stated that they should be allowed to submit data older than 30 days when declaring a dividend.

In consonance with Presidential directives to reduce the reporting requirements of the Federal Government, we have concluded that annual reports will no longer be required of operators that do not declare dividends. However, we believe that a requirement that financial information be no less current than 30 days is appropriate since in evaluating whether to declare a dividend the board of directors of the operator requires current information. We believe that such information must be submitted in order for us to review the allowability of the dividend payment under provisions of the amended regulation.

This revision of Part 283 has been reviewed in accordance with Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), Department of Commerce Administrative Order 218-7, "Issuing Government Regulations" and the Maritime Administration implementing procedures, and a determination has been made that a regulatory analysis is not required.

Accordingly, Part 283 of Title 46, Code of Federal Regulations is revised in its entirety to read as follows:

PART 283—DIVIDEND POLICY FOR OPERATORS RECEIVING OPERATING-DIFFERENTIAL SUBSIDY

Sec.

283.1 Purpose.
283.2 Definitions.
283.3 Dividend Policy Criteria.
283.4 Alternate Standards.
283.5 Notification and Reporting Requirements.

Authority: Section 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1026); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

§ 283.1 Purpose.

(a) The rules of this part establish requirements for the declaration and payment of cash dividends by operators receiving operating-differential subsidy (ODS) under Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 *et seq.*) (Act). This part shall be applicable immediately unless otherwise provided for in the operators' operating-differential subsidy agreement (ODSA).

(b) One of the purposes of the Act is to foster the development and encourage the maintenance of the United States Merchant Marine. Subsidized operators are required to maintain the financial ability to assure adequate and timely reinvestment in the merchant marine. The policy contained herein takes into consideration the operators' contractual obligations to construct and acquire vessels, retire debt obligations secured by ship mortgages and maintain adequate working capital. However, this policy also takes into consideration the operators' need to attract new capital to the industry by paying dividends which are appropriate in light of the operators' earnings and long-range financial position.

§ 283.2 Definitions.

(a) *"Long-Term Debt"* means, as of any date, the total notes, bonds, debentures, equipment obligations and other evidence of indebtedness that would be included in Long-Term Debt in accordance with generally accepted accounting principles, less the balance of escrow fund deposits attributable to the principal of obligations guaranteed pursuant to Title XI of the Act, where deposits are required in accordance with § 298.33. Capitalized Lease Obligations shall be included, but

deferred income taxes shall not be included.

(b) *"Capitalized Lease Obligations"* means, as of any date, an amount (excluding amounts already included in Long-Term Debt) equal to the sum of (1) the present value of all capital leases, as defined and computed in accordance with the Financial Accounting Standards Board Statement No. 13, Accounting for Leases (FASB–13), and (2) ½ of the minimum rentals (less operating components such as insurance, maintenance, property taxes, etc.) of all operating leases, as defined and includable in footnotes to the financial statements in accordance with FASB–13, for shipping property, i.e., vessels, containers, barges, terminals and other similar property.

(c) *"Equity"* (net worth) means, as of any date, the total of paid-in-capital stock, paid-in-capital, retained earnings and all other amounts that would be included in Equity in accordance with generally accepted accounting principles, but adjustable as follows. The net worth shall be reduced to the extent that the net worth computation includes any receivables from an affiliate of the company or any stockholder, director, officer, or employee (or any member of the employee's family) of the company, or of an affiliate of the company, other than (1) reasonable advances to affiliated agents required for the normal operation of the company's vessels, or (2) current receivables arising out of the ordinary course of business, and which are not outstanding for more than 120 days.

(d) *"Floor Net Worth"* means net worth computed as follows: The net worth requirement for existing operators shall be initially set at the greater of 90 percent of the operator's existing net worth or 50 percent of the operator's long-term debt contained in its audited financial statements for the year ended December 31, 1979. A new operator's net worth requirement shall initially be set at the greater of 90 percent of existing net worth or 50 percent of the original long-term debt issued with respect to the operator's vessel(s).

(e) *"Adjusted Floor Net Worth"* means that the floor net worth requirement may be reduced with consent of the Assistant Secretary in an amount equivalent to amounts an operator could have paid in dividends under the previous policy set forth in this regulation prior to amendment in 1980, in the three years prior to the date of effectiveness of this policy, but chose not to pay out in dividends. The floor net worth requirement for both existing operators and new operators shall be further adjusted from time to time as follows: (1) the net worth requirement shall be increased by an amount equal to 50 percent of the original long-term debt to be issued with respect to new vessel construction (with respect to existing operators, new vessel construction contracts executed after December 31, 1979), and (2) the net worth requirements shall be decreased by an amount equal to 50 percent of the original long-term debt issued with respect to vessels which are removed from service or otherwise transferred or sold.

(f) *"Working Capital"* means the difference between current assets and current liabilities, both determined in accordance with generally accepted accounting principles, adjusted as follows:

(1) Current assets shall be reduced with respect to:

(i) Amounts in any Title XI Reserve Fund, pursuant to 46 CFR 298.35(e) or Capital Construction Fund (CCF) Security Amount prescribed by 46 CFR 298.35(f), that is being maintained pursuant to an agreement covering a vessel owned or leased by the company, or in another similar fund required under any other mortgage, indenture or other agreement to which the company is a party;

(ii) Any securities, obligations or evidences of indebtedness of an affiliate of the company or of any stockholder, director, officer or employee (or any member of the family of an employee of the company or of such affiliate), except (a) reasonable advances to affiliated agents required for the normal current operation of the company's vessels, or (b) receivables outstanding for not more than 120 days, arising out of the ordinary course of business.

(2) Current assets shall be increased with respect to CCF accruals (but not actual deposits), if the operator has first met its prorated CCF minimum deposit schedule.

(3) Current liabilities shall be increased by one-half of the annual payment of all charter hire and other lease obligations having a term of more than twelve months, other than charter hire and other lease obligations already included and reported as a current liability on the company's balance sheet.

(4) Current liabilities shall be decreased by amounts on deposit in a CCF which are available for the payment of current liabilities.

(g) *"Prior Years' Earnings"* means the aggregate net income after tax for the three years immediately preceding the year in which the dividend is declared. An operator may include in prior years' earnings estimated net operating income after tax for the current fiscal year if such amount is based upon actual net operating income after tax for the first nine months of the current year. If an operator includes estimated current income in its prior years' earnings computation, it may also include earnings for only the immediately preceding two years, rather than three years, in the computation of prior years' earnings.

(h) *"Funds Available"* shall mean the sum of:

(1) Amounts on deposit in any fund established pursuant to the Act plus accrued deposits, unless already included in working capital, (including interest thereon), less accrued withdrawals from any such fund;

(2) Gross book value, as shown on the operators' books of account, of subsidized vessels and related barges and containers, less accumulated depreciation;

(3) Progress payments made on subsidized vessels and related barges and containers undergoing construction, reconstruction, or reconditioning;

(4) Progress payments made on additional vessels and related barges and containers, if any, which the operator has agreed to construct or acquire pursuant to any contract entered into with the Assistant Secretary or the Maritime Subsidy Board (Board);

(5) Balance of trade-in allowances pursuant to § 510 of the Act;

(6) Capitalized Lease Obligations as defined in § 283.2(b); and

(7) Working capital as defined in § 283.2(f).

(i) "Funds Required" means the sum of:

(1) 25 percent of the total cost to the operator of (i) subsidized vessels under construction, reconstruction or reconditioning, (ii) additional vessels under construction, reconstruction or reconditioning pursuant to any contract entered into between the operator and the Assistant Secretary or the Board, and (iii) barges and containers under construction or under contract to purchase, and to be used as part of the complement of such vessels;

(2) 25 percent of the total cost to the operator, estimated at the time a cash dividend is to be declared, of (i) replacement of subsidized vessels required to be replaced under the current ODSA (which cost must be indicated whether or not the operator anticipates leasing replacement vessels), (ii) additional vessels which the operator has agreed to construct or acquire pursuant to any contract entered into with the Assistant Secretary or the Board, and (iii) barges and containers required as part of the complement of such vessels. In making this

computation, the operator shall obtain the prior written agreement of the Maritime Subsidy Board as to number of replacement vessels, type and commercial characteristics, projected award date of construction contract, projected delivery dates, estimated total cost (current) and method used to determine such cost, intended area of operation, and identity of vessels to be replaced.

(3) Capitalized Lease Obligations as defined in § 283.2(b), excluding that portion of any such amount payable within one year; and

(4) Outstanding indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction or reconstruction of such vessels and related barges and containers.

§ 283.3 Dividend policy criteria.

(a) *In general.* A subsidized operator may pay cash dividends at any time it desires up to the amount set forth in paragraph (b) of this section. Dividends may be paid pursuant to paragraph (c) of this section, as provided therein. The written approval of the Assistant Secretary shall be obtained prior to any declaration of dividends by the operator, if the payment of dividends does not meet the criteria of either paragraphs (b) or (c) of this section. It is intended that dividend payments be permitted under the provisions of either paragraphs (b) or (c), whichever allows payment of the greatest amount of dividends. Nothing in this part shall alter restrictions on the payment of dividends which may affect the operator under any other agreements with the Assistant Secretary.

(b) *40 Percent Dividend Criteria*—If the operator is able to meet the criteria of this paragraph after declaration and payment of the proposed dividend, it may declare a dividend of up to 40 percent of prior years' earnings, less any dividends that were paid in such years, unless there is an operating loss in the fiscal year to the date of proposed payment of dividend, as well as operating losses in the immediately preceding two years. If in any of the years included in the prior years' earnings calculation dividends were paid under the 100 percent rule, those years' earnings and dividends may be excluded from the prior years' earnings calculation, and then only the earnings and dividends associated with the remaining years of the three year period may be used. This provision enables an operator to pay dividends under the 40 percent rule when in past years it has paid dividends under the 100 percent rule. The criteria which must be satisfied are as follows:

(1) *Working Capital*—Working Capital must equal or exceed one dollar.

(2) *Long-term Debt to Equity Ratio*—Long-Term Debt must not exceed two times equity. (The Assistant Secretary may modify this requirement during periods of vessel construction).

(3) *Net Worth Floor*—Net Worth must exceed the adjusted net worth floor as computed in § 283.2.

(c) An operator may declare a dividend in an amount up to 100 percent of retained earnings, unless there is an operating loss in the fiscal year to the date of proposed payment of dividend, as well as operating losses in the immediately preceding two years, if the following criteria are satisfied:

(1) *Working Capital*—Working Capital must equal or exceed one dollar.

(2) *Long-Term Debt to Equity Ratio*—Long-Term debt must not exceed Equity.

(3) *Net Worth Floor*—Net worth must exceed the Adjusted Net Worth floor as computed in § 283.2.

(4) *Funding for Replacement Vessels*—Funds available must exceed Funds Required, and the basis for Funds Required for replacement vessels must receive prior approval, as provided in § 283.2(i) herein.

§ 283.4 Alternate standards.

(a) The Assistant Secretary may waive or modify any of the financial terms or requirements otherwise applicable in Part 283, upon determining that other factors exist which make alternate terms or requirements appropriate. An example of such a situation would involve an operator that (1) has no replacement obligation and (2) has a guarantee of charter hire or other guarantees sufficient to cover capital costs. In such cases, the Government's interest may be sufficiently protected although the operator cannot meet the standard Part 283 requirements. Another example may be to include receivables otherwise excluded if they are properly guaranteed by an acceptable guarantor.

§ 283.5 Notification and reporting requirements.

(a) *Notice*—The operator shall give written notice of a dividend declaration to the Assistant Secretary immediately upon such declaration.

(b) *Reports*—The operator shall submit a report as described below whenever it declares a dividend or applies for approval under § 283.3 to declare a dividend as of the approximate date of such declaration or request. Such statements shall include information no less current than 30 days. If no dividends are declared during the calendar year, the operator is not required to submit a statement.

If the Maritime Administration determines that the operator was, for any reason, not qualified to pay the dividend, then the operator shall, in writing, request the approval of the Assistant Secretary for any subsequent dividend declaration. If such approval is then granted, the operator may follow the requirements of this Part 283 once again. The reports required by this Section shall be prepared in accordance with the definitions set forth in Section 283.2. A separate statement shall be submitted showing the adjustments made to working capital, long-term debt and net worth, and shall conform to the definitions of such items as contained herein. As appropriate, reports shall include the following:

(1) The ratio of debt to equity, floor net worth and prior years' earnings in the format set forth in Schedule A;

(2) The excess of "funds available" over "funds required" in the format as set forth in Schedule B;

(3) Working capital as set forth in Schedule C; and

(4) Other applicable limitations prescribed in any agreements between the operator and the Assistant Secretary affecting the payment of dividends.

(c) *Officials to whom notices and reports are to be directed.* Operators shall submit, in triplicate, all notices, reports and requests prescribed in this part to the Secretary, Maritime Administration, Washington, D.C. 20230, with a copy of such notice or request to the appropriate Maritime Administration Region Director.

BILLING CODE 3510-15-M

Schedule A

Ratio of Debt to Equity, Floor Net Worth, and Prior Years' Earnings

_____, 19__

_____
(Company)

Long-term debt	$_____
Retained earnings	$_____
Equity	$_____
Ratio of Long-Term Debt to Equity	_____
Adjusted Floor Net Worth as computed in accordance with §283.2	$_____
Prior years' earnings as defined in §283.2	$_____

_____
(Signature of Chief Financial Officer or other authorized officer)

Schedule B

Funds Available and Funds Required

_____ _____,19__
(Company)

I. FUNDS AVAILABLE

A. On deposit in statutory funds:

Capital construction fund	$_____	
Construction reserve fund	_____	
Construction and escrow funds	_____	
Plus accrued deposits to funds (or less accrued withdrawals from funds)	_____	$_____

B. Gross book value of vessels and related barges and containers employed in subsidized services:

Subsidized vessels	_____	
Related barges	_____	
Related containers	_____	
Less accumulated depreciation	(_____)	_____

C. Progress payments made on subsidized vessels and related barges and containers undergoing construction, reconstruction or reconditioning _____

D. Progress payments made on additional vessels and related barges and containers agreed to be constructed or acquired _____

E. Balance of trade-in allowances (§510 of the Act) _____

F. Capitalized Lease Obligations as defined in §283.2(b) _____

G. Net Working Capital (from Schedule C) _____

TOTAL FUNDS AVAILABLE $_____

II. FUNDS REQUIRED

A. Cost of current commitments:

1. ODSA vessels under construction or reconstruction:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
_____	$_____	($_____)	$_____

25% of Cost to Operator $_____

2. Additional vessels under construction, reconstruction or reconditioning pursuant to a contract with the Assistant Secretary or the Board:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
_____	$_____	($_____)	$_____

25% of Cost to Operator $_____

3. Barges and containers under construction or contract to purchase:

Number of	Cost to Operator	
Barges_____	$_____	
Containers_____	$_____	$_____

25% of Cost to Operator $_____

B. Estimated cost of additional vessels (whether to be owned or leased):

1. Subsidized vessels to be replaced under ODSA:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
_____	$_____	($_____)	$_____

25% of Cost to Operator $_____

2. Additional vessels agreed to be constructed or acquired:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
_____	$_____	($_____)	$_____

25% of Cost to Operator $_____

3. Additional barges and containers required as the complement of vessels agreed to be constructed or acquired in items B1 and B2 above:

Number of	Cost to Operator	
Barges_____	$_____	
Containers_____	$_____	$_____

25% of Cost to Operator $_____

C. Outstanding indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction, or reconstruction of such vessels and related barges and containers: $_____

D. The present value of Capitalized Lease Obligations as defined in §283.2(b), excluding that portion of any such amount payable within one year:

$_____

TOTAL FUNDS REQUIRED: $_____

III. EXCESS FUNDS (DEFICIENCY OF FUNDS) $_____

_____
(Signature of Chief Financial Officer or other authorized officer)

BILLING CODE 3510-15-C

Schedule C

Determination of Working Capital
(As Defined in 46 CFR 283.2)

_____, 19__

_____
Company

A. CURRENT ASSETS:

Cash and marketable securities	$_____	
Accounts receivable (current)	_____	
Other current assets (specify)	_____	
Total	$_____	
Accrued deposits to CCF, (provided operator has met prorated deposit schedule)	$_____	
Other adjustments (specify)	_____	$_____

B. CURRENT LIABILITIES:

Current liabilities	$_____	
Add one-half annual charter hire (if not included above)	_____	
Less current liabilities for which payment is available from CCF deposits	_____	
Other adjustments (specify)	_____	$ _____

C. WORKING CAPITAL:

Current assets less current liabilities $_____

_____
(Signature of Chief Financial Officer or other authorized officer)

(Section 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1026); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By order of the Maritime Subsidy Board.

Dated: May 28, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-16868 Filed 6-2-80; 8:45 am]

BILLING CODE 3510-15-M

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of Closing.

SUMMARY: This notice is filed pursuant to 50 CFR 230.74(c), which allows the Assistant Administrator of Fisheries of the National Marine Fisheries Service to close the bowhead whaling season when the quota has been reached by those villages.

EFFECTIVE DATE: This notice becomes effective May 29, 1980.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Telephone: (202) 634-7287.

SUPPLEMENTARY INFORMATION: On May 28, 1980, the National Marine Fisheries Service determined that Barrow struck its 16th whale of the 1980 calendar season, bringing the total of entire bowhead whales landed and struck by Alaskan Eskimos for the calendar year 1980 to 15 and 26, respectively. Inasmuch as the quota for calendar year 1980 is 18 landed or 26 struck, whichever occurs first, the 1980 bowhead quota has now been reached.

Pursuant to regulations promulgated at 50 CFR 230.74(c) (45 FR 20486), I am announcing the closure of the bowhead whale fishery for the calendar year 1980. This action is necessary inasmuch as the bowhead quota has reached 15 landed and 26 struck, thus meeting the IWC quota of 18 landed or 26 struck, whichever occurs first.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-16754 Filed 5-29-80; 1:42 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 45, No. 108
Tuesday, June 3, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 352

Reemployment Rights Under Taiwan Relations Act

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: Pursuant to the Taiwan Relations Act, and Executive Order 12143, Maintaining Unofficial Relations with the People in Taiwan, the Office of Personnel Managment is proposing regulations to provide reemployment rights to individuals separated from Federal employment for a specified period of service with the American Institute in Taiwan. These regulations, prepared in consultation with the Department of State, are intended to define the scope of the reemployment rights and to prescribe the conditions under which they may be exercised.

DATE: Comment date: Written comments on both format and content will be considered if received no later than August 4, 1980.

ADDRESS: Send or deliver written comments to Chief, Office of Policy Analysis and Development, Room 6526, Staffing Services, Office of Personnel Management, 1900 E Street, NW, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Maribeth Zankowski, (202) 632–6817.

SUPPLEMENTARY INFORMATION: These regulations will be supplemented by further guidance developed by the Office of Personnel Management and issued through the Federal Personnel Manual System. Coverage under the United States Civil Service Retirement System and continuation of Federal group life insurance and health benefits coverage, while not proper matter for inclusion in these regulations, will also be covered in the FPM guidance. The Department of State is responsible for issuing regulations governing Foreign Service personnel.

Office of Personnel Management
Beverly M. Jones,
Issuance Systems Manager

Accordingly, the Office of Personnel Management is proposing to add Subpart H to Part 352, Title 5, Code of Federal Regulations, to read as follows:

PART 352—REEMPLOYMENT RIGHTS

* * * * *

Subpart H—Reemployment Rights Under the Taiwan Relations Act

Sec.

352.801 Purpose.
352.802 Definitions.
352.803 Basic entitlement to reemployment rights on leaving Federal employment.
352.804 Maximum period of entitlement to reemployment.
352.805 Position to which entitled on reemployment.
352.806 Consideration for promotion.
352.807 Return to Federal employment.
352.808 Appeals.

Authority: 22 U.S.C. 3310, E.O. 12143, 44 FR 37191.

Subpart H—Reemployment Rights Under the Taiwan Relations Act

§ 352.801 Purpose.

This subpart governs reemployment rights authorized by section 11(a)(1) and (2) of the Taiwan Relations Act (Pub. L. 96–8) after service in the American Institute in Taiwan (AIT) under the Act.

§ 352.802 Definitions.

For the purposes of this subpart:
"Act" refers to Taiwan Relations Act

"Act" refers to Taiwan Relations Act (Pub. L. 96–8);
"Competitive area" is the same as defined in § 351.402 of this title;
"Institute" means the American Institute in Taiwan.
"Specified period of service" shall be a period of not more than 6 years;

§ 352.803 Basic entitlement to reemployment rights on leaving Federal employment.

(a) This subpart applies to all executive agencies as defined in section 105 of title 5, United States Code, the U.S. Postal Service, the Postal Rate Commission, and to the employees thereof, and to those positions of the legislative and judicial branches of the Federal Government having positions in the competitive civil service and the employees occupying those positions.

(b) The agency must give employees entitled to reemployment rights under this subpart written notice of these rights at the time of their separation.

(c) *Employees entitled.* The following employees or former employees are granted reemployment rights subject to the conditions of this subpart, if they leave their Federal employment to be employed on the date of incorporation of AIT or within 30 calendar days following separation from their agency by the Institute for a specified period of service.

(1) An employee serving in a competitive position under a career or career-conditional appointment;

(2) A non-temporary excepted service employee; or

(3) An employee serving under a career appointment in the Senior Executive Service.

(4) An employee serving in a career executive assignment under Part 305 of this chapter.

(d) *Employees not entitled.* The following employees are not entitled to reemployment rights under this subpart:

(1) An employee who has received a notice of involuntary separation because of reduction in force, or other cause, not directly related to employment with the Institute under the Act;

(2) an employee whose resignation has been accepted for reasons other than to accept employment with the Institute under this subpart; or

(3) An employee serving under a Schedule C excepted appointment.

(4) An employee serving in a limited executive assignment or a noncareer executive assignment under Part 305 of this chapter.

(5) An employee serving under a noncareer, limited emergency, or limited term appointment in the Senior Executive Service.

§ 352.804 Maximum period of entitlement to reemployment.

Entitlement to reemployment terminates at the end of 6 years and 30 days, following the date employment commences in the Institute unless exercised or otherwise terminated before that time as provided in this subpart.

§ 352.805 Position to which entitled on reemployment.

(a) *Basic position entitlement.* (1) On reemployment, an employee is entitled to be appointed to a position in the employee's former or successor agency in the following order:

(i) To the position last held in the former agency:

(A) If that position has been identified for transfer to a different agency, reemployment rights must be exercised with the gaining agency,

(B) If that position has been reclassified, the employee should be placed in the reclassified position;

(ii) A position in the same competitive level; or

(iii) Another position for which otherwise qualified at the same grade or level and in the same competitive area.

(2) *The employing agency determines under paragraph (a)(1) of this section the position to which the employee is entitled.* Reduction-in-force procedures shall be applied when necessary in determining the position to which the employee has a right. In applying reduction-in-force procedures, the applicant shall be considered an employee of the agency.

(3) *Extending the area.* Responsibility for reemploying an applicant is agencywide. If the applicant is not placed under paragraph (a)(1) of this section, the agency must extend reemployment rights, based on the employee's availability, for assignment outside the competitive area. The employee is entitled to a position, for which qualified and eligible, at the same grade or level as the position last held in the agency. Where necessary, reduction-in-force procedures shall be applied in determining the position to which the employee has a right. The applicant shall be considered an employee for the purpose of applying the reduction-in-force procedures.

(b) *Employee option.* Before the competitive area is extended under paragraph (a)(3) of this section, an employee who cannot be placed under paragraph (a)(1) of this section in the same competitive area at the grade or level as the position last held is entitled, if the employee elects to reemployment in a position at a lower grade or level identified under the same conditions and procedures as paragraph (a)(1) of this section.

(c) *Agency option.* At any stage in the process, the agency has the option to satisfy the employee's right to reemployment by offering a vacant position which, under reduction-in-force regulations, is in accord with the employee's rights. Also, with the employee's consent, right to reemployment can be met by placement in a vacant position, for which the employee is qualified according to agency determination, and available, outside the organizational or geographic area of entitlement, either at the appropriate grade or at a grade other than the one to which entitled.

(d) *Basic position entitlement in the Senior Executive Service.* (1) On reemployment, an employee (who meets the requirements to Section 803(c)(3)) is entitled to be given a career appointment in the Senior Executive Service in the employee's former or successor agency.

(2) The employee may be assigned to any position in the Senior Executive Service for which he/she meets the qualifications requirements.

(3) The employee may elect to accept reemployment in a position outside the Senior Executive Service. Such placement would be subject to the provisions of §§ 352.805(b) and 352.805(c).

§ 352.806 Return to Federal employment.

(a) *Conditions.* Reemployment rights may be exercised only under the following conditions. The employees must apply in writing to their former or successor agency:

(1) No less than 30 calendar days before completion of the specified period of service with the Institute; or

(2) No more than 30 calendar days after involuntary separation from the Institute; or

(3) No more than 30 calendar days after separation based on personal hardship or other special circumstances with the consent of Institute and former employing agency.

(b) An agency must act on the former employee's request for reemployment within 30 calendar days of receipt thereof. The agency must provide the employee with a written notice stating the agency's decision whether to reemploy and the position being offered, if the employee is to be reemployed.

(c) *Termination of reemployment rights.* A former employee's entitlement to reemployment terminates for:

(1) Failure to apply, except for good cause shown, for reemployment within the time limits stated in paragraph (a) of this section;

(2) Resignation from the Institute without the consent of the Institute or the former employing agency; or

(3) Failure to accept, within 15 workdays of receipt thereof, an offer of reemployment under § 352.803 which is determined by the employing agency or by Merit Systems Protection Board (MSPB) on appeal to be a proper offer of reemployment.

§ 352.807 Appeals.

(a) *Right of appeal.* If an employee considers that he/she has been improperly denied reemployment to which the employee considers he/she is entitled under this subpart, the employee may appeal to the MSPB.

(b) *Time limit on appeals.* An appeal under this section must be submitted within 20 calendar days of denial of reemployment rights. The MSPB may extend this time limit on a showing by an employee that circumstances beyond the employee's control prevented him/her from filing an appeal on a timely basis.

(c) *Finality of MSPB decision.* The MSPB shall make the final decision on an employee's reemployment rights under this subpart.

(22 U.S.C. 3310, E.O. 12143)

[FR Doc. 80-16805 Filed 6-2-80; 8:45 am]

BILLING CODE: 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 760

Beekeeper Indemnity Payment Program (1978-81)

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Stabilization and Conservation Service proposes that a basis for the payment of claims filed after June 15, 1979, under the Beekeeper Indemnity Payment Program be established. This action is taken because sufficient funds have not been appropriated to pay in full all claims filed after June 15, 1979. This notice invites comments on the proposed rule.

DATES: Comments must be received on or before July 18, 1980.

ADDRESS: Send comments to Director, Emergency and Indemnity Programs Division, ASCS, USDA, P.O. Box 2415, Room 4095 South Building, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert Cook, Emergency and Indemnity Programs Division, ASCS, USDA, 4702 South Building, Washington, D.C. 20013, (202) 447-7997.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Act of 1977, 91 Stat. 921, 7 U.S.C. 284, extended the authority of the Secretary to conduct the Beekeeper Indemnity Payment Program through September 30, 1981. On July 14, 1978, the Department published final regulations (43 FR 3026) to govern the conduct of the program through September 30, 1981. It is not mandatory that the program be conducted.

The proposed 1980 budget for the Department of Agriculture contained no funding for the Beekeeper Indemnity Payment Program. On June 15, 1979, the

Beekeeper Indemnity Payment Program Regulations were amended to provide that the payment of claims filed after that date would be conditioned upon the availability of funds. Claims for 1978 losses, approved for approximately $2.0 million, were unpaid because of the lack of funds. The Agriculture Appropriations Act for Fiscal Year 1980 authorized $2.89 million for the Beekeeper Indemnity Payment Program. Approximately $2.0 million of that amount was used to pay approved claims for 1978 losses which had not been paid. Approximately $40,000 was expended to pay claims filed prior to June 15, 1979. The remaining balance of approximately $900,000 is not enough to pay the remainder of claims filed after June 15, 1979 which are estimated to total $4.5 million. It is proposed to pay the remaining claims on the basis of earliest filing date. However, consideration could also be given to other methods, such as, using available funds to pay claims on a pro rata basis. Comments are solicited on this proposal or on any alternative proposals for payment of such claims.

The public is invited to submit written comments regarding the proposed rule to the Director, Emergency and Indemnity Programs Division, ASCS, USDA, Room 4095, South Building, Washington, D.C. 20013. Persons submitting comments should include their name and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095, South Building, USDA, during regular business hours.

This proposal is being published under emergency procedures as authorized by Executive Order 12044 and Secretary's Memorandum 1955, without a full 60-day comment period. I have determined that an emergency situation exists which warrants the expediting of payments to beekeepers to compensate them for losses. Accordingly, a comment period of less than 60 days is warranted and public comments must be received by July 18, 1980 in order to be assured of consideration.

Proposed Rule

The Department proposes to amend 7 CFR 760.119 to read as follows:

§ 760.119 Availability of funds.

Payment of indemnity claims filed after June 15, 1979, is contingent upon availability of funds to the Department to pay such claims. To the extent that funds are available, claims filed after such date will be paid on the basis of earliest filing date.

Note.—This change in regulations has been determined not to be significant under the USDA criteria implementing Executive Order 12044 "Improving Government Regulations." An approved impact analysis which includes options on methods to be used in payment of claims is available from the Emergency and Indemnity Programs Division, Room 4095, South Building, ASCS, USDA, Washington, D.C. 20013.

Signed at Washington, D.C. on May 23, 1980.

John W. Goodwin,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 80-16759 Filed 6-2-80: 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Proposed REA Bulletin 345-84, REA Specification for Expanded Dielectric Coaxial Cable

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue a new REA Bulletin 345-84 to present PE-84, REA Specification for Expanded Dielectric Coaxial Cable. With REA's assumption of responsibility for a program to expand rural CATV, it becomes necessary to develop minimum acceptable performance criteria for products such as this cable to be purchased with loan funds. Issuance of PE-84 should assure that coaxial cables purchased for the systems of REA borrowers are suitable for their intended purpose.

DATE: Public comments must be received by REA no later than August 4, 1980.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing it is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA proposes to issue REA Bulletin 345-84, REA Specification for Expanded Dielectric Coaxial Cable, PE-84. This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 to implement Executive Order No. 12044 and has been classified not significant.

Copies of the draft bulletin are available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: May 27, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 80-16596 Filed 6-2-80: 8:45 am]

BILLING CODE 3410-25-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Small Business Loan Policy Proposed Amendment to Part 120, SBA Rules and Regulations

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration is proposing an amendment to its loan policy to require that a standard method of interest computation be utilized on all loans in which the Agency participates on an immediate or guarantee basis. The revision is designed to enhance communication among lending institutions, borrowers and SBA. Use of a common interest basis will simplify loan audit and allow for reduced timeframes in purchased transactions.

DATE: Written comments are to be submitted on or before August 4, 1980.

ADDRESS: Send all comments to: John E. Lagos, Accounting Operations Division, Small Business Administration, 1441 L Street, N.W., Room 400, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: John E. Lagos, Telephone (202) 653-6506.

SUPPLEMENTARY INFORMATION: The policy of this Agency has been to allow financial institutions to use any method of interest calculation legally acceptable in their local on participating loans during the period they serviced such loans. The policy has not allowed us to achieve efficiencies that would be possible with a standardized method. A standardized interest method would allow for an automated auditing process, or at least a simplified manual calculating. Communication between participants and the Agency would be

enhanced through the use of a common interest calculation basis, and processing of guaranty purchases would be expedited as audit time would be reduced.

The degree of success of our secondary market could well depend on the adoption of a standardized interest computation basis. Increased complexities attendant to the responsibilities imposed on the designated Fiscal Transfer Agent (FTA) require effective interest computation information communication between the three parties responsible for applications on the loan accounts. The FTA is required to furnish statements of account as well as transaction information and must maintain the holders' accounts. Brokers look to FTA in determining cash flow information prior and subsequent to purchase of guaranteed interest on loans. Lenders occasionally make mistakes in application of payments. In such instances, the FTA must contact the financial organization for application data, request adjustment, etc. This delays remittances to holders and violates timely remittance requirements of agreements. Our FTA strongly supports standardization of interest computation to afford greater effectiveness and efficiency in operation.

Pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), Section 120.3(b)(2)(ii) of 13 CFR is proposed to be amended as follows:

§ 120.3 [Amended]

(b) * * *

(2) * * *

(ii) Subject to approval of SBA, a participating lending institution may establish such rate of interest on guaranteed loans, and on its share of immediate participation loans, as may be legal and reasonable, subject to the maximum acceptable interest rate under subdivision (iv) of this subparagraph hereof. Computation of interest shall be on a 360-day year basis, each month considered as 30 days. Principal times annual interest rate times number of days principal is outstanding from last payment or disbursement on file divided by 360 will give the interest for that payment. Interest is subtracted from the repayment and the balance is applied to reduce the principal.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-16870 Filed 6-2-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

Labeling Requirements for Patient Labeling for Progestational Drug Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the new drug regulation that requires patient labeling for progestational drug products to exempt oral dosage forms that are labeled solely for the treatment of advanced cancer. This action is taken in response to a petition form a drug manufacturer.

DATE: Comments must be submitted on or before August 4, 1980.

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

FOR FURTHER INFORMATION CONTACT: Steven Unger, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD. 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION:

In the Federal Register of October 13, 1978 (43 FR 47178), the Food and Drug Administration (FDA) published a final regulation (21 CFR 310.516) to require patient labeling for progestational drug products. The regulation was prompted by reports linking sex hormones (including progestagens) with an increased risk of malformations in children exposed in utero to the hormones. The regulation is intended to ensure the safe and effective use of progestational drugs by providing consumers with written information about the risks associated with their use during the early stages of pregnancy.

The regulation not only specifies the kind of information and warnings to be included in the patient labeling, but also states how the labeling is to be made available to the patient. In general, the regulation requires that whenever a progestational drug product is either administered or dispensed, the patient must be provided with the patient labeling. For injectable drug products, however, the requirement is somewhat different: the regulation requires that each package of injectable drug products bear "instructions to the practioner administering the drug to give one patient-labeling piece to each premenopausal woman, except those in whom childbearing is impossible, receiving the drug" (21 CFR 310.516(e)(3)). The effect of this provision is to confine the applicability of the regulation for injectable drug products to those women in whom childbearing is possible, and to avoid application of the regulation to that part of the patient population for whom the information contained in the labeling would be of no relevance, that is, women not able to bear children. The current regulation, howevever, does not have a similar limit for noninjectable dosage forms. Thus, when a noninjectable drug product is dispensed or administered, the regulation requires that the patient be provided with patient labeling, regardless of the patient's ability to bear children.

The agency has received a petition form Mead Johnson and Company, a manufacturer of a progestational drug product, asking that the regulation be amended to exclude from the patient labeling distribution requirements progestational products labeled solely for the treatment of malignant disease. The petition suggests that exempting from the labeling requirement progestational drugs administered to women in whom childbearing is not possible takes "into account" the use of particular injectable progestational drug products as palliatives in the treatment of advanced cancers. The petition suggests that if this rationale is used to justify special treatment of the injectable dosage forms, the same logic should be applied to oral dosage forms, the same logic should be applied to oral dosage forms that are labeled solely for malignant disease.

The petition contends that "it is unnecessarily cruel to inform a woman of childbearing potential under treatment for advanced carcinoma * * * by the impersonal instrument of a patient package insert that the fetus she may be carrying may be damaged by the drug she is taking for her own survival." The petition argues that when progestational drug products are prescribed for conditions as serious as cancer, "it is morally clear and ethically essential that information about the drug be communicated directly to the patient by her physician in a carefully tailored counseling session in which the patient's interest is of primary concern." On the basis of these observations, Mead Johnson asks that the progestational drug product patient-labeling regulation not require the distribution of progestational drug product patient labeling to patients receiving a progestational drug product labeled solely for treatment of malignant

disease. A copy of the petition has been placed on file in the office of the Hearing Clerk, FDA.

The agency has carefully considered the petition and has tentatively concluded that the patient-labeling final regulation for progestational drug products should be amended to exempt oral dosage forms labeled solely for treatment of advanced cancer. This tentative conclusion is based on the agency's view that the information in progestational patient labeling is not relevant to the concerns of the patient population that is treated for advanced cancer with these drug products. Both the patient-labeling regulation and the guideline patient-labeling text (drafted to meet the requirements of the regulation) were designed to address the needs of women with childbearing potential; both the regulation and guideline deal exclusively with the risks of in utero exposure to progestational agents. However, the agency notes that most patients with advanced cancer of the breast or endometrium are postmenopausal and therefore unable to bear children. Moreover, women who are premenopausal will likely have been sterilized before being treated with progestational drug products. In these cases, furthermore, the administration of large doses of progestagens will suppress the pituitary and act as a contraceptive. It is therefore unlikely that there exists a patient population of premenopausal women with advanced cancer, being treated with oral progestational agents, who are fertile. Under these circumstances a regulation to require the preparation and distribution of patient labeling for these products indicated solely for treatment of advanced cancer appears unjustified.

If in the rulemaking it becomes apparent that there is a significant patient population who receive oral progestational drug products for the treatment of advanced cancer, and who are able to bear children (and would therefore be appropriate recipients of the progestational patient labeling), the agency will reconsider this proposal.

The agency proposes that the final rule based on this proposal be effective 60 days after the final rule is published in the **Federal Register**. On and after that date oral dosage forms of progestational drug products whose approved labeling is limited to treatment of advanced cancer would no longer have to be shipped or dispensed with patient labeling.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979, 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Accordingly, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502(a), 503(a), 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352(a), 353(a), 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 310 be amended in § 310.516 by revising paragraph (e)(4) and redesignating it as (e)(5) and adding new paragraph (e)(4), to read as follows:

§ 310.516 Progestational drug products; labeling directed to the patient.

* * * * *

(e) * * *

(4) This section does not apply to oral dosage forms labeled solely for the treatment of advanced cancer.

(5) Any progrestational drug product, except as noted in paragraph (d) and (e)(4) of this section, that is not labeled as required by this section and is either introduced or delivered for introduction into interstate commerce, or held for sale after shipment in interstate commerce, is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act. However, a progestational drug product in the possession of a wholesaler or retailer before December 12, 1978, is not misbranded if adequate numbers of copies of the patient labeling are furnished to the wholesaler or retailer to permit any retail purchaser after that date to obtain such labeling with the product. The requirement that any progestational drug product be dispensed with patient labeling, as applied to physicians who dispense or administer the drug, will not be effective for supplies in their possession on the effective date, but will apply only to supplies received thereafter.

* * * * *

Interested persons may, on or before August 4, 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. A copy of the regulatory analysis assessment supporting this determination is on file with the Hearing Clerk, Food and Drug Administration.

Dated: May 27, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-16729 Filed 6-2-80; 8:45 am]

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DEPARTMENT OF STATE

22 CFR Parts 6, 6a, and 171

[Document No. SD–154]

Regulations Concerning the Freedom of Information and Privacy Acts

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to revise its regulations on the Freedom of Information Act, (as amended), and the Privacy Act, and add new regulations covering the access provisions of the Ethics in Government Act, Pub. L. 95–521, and Executive Order 12065. The proposed revisions and amendments incorporate the substance of the regulations on the Freedom of Information Act (22 CFR Part 6) and the Privacy Act (22 CFR Part 6a). The proposed regulations serve as a single unified source for the Department's policies and procedures regarding public access to official information and records.

DATE: Written comments must be received by July 14, 1980.

ADDRESS: Comments should be addressed to Mr. Frank M. Machak, Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Frank M. Machak, (202) 632–3411.

SUPPLEMENTARY INFORMATION: Increased significance has beem attached to openness in Government by the Administration and the Congress, as well as greater interest focused on access to official records by members of the general public and the news media. The proposed regulations reflect the Department's renewed commitment to its responsibility in this area by providing a single authoritative source for the rules and procedures governing

access to information under the Freedom of Information Act, as amended (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), Executive Order 12065, and the Ethics in Government Act (Pub. L. 95–521). These regulations, as well as the Departmental reorganization which led to their formulation, are designed to assist the public by clarifying and facilitating the processing of all types of requests for Department of State records.

The revisions and amendments to the proposed Freedom of Information Act and Privacy Act rules incorporate the substance of 22 CFR Part 6 and 22 CFR Part 6a, respectively, which will be superseded upon the adoption of these proposed regulations.

The new rules pertaining to Executive Order 12065 govern access to records covered by that Order and supplement the Interagency Classification Review Committee Directive (32 CFR Chapter XX) and the Department's Security Information Regulations (22 CFR Part 9).

The new proposed rules pertaining to the Ethics in Government Act govern access to Financial Disclosure Reports for Executive Branch Personnel pursuant to Section 205 of that Act.

It is proposed to amend 22 CFR as follows:

1. Part 6, Freedom of Information Policy and Procedures (§§ 6.1—6.16) is revoked.

2. Part 6a, Privacy Act Policies and Procedures (§§ 6a.1—6a.11) is revoked.

3. A new Part 171 is added to read as set forth below.

SUBCHAPTER R—ACCESS TO INFORMATION

PART 171—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

Subpart A—General Policy and Provisions

Sec.
171.1 Availability of information.
171.2 Requests for information.
171.3 Public reading room.
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Subpart B—Freedom of Information Provisions

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171.20 Definitions.
171.21 Identifying information.
171.22 Access to records.
171.23 Determination in disputed cases.
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171.30 Definitions.
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171.33 Time limits.
171.34 Access to records.
171.35 Requests for amending records.

Subpart E—Ethics in Government Provisions

171.40 Covered employees.
171.41 Identifying information.
171.42 Time limits.
171.43 Access to, and use of, reports.

Subpart F—Denial Procedures

171.50 Denials of access or of amendment.

Subpart G—Appeals Procedures

171.60 Appeal of denial of access to records.
171.61 Appeal of refusal to amend records.

Subpart H—Other Agency Material

171.70 Referral.
171.71 Concurrence.

Authority: Section 3 of the Administrative Procedure Act, as amended (Pub. L. 89–478, 80 Stat. 250); the Freedom of Information Act, as amended (5 U.S.C. 552); the Privacy Act (5 U.S.C. 552a); Executive Order 12065; and the Ethics in Government Act of 1978 (Pub. L. 95–521).

Subpart A—General Policy and Procedures

§ 171.1 Availability of information.

(a) Unclassified information, documents, and forms which have previously been provided to the public as part of the normal services of the Department of State will continue to be made available on the same basis as before. Any Departmental officer who receives a request for records through normal channels of contact with the public, media, or the Congress which would not normally be made available shall advise the requester that the request will be referred to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, for processing under the appropriate statute or executive order as provided in these regulations.

(b) All identifiable records of the Department of State shall be made available to the public upon compliance with the procedures established in this Subchapter, except to the extent that a determination is made to withhold a record in accordance with an appropriate exemption as provided herein.

§ 171.2 Requests for information.

(a) Requests for identifiable records in accordance with this subchapter may be made by the public in person during regular business hours from the Department of State, 2201 C Street, N.W., Washington, D.C. where the receptionist will refer the requester to the proper office for service and the necessary forms for making a request.

(b) Requests by mail and referrals from other agencies should be addressed to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, Washington, D.C. 20520, who will coordinate action as specified in this request. In addition, requests may be directed to the Department's field offices and overseas posts; routine, unclassified, administrative records may be released to the individual if it is determined that such release is authorized. Any unfilled request shall be submitted to the Information and Privacy Coordinator. Individuals are urged to clearly indicate on their requests the statute under which they are requesting access to information; this notation will facilitate the processing of the request by the Department.

(c) While every effort is made to guarantee the greatest possible access to all requesters, regardless of the specific statute under which the information is requested, the following guidance is provided for individuals in requesting records:

(1) Freedom of Information Act. Requests for documents concerning the general activities of government and of the Department of State in particular (see Subpart B).

(2) E. O. 12065. Requests for mandatory review and declassification of Department records and requests for access by former Presidential appointees (see Subpart C).

(3) Privacy Act. Requests from U.S. citizens or resident aliens for records pertaining to themselves and maintained by the Department under the individual's name (see Subpart D).

(4) Ethics in Government Act. Requests for the financial Disclosure Statements of Department Employees covered by this Act (see Subpart E).

(d) The burden of adequately identifying the record so requested lies with the requester. Individuals may seek assistance regarding any facet of their requests from the Information and Privacy Coordinator.

§ 171.3 Public reading room.

A public reading room or area where records may be made available is located in the Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The receptionist will refer the applicant to the proper room. All those statutes, regulations, and guidelines pertaining to access to information required to be

made available to the public shall be located in the reading room. Fees will not be charged for access by the public to this room or the indexes and regulations contained therein, but fees, in accordance with § 171.6, will be charged for furnishing copies thereof. Persons desiring to utilize their own portable copying equipment should request approval in advance from the Information and Privacy Coordinator. Any arrangements for the use of such equipment must be consistent with security regulations of the Department of State and are subject to the availability of personnel to monitor such copying.

§ 171.4 Extension of time limits.

While every effort is made to meet the time limits cited in each section of this Subchapter, unusual circumstances may arise which would necessitate the extension of these time limits. Extensions shall be granted in those instances where it is necessary, in order to guarantee proper processing of the request, to:

(a) Search for an collect the requested records from overseas posts or other establishments that are separate from the office processing the request;

(b) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(c) Consult with another agency having a substantial interest in the determination of the request or among two or more components of the Department of State having substantial subject matter interest therein. Such consultation shall be conducted with all practicable speed. In such instances the requester shall be given written notification by the Information and Privacy Coordinator of the extension of the time limit and the reason for such extension.

§ 171.5 Archival records.

The Department ordinarily transfers custody of records as soon as practicable after they become twenty (20) years old to the National Archives and Records Service. These records are generally transferred in large blocks defined by years and/or major subject categories. Correspondence regarding access to these records should be addressed to the Chief, Diplomatic Branch, Civil Records Divisions, National Archives and Record Service, Washington, D.C. 20400.

§ 171.6 Fees-general.

(a) The Department will charge a fee of $.10 per page for copies of documents which are identified by an individual and reporduced at the individual's request for retention, except that there will be no charge for requests involving costs of $1.00 or less.

(b) Remittances shall be in the form of either a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittance shall be made payable to the order of the Treasurer of the United States and delivered or mailed to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The Department will assume no responsibility for cash sent by mail.

(c) A receipt for fees paid will be given only upon request.

(d) See section 171.13 for additional fees chargeable for Freedom of Information requests.

Subpart B—Freedom of Information Provisions

§ 171.10 Definitions.

As used in this Subpart, the following definitions shall apply:

(a) The term "identifiable" means, in the context of a request for a record, a description which enables a professional employee of the Department who is familiar with the subject area of the request to locate the record with a reasonable amount of effort. Such a description, if possible, should include date, format, subject matter, country concerned, office of mission originating or receiving the record, and the name of any person to whom the record is known to relate.

(b) The term "record" includes all books, papers, maps, photographs, or other documentary material, or copies thereof, regardless of physical form or characteristics, made in or receiving by the Department of State (including Foreign Service posts abroad) and preserved as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Department or the Foreign Service. It does not inlcude copies of the records of other Government agencies (except those which have been expressly placed under the control of the Department of State upon termination of another agency), foreign government, international organizations, or non-governmental entities unless they evidence organization, functions, policies, decisions, procedures, operations, or activities of the Department of State. It does not include records not already in existence which would need to be created specifically to meet a request. It does not include records in the Berlin Document Center.

(c) The term "agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

§ 171.11 Exemptions.

(a) The following categories of records maintained by the Department of State may be exempted from disclosure:

(1) Records specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such executive order.

(2) Records related solely to the internal personnel rules and practices of an agency.

(3) Records specifically exempted from disclosure by statute. Included in this category are records relating to the officers and employees of the Foreign Service, including efficiency records (Sec. 612 of the Foreign Service Act of 1946, as amended, 22 U.S.C. 986), the records of the Department of State or of diplomatic and consular officers of the United States pertaining to the issuance or refusal of visas or permits to enter the United States (Sec. 222(f), of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1202(f)), "Restricted Data" under section 224 of the Atomic Energy Act (42 U.S.C. 2274), records of expenditures certified under 22 U.S.C. 2671 and 31 U.S.C. 107, and records subject to section 102(d) of the National Security Act of 1947 (61 Stat. 498).

(4) Records of trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Records which are inter-agency or intra-agency memorandums, letters, telegrams, or airgrams which would not be available by law to a party other than an agency in litigation with the agency.

(6) Records such as personnel and medical files and similar files the public 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 that the production of such records would: (i) Interfere with enforcement proceedings; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of a

confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (v) disclose investigative techniques and procedures; or (vi) endanger the life or physical safety of law enforcement personnel.

(8) Records contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Geological or geophysical information and data, including maps, concerning wells.

(b) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under paragraph (a) of this section. Normally a portion of a record shall be considered reasonably segregable when segregation can produce an intelligible record which is not distorted out of context and does not contradict the record being withheld.

§ 171.12 Time limits.

Whenever possible, the Department will furnish the requested records within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request by the Information and Privacy Coordinator, except as cited in § 171.4 of this subchapter.

§ 171.13 Fees.

(a) In addition to fees cited in § 171.6, the following specific fees shall be applicable with respect to services rendered to members of the public under this Subpart:

(1) Search for records, per hour or fraction thereof after the first hour: (i) Professional, $12.00; (ii) Clerical, $7.00.

(2) Certification of each record as a true copy, $1.00.

(3) Certification of each record as a true copy under official seal, $3.00.

(4) Duplication of architectural photographs and drawings, $2.00.

(5) Computerized records:

(i) When there is an existing print-out from the computer which permits copying the print-out, the material will be made available at 10¢ per page.

(ii) When there is not an existing print-out of information disclosable under the Freedom of Information Act, a print-out shall be made provided the applicant pays the costs to the Department as hereinafter stated.

(iii) When the record is maintained in the computerized Central Foreign Policy Records, fees, including research personnel and computer service time, shall be $13.50 per half hour.

(iv) Where another system is involved, the computer service charge shall be based upon the particular types of computer and associated equipment and the amounts of time such pieces of equipment are actually utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of computers based upon the prevailing levels of costs to Government organizaions and upon the type and amount of such supplies and materials that are used.

(v) When there is not an existing computer program to generate the information requested, fees shall include the cost of such programming in addition to those outlined in paragraph (a) (5) (iii) and (iv) of this section. It should be noted that the Freedom of Information Act does not require the creation of records and in view of the heavy workloads of the computers used by the Department, such a service cannot ordinarily be offered to the public.

(6) If records requested under this Subpart are stored elsewhere than the headquarters of the Department of State at 2201 C Street, NW, Washington, D.C., the special costs of returning such records to the headquarters shall be included in the search costs. These costs will be computed at the actual cost of transportation of either a person or the requested record between the place where the record is stored and Department headquarters when, for time or other reasons, it is not feasible to rely on Government mail service or diplomatic pouch.

(7) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Information and Privacy Coordinator is authorized to establish an appropriate fee, pursuant to the criteria established in Office of Management and Budget Circular No. A–25, entitled "User Charges."

(b) Fees must be paid in full prior to release of requested documents.

(c) Where it is anticipated that the fees chargeable under this Subpart will amount to more than $50 and the requester has not indicated in advance her/his willingness to pay fees as high as an anticipated, the requester shall be promptly notified of the amount of the anticipated fees or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Departmental personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Department until a reply is received from the requester.

(d) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Department determines that a record which has been requested, but which is exempt from disclosure under this Subpart, is to be withheld.

(e) Waiver or reduction of any fee provided for in this Subpart may be made upon a determination by the Chief of the Information Access Branch. The Department may waive or reduce fees in the following instances:

(1) When the search and copying fees total less than $25.

(2) When the records are requested by a State or local government, an intergovernmental agency, a foreign government, a public international organization, or an agency thereof, and the records are for purposes that are in the public interest and will promote the objectives of the act and of the Department.

(3) When it is determined, upon petition submitted by the requester, that waiver or reduction of the fee is in the public interest because furnishing the information in the records requested can be considered as primarily benefiting the general public. Any such petition shall specify the intended purpose to which the requested records will be put, and any other relevant factors in order to show how the information can be expected to benefit a large section of society, and not primarily, one special interest group, however prominent. A fee waiver will not be granted if the requester is to benefit financially, directly or indirectly, from the disclosure of the record.

(4) When it is determined, based upon a petition therefor, that the requester is indigent, that the request for records has a strong public interest justification, and that agency resources permit a waiver of fee. A person is deemed to be indigent if she/he does not have income or resources sufficient to pay the fees involved.

(5) When the release of records is necessary to the requester to obtain financial benefits to which she/he is entitled by law.

(6) When the record is requested for compelling circumstances affecting the health or safety of an individual.

(7) When the requested records are ordered to be produced in a court of competent jurisdiction.

The Department will not generally waive the cost for reproduction of those documents which the requester wishes to retain, except as provided under paragrph (1) of this section.

The Department will not waive fees for requesters (persons or organizations) from whom unpaid fees remain due to the Department for another information access request.

(f)(1) The Department's decision to refuse to waive or reduce fees as requested under paragraph (e) of this section may be appealed to the Information and Privacy Coordinator, Room 1239, Department of State, 2201 C Street, NW, Washington, D.C. 20520. Appeals should contain as much information and documentation as possible to support the request for a waiver or reduction of fees.

(2) Appeals will be reviewed by the Information and Privacy Coordinator who may consult with other officials of the Department, as appropriate. The requester will be notified within thirty working days from the date on which the Department received the appeal.

Subpart C—Executive Order 12065 provisions

§ 171.20 Definitions.

As used in this Subpart, the following definitions shall apply:

(a) The term "agency" means federal agency including department, agency, commission, etc., as defined in 5 U.S.C. 552(e).

(b) The term "classification" refers to the determination that certain information requires protection against unauthorized disclosure in the interest of national security, coupled with the designation of the level of classification: Top Secret, Secret or Confidential.

(c) The term "classification authority" means the authority vested in an official of an agency to orginally classify information or material which is determined by that official to require protection against unauthorized disclosure in the interest of national security. It is also the authority to prolong classification.

(d) The term "classified information" means information or material, herein collectively termed information, that is owned by, produced for or by, or under the control of the United States Government, and that has been determined pursuant to Executive Order 12065, prior orders, or other orders or statutes, to require protection against unauthorized disclosure, coupled with the designation of the level of classification.

(e) The term "declassification" refers to the determination that particular classified information no longer requires protection against unauthorized disclosure in the interest of national secrurity. Such determination shall be by specific action or automatically after the lapse of a requisite period of time or the occurrence of a specified event. If such determination is by specific action, the material shall be so marked with the new designation.

(f) The term "document" has the meaning of "record" as set forth in § 171.10(b).

(g) The term "foreign government information" is: (1) Information provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence, or (2) Information, requiring confidentiality, produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments. A written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record of the joint arrrangement.

(h) The term "Presidential appointees" includes former officials of the Department of State or other U.S. Government agencies who held policy positions and were appointed by the President, by and with the advice and consent of the Senate, at the level of Ambassador, Assistant Secretary of State, or above. It does not include Foreign Service Officers as a class or persons who merely received assignment commissions as Foreign Service Officers, Foreign Service Reserve Officers, Foreign Service Staff Officers and employees.

§ 171.21 Identifying information.

For the request to be processed, it must describe the material sufficiently to enable a professional employee of the Department who is familiar with the subject area of the request to locate the record with a reasonable amount of effort. Whenever a request does not reasonably describe the information, the requester shall be notified that unless additional information is provided, or the scope of the request is narrowed, no further action will be taken.

§ 171.22 Access to records.

All classified information except as noted in § 171.23, shall be subject to review for declassification upon request of a member of the public, a government employee, or an agency.

(a) A request for declassification under the Order shall be acted upon within 60 days from the date on which the request reaches the appropriate receiving office.

(b) Subject to paragraph (f) of this section, when it receives a request, the Department, if it is the originating agency, shall determine whether the information or any reasonably segregable portion of it no longer requires protection. If so, the Department shall promptly make such information available to the requester, unless withholding it is otherwise warranted under applicable law.

(c) When the Department receives a request for information in a document which is in its custody, but which was classified by another agency, it shall refer the request to the appropriate agency for review. The Department shall also notify the requester of the referral unless the association of the reviewing agency with the information requires protection in the interest of national security. The reviewing agency shall respond directly to the requester and shall notify the Department of its determination.

(d) During the transition period allowed by Executive Order 12065 from declassification at 30 years to declassification at 20 years, all requests for classified United States Government originated information over 30 years old not previously declassified and transferred to the Archives will be processed according to paragraphs (b) and (c) of this section.

(e) In response to a request for a classified document in its possession, the Department may not refuse to confirm the existence or non-existence of the document unless the fact of its existence or non-existence would itself be classifiable.

(f) In the case of requests for documents containing foreign government information, the Department, if it is also the agency which initially received the foreign government information, shall determine whether the foreign government information in the document may be declassified and released in accordance with policies or guidelines, consulting with other interested agencies as necessary. If the Department is not the agency which received the foreign government information, it shall refer the request to the original receiving agency, which shall take action on the request.

(g) In considering requests for mandatory review, the Department may decline to review again any request for

material which has been reviewed within one year and denied, except as teh request constitutes an appeal under Subpart G of this Subchapter.

§ 171.23 Determination in disputed cases.

(a) Information that continues to meet the legal requirements for classification under Section 1–3 of the Order at the time of review for declassification is presumed to require continued protection and may be withheld from disclosure under the Order and Section (b)(1) of the Freedom of Information Act. However, as stated in Section 3–303 of the Order, it is government policy to consider the public interest in disclosure when information is reviewed for declassification. In some cases, the need to protect information that continues to meet the requirements of classification may be outweighed by the public interest in disclosure of information. When such a question arises, the authority reviewing the information shall refer the question to the relevant Top Secret authority in the Department of State to make a policy determination whether the public interest in disclosure outweighs the damage to the national security that might reasonably be expected from the disclosure. In making such determination, that authority shall respect the intent of the Order to protect foreign government information and confidential foreign sources. That authority shall also consult with other officials in the agency as the circumstances warrant.

(b) In the Department of State, if such a case is appealed by the requester of the information after receiving a notice of denial, the case shall be referred to the Appeals Review Panels in accordance with the Department's appeal procedures. If the Panel should decide that the case raises a question as to whether the need to protect information that continues to meet the requirements of classification is outweighed by the public interest in disclosure, the question shall be referred to a principal officer for determination.

§ 171.24 Challenges to classification.

(a) A government employee, who has reasonable cause to believe that a document is classified unnecessarily, improperly, or for an inappropriate period of time, is encouraged to and shall have the right to challenge such classification.

(b) The challenger shall prepare a statement giving the reasons to support such a challenge, and may submit a request to the office or bureau of origin for a review of the document under the mandatory declassification procedures of the agency, expect that the agency shall reach a determination in 30 days instead of 60 days. If the reviewing office or bureau agrees with the challenger, rectifying changes shall be made on the face of the document. The office of the record holder and other holders should be notified of the changes to the extent practicable. If the reviewing office disagrees with the challenger, the challenger may appeal within 60 days to the Chairman of the Appeals Review Panels, who shall obtain a decision from one of the Panels, within 30 days of receipt of the appeal.

(c) If the challenger wishes to remain anonymous, an officer designated by the chairman of the Appeals Review Panels shall act as the challenger's agent.

§ 171.25 Former Presidential appointees.

(a) Former Presidential appointees may have access to those documents (classified and unclassified) they oiginated, reviewed, or signed only while serving as Presidential appointees. Requests should be submitted in writing to the Information and Privacy Coordinator and should include a general description of the records and the time period covered by the request. Access shall be granted under the following conditions:

(1) The Department must first determine that granting access to the requested material is consistent with the interests of national security;

(2) The former Presidential appointee must agree in writing to safeguard the information from unauthorized disclosure;

(3) The former Presidential appointee must submit a statement authorizing the Department to review any notes and manuscripts to determine that they contain no classified information;

(4) The information may not be further disseminated without the express permission of the Department;

(5) If the former Presidential appointee uses a research assistant, this person must also meet all of the above conditions. Such a personal assistant must be working for the former Presidential appointee and not gathering information for publication on her or his own.

(b) If the access requested by former Presidential appointees requires services for which fair and equitable fees may be charged pursuant to Title 5 of the Independent Offices Appropriations Act, 65 Stat. 290, 31 U.S.C. 483a (1976), the requester shall be so notified and the fees may be charged pursuant to that Act; the requester shall be so notified and the fees may be imposed.

§ 171.26 Exemptions.

(a) Information less than 10 years old which was originated by the President, by the White House staff, or by committees or commissions appointed by the President, or by other action on behalf of the President, is exempted from mandatory review for declassification. Requests for mandatory review of information more than 10 years old of the origin described shall be processed in accordance with procedures developed by the Archivist of the United States. These procedures will provide for consultation with agencies having primary subject matter interest, who will provide the Archivist their recommendations as to the disposition of the request. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest will be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified until the appeal is decided or until one year from the date of the Director's decision, whichever comes first.

(b) The Freedom of Information and Privacy Acts exemptions and any other exemptions under applicable law may be invoked by the Department to deny material on grounds other than classification.

Subpart D—Privacy Provisions

§ 171.30 Definitions.

As used in this Subpart, the following definitions shall apply:

(a) The term "Department" means the Department of State, its offices, bureaus, divisions, field offices, and its overseas posts.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Department, including, but not limited to education, financial transactions, medical history, and criminal or employment history that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or photograph.

(e) The term "system of records" means a group of any records under the control of the Department from which information is retrieved by the name of the individual or by some identifying

number, symbol, or other identifying particular assigned to an individual.

(f) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided in 13 U.S.C. 8.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

(h) The term "amend" means to make any correction to any portion of the record which the individual believes is not accurate, relevant, timely, or complete.

(i) The term "personnel record" means any personal information maintained in a system of records as defined in paragraph (e) of this section that is needed for personnel management programs or processes such as staffing, employee development, retirement, grievances, and appeals.

Rules and procedures promulgated by the Office of Personnel Management under the Privacy Act for personal records for which it has responsibility will be followed by the Department with regard to such records except when inconsistent with provisions of the Foreign Service Act.

§ 171.31 Identifying information.

All requests for access to a record or records must reasonably describe the system of records and the individual's record within the system in sufficient detail to permit identification of the requested record(s). System names, descriptions, and the identifying information required for each system are published in the Department's public notice of systems of records appearing in the **Federal Register**. As a minimum, requests should include the individual's full name (maiden name, if appropriate), present mailing address (including zip code), date and place of birth, and other information helpful in identifying the record. Helpful data includes circumstances which give the individual reason to believe that the Department of State maintains records under her/his name, as well as the approximate time period of the records. This information will facilitate the timely search of record systems and assist the Department in locating those records which actually pertain to the individual requester. In certain instances, it may be necessary for the Department to request additional information from the requester, either to ensure a full search or to ensure that a record retrieved does in fact pertain to the individual.

§ 171.32 Exemptions.

Portions of systems of records maintained by the Department are authorized to be exempted from a limited number of provisions of the Privacy Act. In utilizing these exemptions, however, the Department contemplates exempting only those portions of systems necessary for the proper functioning of the Department and which are consistent with the Privacy Act and these regulations. The following exemptions are authorized under 5 U.S.C. 552a(j) and (k):

(a) Records specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and in fact, properly classified pursuant to such Executive Order (k)(1);

(b) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2): Provided, however, that if any individual is denied any right, privilege, or benefit for which she or he would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the regulations, under an implied promise that the identity of the souce would be held in confidence (k)(2);

(c) Records maintained in connection with providing protective services to the President of the United States or other individuals, pursuant to 18 U.S.C. 3056 and 22 U.S.C. 2666 (k)(3);

(d) Records required by statute to be maintained and used solely as statistical records (k)(4);

(e) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, nominations or referrals to international organizations, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence (k)(5);

(f) Testing or examination material used solely to determine individual qualification for appointment or promotion to the Federal service which would compromise the objectivity or fairness of the testing or examinations process if disclosed (k)(6); or

(g) Evaluation material used to determine potential of an individual for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of these regulations, under an implied promise that the identity of the source would be held in confidence (k)(7); or

(h) Records originated by another agency when that agency has determined that the record is exempt under 5 U.S.C. 52a (j). Also, pursuant to Section (j)(2) of the Act, records compiled by the Special Assignment Staff, the Command Center, and the Passport and Visa Fraud Branch of the Office of Security may be exempted from the requirements of any part of the Act except subsections (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes.

(i) Portions of the following systems of records are exempted under 5 U.S.C 552a(j) to the extent authorized and determined by the agency originating the records. The names of the systems correspond to those published in the **Federal Register** by the Department.

System Name: STATE DEPT.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
External Research Records. STATE–10.
Extradition Records. STATE–11.
Intelligence and Research Records. STATE–15.
International Organizations Records. STATE–17.
Law of the Sea Records. STATE–19.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.
Munitions Control Records. STATE–42.

(j) Portions of the following systems of records are exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (3)(4), (G), (H), and

(I), and (f). The names of the systems correspond to those published in the Federal Register by the Department.

(1) Exempt under 5 U.S.C. 552a(k)(1). The reason for invoking the exemption is to protect the material required to be kept secret in the interest of national defense and foreign policy.

Board of Appellate Review Records. STATE–2.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
External Research Records. STATE–10.
Extradition Records. STATE–11.
Foreign Assistance Inspection Records. STATE–48.
Intelligence and Research Records. STATE–15.
International Organizations Records. STATE–17.
Law of the Sea Records. STATE–19.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.
Berlin Document Center. STATE–41.
Munitions Control Records. STATE–42.

(2) Exempt under 5 U.S.C. 552(a)(k)(2). The reasons for invoking the exemptions are to prevent individuals the subject of investigation from frustrating the investigatory process, to insure the integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the confidence of foreign governments in the integrity of the procedures under which privileged or confidential information may be provided; and to protect the confidentiality of sources of information.

Board of Appellate Review Records. STATE–2.
Consular Service and Assistance Records. STATE–5.
Coordinator for Combatting Terrorism Records. STATE–6.
Extradition Records. STATE–11.
Foreign Assistance Inspection Records. STATE–48.
Intelligence and Research Records. STATE–15.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–39.
Visa Records. STATE–39.
Munitions Control Records. STATE–42.

(3) Exempt under 5 U.S.C. 552(a)(k)(3). The reason for invoking this exemption is to preclude impairment of the Department's effective performance in carrying out its lawful protective responsibilities under 18 U.S.C. 3056 and 22 U.S.C. 1666.

Consular Service and Assistance Records. STATE–5.
Extradition Records. STATE–11.
Intelligence and Research Records. STATE–15.
Overseas Records. STATE–25.
Passport Records. STATE–26.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Security Records. STATE–36.
Visa Records. STATE–39.

(4) Exempt under 5 U.S.C. 552a(k)(4). The reason for invoking this exemption is to avoid needless consideration of records which are used solely for statistical purposes and from which no individual determinations are made.

Foreign Service Institute Records. STATE–14.
Personnel Payroll Records. STATE–30.
Personnel Records. STATE–31.

(5) Exempt under 5 U.S.C. 552a(k)(5). The reasons for invoking this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of stability, eligibility and qualification for employment and to protect the confidentiality of sources of information.

Board of the Foreign Service Records. STATE–3.
Equal Employment Opportunity Records. STATE–9.
Foreign Assistance Inspection Records. STATE–48.
Foreign Service Grievance Board Records. STATE–13.
Legal Adviser Personnel Records. STATE–20.
Overseas Records. STATE–25.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personnel Records. STATE–31.
Security Records. STATE–36.
Senior Personnel Appointment Records. STATE–47.

(6) Exempt under 5 U.S.C. 552(k)(6). The reasons for invoking this exemption are to prevent the compromise of testing or evaluation material used solely to determine individual qualifications for employment or promotion, and to avoid giving unfair advantage to individuals by virtue of their having access to such material.

Foreign Service Institute Records. STATE–14.
Personnel Records. STATE–31

(7) Exempt under 5 U.S.C. 552a(k)(7). The reason for invoking this exemption is to prevent access to such material maintained from time to time by the Department in connection with various military personnel exchange programs.

Overseas Records. STATE–25.
Personality Cross Reference Index to the Secretariat Automated Data Index. STATE–28.
Personality Index to the Central Foreign Policy Records. STATE–29.
Personnel Records. STATE–31.

(k) Portions of certain documents in the following systems of records are exempted pursuant to the provisions of 5 U.S.C. 552a(j) and (k) from subsections (c)(3) and (4); (d); (e)(4), (G), (H), and (f) of 5 U.S.C. 552a.

Public Affairs Records. STATE–35.
Privacy Act Requests Records. STATE–40.

§ 171.33 Time limits.

Whenever possible, the Department will acknowledge the request within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request and furnish the requester information as soon as possible thereafter.

§ 171.34 Access to records.

(a) *Verification of personal identity.* The Department will require reasonable identification of individuals to assure that records are disclosed only to the proper person(s).

(1) *Access in person.* When access to a record is granted in person, the Department will require a verification of identity by the individual; employee identification card, driver's license, medicare card, annuitant identification, or passport are examples of acceptable identification.

(2) *Access by mail.* For individuals who seek access by mail, the Department will require verification of identity; comparison of signature of the requester and those in the record, if any, will be used to determine identity.

(3) *Statement verifying identity.* If an individual can provide no suitable documents for identification or a signature is not on record, the Department will require a signed statement from the individual asserting her or his identity and stipulating that the individual understands that knowingly or willingly seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

(b) *Sensitive records.* In certain cases where the Department determines that the requested record is of sufficient sensitivity, it may require the individual

to furnish a signed notarized statement verifying the requester's identity. The Department will inform the individual at the time the record is retrieved whether or not such a statement is necessary.

(c) *Accompanying individual.* If, when exercising physical access to a record, the requester is accompanied by any other person, the Department will require the requester to sign a statement authorizing disclosure of the contents of record in the presence of the accompanying individual.

(d) *Authorized representatives or designees.* When an individual wishes to authorize another person or persons access to her or his records other than as provided in paragraph (e) of this section, the individual shall submit a signed, notarized statement authorizing and consenting to access by a designated person or persons.

(e) *Guardians.* The parent(s) of any minor, or the legal guardian of an individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act for and on behalf of said individual upon presentation of appropriate documentation of such relationship.

(f) *Medical records.* If, in the judgment of the Deputy Assistant Secretary of State for Medical Services or her/his designee, the release of medical information directly to the requester could have an adverse on the requester, the aforementioned officer will attempt to arrange an acceptable alternative in granting access to such record(s). This will normally involve the release of such information to a doctor named by the requester.

(g) *Records relating to civil actions or proceedings.* The requirements of this section do not entitle an individual to the right of access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 171.35 Requests for amending records.

(a) An individual has the right to request that the Department amend a record pertaining to her or him which the individual believes is not accurate, relevant, timely, or complete. At the time the Department grants access to a record it will also furnish guidelines for requesting amendments to the record. These guidelines will also be available in the public reading room in the Department of State, Washington, D.C. between 10 a.m. and 4 p.m. Monday through Friday, except for legal public holidays, or may be obtained by writing the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Department of State, Room 1239, Washington, D.C. 20520.

(b) Requests for amending records must be in writing and mailed or delivered to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Department of State, Rom 1239, Washington, D.C. 20520, who will coordinate the review of the request to amend a record with the appropriate office(s). The Department will require verification of personal identity as provided § 154.5(c)(3) of these regulations before it will initiate action to amend a record to ensure that the requester is not deliberately or inadvertently seeking to change records about other persons. Such requests should contain, as a minimum, identifying information needed to locate the record, a brief description of the items of information to be amended, and the nature of the requested amendment. The requester should submit as much documentation, arguments or other data as seems warranted to support her/his request for amendment.

(c) All requests for amendments to records will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays). Whenever possible all requests for amendments to records will be reviewed within 10 days (exluding Saturdays, Sundays, and legal public holidays) of their receipt by the Office responsible for the record, and the requester will be advised of the results of the review. In those cases where the review cannot be completed within 10 days, the requester will be so advised and informed when the review will be completed. Except in unusual circumstances, this review will be completed no later than 30 days (excluding Saturdays, Sundays, and legal public holidays) after receipt of the request to amend a record.

(d) In reviewing a record in response to a request to amend, the Department shall determine whether the record is relevant and necessary to accomplish a purpose of the agency and shall incorporate the criteria of accuracy, relevance, timeliness, and completeness of the record in that review.

(e) If the office responsible for the record agrees with an individual's request to amend a record, it shall:

(1) Advise the individual in writing;

(2) Amend the record accordingly; and

(3) If an accounting of disclosure has been made, advise all previous recipients of the record of the amendment and its substance.

(f) If the office responsible for the record, after an initial review of a request to amend a record disagrees with all or any portion of the requested amendment, an officer at the Deputy Assistant Secretary level or equivalent, shall:

(1) Advise the individual of its refusal and the reasons for it; and

(2) Inform the individual that she or he may request a further review in accordance with Subpart G.

Subpart E—Ethics in Government Provisions

§ 171.40 Covered employees.

(a) Officers and employees, including special government employees, whose positions are classified at grades GS–16 and above or at any equivalent rate under another pay schedule;

(b) Officers or employees in a position determined by the Director of the Office of Government Ethics to be of equal classification to GS–16;

(c) Employees in the excepted service in positions which are of a confidential or policy-making nature unless an employee or groups of employees are exempted by the Director of the Office of Government Ethics;

(d) The designated agency official who acts as the Department's Ethics Officer; and

(e) Individuals who are nominated for positions requiring Senate confirmation by the President but who are *not* subsequently confirmed by the Senate.

§ 171.41 Identifying information.

(a) The name and/or position title of the Department of State official who is subject of the request,

(b) The time period covered by the report requested, and

(c) Completion of an Ethics Request Form.

§ 171.42 Time limits.

(a) Reports shall be made available to the public within fifteen (15) days after receipt by the Department.

(b) Reports shall be retained by the Department and made available to the public for a period of six (6) years. The exceptions are those reports which are filed by individuals who are nominated for office by the President and are not confirmed by the Senate; those reports will be retained and made available for a one-year period.

§ 171.43 Access to, and use of, reports.

The Attorney General is authorized to bring a civil action against any person who obtains or uses a financial disclosure report:

(a) for any unlawful purpose;

(b) for any commercial purpose, other than for news or community dissemination to the general public;

(c) for determining or establishing the credit rating of any individual; or

(d) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The court may assess a civil penalty not to exceed $5.000 against any person who obtains or uses the reports for these prohibited purposes; an additional remedy as available under statutory or common law may also be assessed at the discretion of the court.

Subpart F—Denial Procedures

§ 171.50 Denials of access or of amendment.

The decision to deny an individual access to records, or to deny an amendment request under Privacy Act provisions shall be made by: (a) the Department official of a rank not below the Deputy Assistant Secretary or equivalent level who is responsible for the system of records involved, (b) the Deputy Assistant Secretary for the Classification/Declassification Center, or her/his designees, (c) the Director/Deputy Director of Mandatory Review and the Director of Systematic Review in A/CDC, and (d) officials designated by the Under Secretary for Management/Chairman of the Oversight Committee for E.O. 12065. When an authorized official denies access to a record or portion thereof, the official will advise the individual in writing of the denial and the specific reasons therefor. The denial letter will also advise the individual of her/his right to seek administrative review of the Department's decision.

Subpart G—Appeals Procedures

§ 171.60 Appeal of denial of access to records.

(a) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12065 may be requested by the individual who submitted the initial request for access. The request for review (hereinafter referred to as the appeal) must be in writing and should be sent by certified mail to the Assistant Secretary for Public Affairs, Chairman, Appeals Review Panels, Department of State, 2201 C street, N.W., Washington, D.C. 20520. The appeal should be received within 60 days of the date of receipt by the appellant of the Department's refusal to grant access to a record in whole or in part.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.

(c) The Chairman of the Appeals Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department shall constitute a panel to consider and decide the appeal. There shall be a written record of the reasons for the final determination. The final determination will be made within 30 working days for Executive Order and Privacy Act appeals, and within 20 working days (excluding Saturdays, Sundays, and holidays) for FOIA appeals. For good cause shown, the Chairman of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.

(d) The Chairman shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.

(e) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:

(1) of the refusal to grant the appeal and the reasons therefor including the exemptions of the Freedom of Information Act, the Privacy Act of 1974, and/or Executive Order 12065 under which access is denied;

(2) of her/his right to seek judicial review of the Department's decision, where applicable.

§ 171.61 Appeal of refusal to amend records.

(a) Review of an initial refusal to amend a record under the Privacy Act of 1974 may be requested by the individual who submitted the initial request for amendment. The review (hereinafter referred to as the appeal) should be requested in writing within 60 days of the date the individual is informed of the Department's refusal to amend a record in whole or in part. The appeal must be in writing and should be sent by certified mail to the Assistant Secretary for Public Affairs, Chairman, Appeals Review Panels, Department of State, 2201 C Street, N.W. Washington, D.C. 20520.

(b) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal should include any documentation, information or statements advanced for the amendment of the record.

(c) The Chairman of the Appeals Review Panels and two other members of the Panels designated by him shall constitute a panel to consider and decide the appeal; there shall be a written record of the reasons for the final determination. The final determination will be made within 30 days (excluding Saturdays, Sundays, and legal public holidays), unless for good cause shown, the Chairman of the Appeals Review Panels extends such determination beyond the 30-day period.

(d) When the final determination is that the record should be amended in accordance with the individual's request, the Chairman of the Appeals Review Panels shall direct the office responsible for the record to comply. A responsible official of the Department shall then:

(1) Amend the records as directed;

(2) If any accounting of the disclosure has been made, advise all previous recipients of the record of the amendment and its substance;

(3) So advise the individual in writing.

(e) When the final decision is that the request of the individual to amend the record is refused, the Chairman of the Panels shall advise the individual:

(1) Of the refusal and the reasons for it;

(2) Of her and his right to file a concise statement of the reasons for disagreeing with the decision of the Department;

(3) Of the procedures for filing the statement of disagreement;

(4) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(5) That prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained; and

(6) Of her/his right to seek judicial review of the Department's refusal to amend the record.

(f) When the final determination is to refuse to amend a record and the individual has filed a statement under paragraph (e) of this section, the Department will clearly annotate the record so that the fact that the record is disputed is apparent to anyone who may subsequently have access to, use, or disclose it. When information that is the subject of a statement of dispute filed by an individual is subsequently disclosed, the Department will note that the information is disputed and provide a copy of the individual's statement. The Department may also include a brief

summary of the reasons for not making a correction when disclosing disputed information. Such statements will normally be limited to the reasons given to the individual for not amending the record. Copies of the Department's statement shall be treated as part of the individual's record for granting access; however, it will not be subject to amendment by the individual under these regulations.

Subpart H—Other Agency Material

§ 171.70 Referral.

While processing a request for access, the Department may locate in its files documents originated by other Federal agencies. The Department shall refer the documents to the originating agency for review and possible declassification and release to the requester. The originating agency is then responsible for contacting the requester directly concerning the release of the material and for notifying the Department of its determination. The Department of State will notify the requester of the referral unless the association of the reviewing agency with the information requires protection in the interest of national security.

§ 171.71 Concurrence.

While processing a request for access, the Department may locate Department of State documents containing information originated by or of substantive interest to other Federal agencies. The Department shall refer these documents or portions thereof to the originating or interested agency for review, possible declassification and concurrence regarding the documents' release. The other agency will then return the documents to the Department so that it may contact the requester regarding the material.

Dated: May 13, 1980.

Ben H. Read,

Under Secretary for Management.

[FR Doc. 80-16879 Filed 6-2-80; 8:45 am]

BILLING CODE 4710-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL 5056; Docket No. A-79-34]

Prevention of Significant Deterioration for Carbon Monoxide, Hydrocarbons, Nitrogen Oxides, Ozone, and Lead (PSD Set II); Public Meeting

AGENCY: Environmental Protection Agency.

ACTION: Public meeting on advanced notice of proposed rulemaking.

SUMMARY: This document announces a public meeting to receive comments on the PSD Set II advanced notice of proposed rulemaking, published in the **Federal Register** on May 7, 1980 at 45 FR 30088.

DATE: EPA will hold the meeting on July 1, 1980. See Supplementary Information for additional information.

ADDRESS: The meeting will take place at the Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW., Washington, D.C. 20024 in the Pierre Suite on the 11th floor. The meeting will start at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Mayer, Environmental Engineer, Control Programs Development Division (MD–15), Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone: (919) 541–5497.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency has initiated efforts to develop regulations for the prevention of significant deterioration for Set II pollutants (carbon monoxide, hydrocarbons, nitrogen oxides, ozone and lead). As a first step in this rulemaking process, an Advanced Notice of Proposed Rulemaking for PSD Set II was published in the **Federal Register** on May 7, 1980 at 45 FR 30088. To ensure fuller public participation in this matter, EPA is holding a public meeting before proposing regulations.

Persons wishing to make oral presentations at the public meeting should provide notice of such intent to Ms. Nancy Mayer by June 24, 1980. Speakers with a prepared statement should provide three copies to the meeting director before the presentation. Oral presenters should limit their presentations to 20 minutes; extra time will be allowed at the discretion of the meeting director. Anyone who does not schedule a time, but desires to speak at the meeting should register at the beginning of the meeting with Ms. Mayer. The meeting director will schedule these presenters as time permits.

Because of the scheduling of the public meeting EPA has extended the public comment period on the ANPRM until July 31. An official recorder will prepare a verbatim transcript of the meeting. Copies of this transcript as well as relevant written materials will be available to the public in Docket No. A–79–34, Central Docket Section (A–130), U.S. Environmental Protection Agency, Room 2902, 401 M Street, SW., Washington, D.C. 20460.

Dated: May 27, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-16767 Filed 6-2-80; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Common Medicaid-Medicare Audit Requirements for Hospitals

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would amend Medicaid regulations to prohibit Federal matching of State costs for hospital reimbursement audit activities that duplicate Medicare audit activities. Most hospitals that participate in both Medicare and Medicaid are reimbursed using the same reimbursement method. When Medicare audits a hospital, we believe the audit information should be available to Medicaid agencies and that we should not pay States to collect the same information again. If States need information not routinely obtained in Medicare audits, they may arrange for expanded Medicare audits, or do their own audits, and receive Federal matching for the *additional* cost under either arrangement.

DATES: Closing date for receipt of comments: August 4, 1980.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Maryland 21235.

Please refer to File Code BPO–6–P. Agencies and organizations are requested to submit comments in duplicate.

Beginning two weeks from today, the public may review the comments on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. Comments will be available in Room 309G of the Department's offices at 200 Independence Avenue, S.W., Washington, D.C. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Don Novitski, 301–594–9063.

SUPPLEMENTARY INFORMATION:

Background

With few exceptions, Medicaid and Medicare use the same principles of reimbursement for hospital care. (See

Medicare regulations at 42 CFR 405.402 through 405.455, and Medicaid regulations at 42 CFR 447.261 and 447.262.) This use of the same principles of reimbursement makes audit information requirements under the two programs similar.

For reimbursement under Medicare or Medicaid, a hospital files a cost report with the appropriate program. The Medicaid agency usually requires submittal of the Medicare cost report, often with supplementary Medicaid-specific information. The intermediary for Medicare, or the State or its fiscal agent for Medicaid, conducts an in-house desk review of the cost report. The purpose of the desk review is to determine the acceptability of the cost report, the need for a field audit and, if a field audit is needed, the scope of the audit. If no field audit is required, final settlement of the cost report is made and the hospital is notified of the reimbursement amount. If, based on the desk review determination, a field audit is necessary, final settlement does not take place until after the audit is performed. In case of a subsequent review or hearing resulting in modifications to the original findings, a payment adjustment is made.

Under the Medicare program's reimbursement system, intermediaries routinely audit hospital cost reports, while Medicaid audit activities vary in type and frequency from State to State. To avoid duplicate Medicare and Medicaid audits, we encouraged States to enter into "common audit" agreements with Medicare intermediaries. About 37 States did so. Under these agreements, the intermediary performed the audit and shared the information with the State; the State paid an appropriate part of the cost. Recent information reveals that the non-cost sharing States do not significantly duplicate Medicare audits. They delay their cost settlements until the Medicare intermediary settles with the hospitals, then request the Medicare audit report from the hospital or from the Medicare intermediary, under the Freedom of Information Act. When the audit report is received, the State uses it in its cost settlement with the hospital.

Problems With Present Arrangement

The General Accounting Office has criticized the lack of full audit data exchange between Medicare and Medicaid (GAO report HRD–78–158, January 9, 1979). Under current arrangements, non-cost sharing States may not know that subsequent adjustments to the Medicare cost settlements have taken place, and, therefore, they do not request them. Further, Medicare information may not be forwarded to non-cost sharing States as soon as it is available, which delays State cost settlements. Several States have recently terminated their cost sharing agreements with Medicare, since the Medicare audit reports and cost settlement information can be obtained from hospitals, under the Freedom of Information Act, or under regulations at 20 CFR 422.435, Release of title XVIII information to the public (see § 422.435(c)); however, for the reasons cited, these are not fully reliable procedures for timely and complete information.

Exchange of Audit Information

One of our objectives is to simplify administration of the Medicare and Medicaid programs. One way of achieving this is to promote routine exchange of hospital audit data.

Therefore, effective October 1, 1979, Medicare intermediaries are making hospital cost report settlement data routinely available free of charge to Medicaid agencies. The available information includes copies of all medicare hospital cost reports, desk review determinations, audit reports, notices of program reimbursement issued upon settlement of the cost report, and any subsequent adjustments from, for example, quality assurance reviews or hearings. Where common audit agreements are in effect, Medicaid agencies will reciprocate by providing Medicare intermediaries with any audit information that may be pertinent to the Medicare program.

Several benefits accrue from the free flow of hospital cost report information. Medicaid agencies now engaged in cost-sharing agreements with Medicare will realize savings by receiving Medicare audit data free of charge. Routine data exchange will accelerate Medicaid agency and intermediary receipt of audit information. Over- or underpayments to hospitals shoud be resolved more rapidly, resulting in a more accurate reimbursement system. Provider relations should improve as a result of decrease in the total amount of audit activity under the two programs, where Medicaid agencies have been duplicating Medicare intermediary activity.

Common Audit Agreements

While we have not mandated that States enter into common audit agreements, we nevertheless believe that common audit agreements between States and intermediaries are a sound administrative practice. The parties, with the assistance of our regional office staff, would negotiate agreements, describing the method of exchange and any incremental efforts that may be requested by the States.

If the State wishes to audit providers not being audited by the intermediary or wishes a more in-depth review than Medicare needs, the State and the intermediary may agree that the intermediary will perform the additional work for a negotiated fee. The State may also do its own additional audit work if preferred. However, the State obtains the additional audit information, Federal financial participation (FFP) will be available in expenditures for this work in Medicare audit activity is not duplicated.

States may request information from the HCFA regional office on its evaluations of intermediary audits. These evaluations are done on a routine, sample basis. States may also request FFP in expenditures for a reasonable amount of audit activity for quality assurance purposes.

The use of common audit agreements for sharing of hospital audit information by Medicaid agencies and Medicare intermediaries will facilitate the timely exchange of appropriate information between the parties.

Statutory Authority

Under section 1903(a)(7) of the Social Security Act, FFP is available in Medicaid agency expenditures found necessary by the Secretary for proper and efficient administration of the State plan. This includes expenditures for State audits of hospitals. We consider this limitation of FFP necessary for proper and efficient administration, because it will prevent duplicate Medicare and Medicaid expenditures for hospital audits.

Related Bills in Congress

Three bills are pending in Congress that would mandate some form of coordinated audit in hospitals. The bills are broader in scope than these regulations in that they would require coordinated audits by the Medicare, Medicaid, and Maternal and Child Health programs. The regulations and the bills also differ in emphasis. The regulations would prevent duplicate Medicare and Medicaid expenditures for audits and the bills are intended to prevent duplication of audit effort among the three programs. The bills also would extend current regulatory authority for Medicaid by enabling the Secretary to require States, via the State plan, to take positive action to coordinate audits and audit findings with Medicare and the Maternal and

Child Health program.

42 CFR Part 447, Subpart B is amended as follows:

1. 42 CFR 447.200 is revised by adding a sentence to the end of the section to read as follows:

Subpart B—Payment Methods: General Provisions

§ 447.200 Basis and purpose.

(a) This subpart prescribes State plan requirements for setting payment rates to implement, in part, section 1902(a)(30) of the Act, which requires that payments for services do not exceed reasonable charges consistent with efficiency, economy, and quality of care.

(b) It also prescribes limitations on FFP in expenditures for certain agency activities, under the authority of section 1903(a)(7) of the Act. That section provides tha FFP is available in expenditures found necesary by the Secretary for proper and efficient administration of the State plan.

2. 42 CFR 477.202 is revised by coding the existing regulatory language as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 447.202 Audits.

(a) The Medicaid agency must assure appropriate audit of records if payment is based on costs of services or on a fee plus cost of materials.

(b) *FFP for hospital audits.*

(1) FFP is not available in expenditures for agency field audits of hospital cost reports that duplicate Medicare intermediary field audits of those reports.

(2) FFP is available in expenditures for agency field audits of hospital cost reports that are additional to Medicare audit activities, whether the additional activities are performed by the agency or by the Medicare intermediary at the agency's request.

(Sections 1102 and 1903(a)(7) of the Social Security Act (42 U.S.C. 1302 and 1396b))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: January 31, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

Approved: May 20, 1980.

Patricia Roberts Harris,

Secretary.

[FR Doc. 80-16822 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-122; RM-3320]

FM Broadcast Station in Ashland, Oreg.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Ashland, Oregon, in respone to a request filed by A-Train Radio. The additional time is needed so that engineering information can be submitted.

DATES: Comments must be filed on or before June 20, 1980, and reply comments must be filed on or before July 7, 1980.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 21, 1980.

Released: May 27, 1980.

By the Chief, Policy and Rules Division.

1. On March 13, 1980, the Commission adopted a notice of proposed rule making, 45 Fed. Reg. 23483, concerning the above-entitled proceeding. The date for filing comments was May 19, 1980. The date for filing reply comments is presently June 9, 1980.

2. On May 16, 1980, counsel for A-Train Radio (proponent in this proceeding) filed a request seeking an extension of time for filing comments to and including June 20, 1980. Counsel states that the Commission, in the notice, requested comments on the question of preclusion to several communities as a result of the proposed FM assignment to Ashland, Oregon. Counsel states that proponent's consulting engineer has been unable, due to the press of other commitments, to complete this showing.

3. Section 1.46 of the Commission's rules states that extension requests must be filed seven days in advance of the deadline date. However, since the engineering information requested by the Commission would be beneficial in arriving at a decision in this proceeding, it would be in the public interest to grant the requested additional time in which to file comments. Also, as a result it is necessary to extend the reply comment date.

4. Accordingly, it is ordered, That the dates for filing comments and reply comments in BC Docket No. 80-122 are extended to and including June 20, and July 7, 1980, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 80-16735 Filed 6-2-80; 8:45 am]

BILLING CODE: 6712-01-M

47 CFR Part 73

[BC Docket No. 80-90; RM-2587; RM-3226; RM-3367; BC Docket No. 80-130]

Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments; Amending Policies and Procedures for the FM Table of Assignments, Section 73.202 of the Commission's Rules; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in two interrelated proceedings concerning the availability of additional FM frequencies and modification of the procedures used in assigning such channels.

DATE: Comments must be filed on or before October 1, 1980, and reply comments must be filed on or before December 1, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 22, 1980.

Released: May 27, 1980.

By the Chief, Policy and Rules Division.

1. The Commission has before it two motions to extend the time for filing comments and reply comments to the *notice of proposed rule making* in BC Docket No. 80-90, released March 14, 1980, 45 Fed. Reg. 17602, and to the *notice of inquiry and notice of proposed rule making* in BC Docket 80-130, released April 16, 1980, 45 Fed. Reg.

26390. The Association for Broadcast Engineering Standards, Inc. ("ABES") requests that the time for submitting comments in BC Docket No. 80–90 be extended from June 13, 1980, to October 1, 1980, and for reply comments from August 13, 1980, to December 1, 1980. The National Association of Broadcasters ("NAB") seeks additional time for the filing of pleadings in BC Docket 80–90 and BC Docket 80–130 to the dates specified by ABES. The present deadlines in BC Docket 80–130 for filing comments is May 27, 1980, and for reply comments is June 11, 1980. Supporting comments to the ABES request were received from the American Broadcasting Companies, Inc. ("ABC").

2. ABES states it is presently undertaking a study of the likely impact of the proposed rule changes by selecting typical markets, studying the potential for new FM services (including the possibility of interference to existing services) and then quantifying the gains and losses by area and population. The ABES Technical Committee estimates that the study will take at least another three months. ABES further states that it is aware of other similar studies in progress, some of which it is participating in, which will also require time beyond the present comment deadline.

3. ABC states in support that it has retained an engineering consultant to prepare an analysis of the consequences of the Commission's proposal in BC Docket 80–90, which will also require additional time beyond the comment limitation.

4. NAB agrees with ABES as to the need for comprehensive comments and indicates that it also intends to prepare in-depth engineering and policy related studies bearing on both docketed proceedings.

5. We requested, in the notice of proposed rule making in BC Docket 80–90 at paragraph 20, the submission of comments which would reflect results from comprehensive studies of the effects of our proposals as they relate to the merits of adding more classes of channels. We are pleased to know that various studies of this type are underway and we will look forward to receiving the results. While we originally provided a three-month period for comments, we recognize that the studies now in progress will take additional time and in order to facilitate the submission of the results we shall grant the extension for filing comments as requested to October 1, 1980, and for reply comments to December 1, 1980. In addition, because the other proceeding (BC Docket 80–130) is interrelated in some respects and the studies underway may produce results which can be of help to us in resolving that proceeding, we are also willing to extend the comment deadline in that case to the same dates—October 1, and December 1, 1980. We expect that this additional time will be sufficient and therefore do not anticipate the need for any future extensions.

6. Accordingly, it is ordered, That the dates for filing comments and reply comments in Dockets 80–90 and 80–130 are extended to and including October 1, 1980, and December 1, 1980, respectively.

7. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-16736 Filed 6-2-80; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 45, No. 108
Tuesday, June 3, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Big Rivers Electric Corp., Henderson, Ky.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $929,000,000 to Big Rivers Electric Corporation (Big Rivers), of Henderson, Kentucky. These loan funds will be used to finance a project consisting of generation facilities (880 MW nameplate rating), approximately 64 miles of 345 kV transmission line and 86 miles of 161 kV transmission line, and terminal facilities necessary to connect into Big Rivers existing facilities.

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. William H. Thorpe, Manager, Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420.

In order to be considered, proposals must be submitted on or before July 3, 1980, to Mr. Thorpe. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Big Rivers and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 27th day of May 1980.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 80–16642 Filed 6–2–80; 8:45 a.m.]

BILLING CODE 3410–15–M

McKenzie Electric Cooperative., Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with a proposed insured loan by REA for McKenzie Electric Cooperative, Inc. (MECI), of Watford City, North Dakota. The proposed insured loan will assist MECI in constructing 104.6 km (65 miles) of 115 kV transmission line and associated substation facilities.

The 115 kV transmission line will be built between the Charlie Creek Substation located in McKenzie County, North Dakota and the East Sidney Substation in Richland County, Montana. Associated substation facilities include the construction of five new distribution substations and the expansion of one existing substation. MECI has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the project are adequately considered in the MECI and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financial assistance for this project does not represent a major Federal Action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of MECI's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21; 320–21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by MECI and REA. The alternatives include no action, use of existing facilities and alternative corridors. The most viable alternative to deliver power to all existing and future loads of MECI in McKenzie County is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and MECI's Borrower's Environmental Report may be reviewed in the Office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, McKenzie Electric Cooperative, Inc., P.O. Box 649, Watford City, North Dakota 58854.

Dated at Washington, D.C., this 28th day of May, 1980.

Joseph Vellone,

Acting Administrator, Rural Electrification Administration

[FR Doc. 80–16853 Filed 6–2–80; 8:45am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Docket 37352]

Circle Airfreight Corp.; Application for an All-Cargo Air Service Certificate

May 28, 1980.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 37352, from Circle Airfreight Corp., 545 Sansome Street, San Francisco, California 94111 for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before June 24, 1980. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position

taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-16818 Filed 6-2-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38191]

Coleman Air Transport Corp., Service Suspensions, Enforcement Proceeding; Assignment of Proceeding

This proceeding is hereby assigned to Chief Administrative Law Judge Joseph J. Saunders. Future communications should be addressed to him.

Dated at Washington, D.C., May 29, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-16816 Filed 6-2-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 35936]

Commuter Airlines, Inc., Enforcement Proceeding; Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that, at the request of the Bureau of Consumer Protection and with the concurrence of all parties, the hearing in the above-entitled proceeding, which was assigned to be held on June 3, 1980 (45 FR 25109, April 14, 1980), is postponed until further notice.

Dated at Washington, D.C., May 29, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-16813 Filed 6-2-80; 8:45 a.m.]

BILLING CODE 6320-01-M

[Docket 38185]

Lone Star Airways, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Chief Administrative Law Judge Joseph J. Saunders. Future communications should be addressed to him.

Dated at Washington, D.C., May 29, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-16814 Filed 6-2-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38185]

Lone Star Airways, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 13, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., May 29, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-16815 Filed 6-2-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 34141]

Trans-Panama, S.A.; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., May 29, 1980.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 80-16817 Filed 6-2-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 10-80]

Proposed Foreign-Trade Zone, Prince George's County, Md.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by Prince George's County, a political subdivision of the State of Maryland, requesting authority to establish a general-purpose foreign-trade zone within the County and adjacent to the Washington, D.C. Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 27, 1980. The applicant is authorized to make this proposal under Section 467(a) of Article 23, Chapter 579, Maryland Acts of 1978.

The proposal calls for the establishment of a 77.5 acre general-purpose zone within the County-owned 1,281 acre Collington Center industrial park located immediately south of the City of Bowie at the intersection of U.S. Route 301 and Maryland 214 (Central Avenue) in Prince George's County. Development of the zone would be undertaken by the applicant which proposes to construct a 50,000 square foot multi-purpose structure as the zone's first facility. Additional buildings, including built-to-suit structures, would be constructed as required.

The application contains economic data and information concerning the need for a zone in the County. Several firms have indicated their intention to use the requested zone area for warehousing, distribution, assembly and light manufacturing activities involving such products as telecommunications test equipment, fiberglass marine items, wearing apparel, safety and security equipment, high pressure valves and compressors, and drive shafts.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; John Noon, Director, Inspection and Control Division, U.S. Customs Service, Region III, 40 S. Gay Street, Baltimore, Maryland 21202; and Colonel James W. Peck, District Engineer, U.S. Army Engineer District Baltimore, P.O. Box 1715, Baltimore, Maryland 21203.

As part of its investigation, the Examiners Committee will hold a public hearing on June 25, 1980, beginning at 10:00 a.m., in the Council Hearing Room (First Floor), County Administration Building, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland. The purpose of the hearing is to help inform interested parties about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by June 18, 1980. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the executive secretary, at any time from the date of this notice through July 25, 1980. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Department of Program Planning and Economic Dev., Prince George's County Admin. Bldg., Room 4174, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20870.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886–B, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: May 28, 1980.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 80-16869 Filed 6-2-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

The Exchange National Bank of Tampa; Approval of Applicant as Trustee

Notice was given in the **Federal Register** that on August 10, 1971, The Exchange National Bank of Tampa was approved as a trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

The Exchange National Bank of Tampa and The Exchange Bank of Temple Terrace were merged effective December 1, 1979, under the charter and title of "Exchange Bank and Trust Company of Florida".

Notice is hereby given that the merged bank, Exchange Bank and Trust Company of Florida, with offices at 610 Florida Avenue, Tampa, Florida 33602 has been approved as a trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: May 28, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-16854 Filed 6-2-80; 8:45 a.m.]

BILLING CODE 3510-15-M

COUNCIL ON WAGE AND PRICE STABILITY

Price Advisory Committee; Meeting

Authority of Committee: The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

Time and Place of Meeting: The Price Advisory Committee will meet on June 11, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

Future meetings of the Price Advisory Committee have been tentatively scheduled for the second Wednesday of every month. The meeting dates will be formally announced as soon as a room has been reserved.

Purpose of the Meeting: The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

Public Participation: The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

Additional Information: For additional information, please telephone the Office of Public Affairs at (202) 456–6756.

Dated: May 29, 1980.

Sally Katzen,

Advisory Committee Management Officer.

[FR Doc. 80-16741 Filed 6-2-80; 8:45 am]

BILLING CODE 3175-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1980; Addition

Correction

In FR Doc. 80–15847 appearing at page 34949 in the issue for Friday, May 23, 1980, third column, second line under *"Class 7510,"* "7110" should read "7510".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Possible Land Acquisition for Fort Carson, Colo.; Filing of Environmental Impact Statement

The Army, on May 30, 1980, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning possible acquisition of training land for Fort Carson, Colorado.

The DEIS addresses possible alternatives for satisfying a shortage of maneuver training land for Fort Carson. The Army had announced on December 20, 1978, that a significant requirement for additional training land at Fort Carson had been identified in an approved study. To satisfy this requirement would require from 60,000 to 245,000 acres depending primarily upon the quality and location of the land and environmental enhancement measures suggested due to soil type and vegetative cover.

A draft Analysis of Alternatives Study identified two parcels of land as reasonable solutions to the training land shortfall. The parcels are the Huerfano River parcel located south of Pueblo, Colorado and about 65 miles southeast of Fort Carson and the Pinon Canyon parcel located midway between La Junta and Trinidad, Colorado and about 100 miles southeast of Fort Carson. The possible environmental and socio-economic impacts of acquiring either of the parcels are analyzed in the DEIS.

Copies of the statement have been furnished to appropriate Federal, State, and local agencies. In addition, copies may be examined in public libraries, city and county offices in Southeastern Colorado. In the Washington area, copies may be seen during normal duty hours (8:00 a.m. to 4:30 p.m., Mondays through Fridays), in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434. Interested organizations and individuals may obtain copies for the cost of reproduction from the Commander, 4th Infantry Division (Mechanized) and Fort Carson, ATTN: AFZC–FE–EQ, Building 304, Fort Carson, CO 80913, telephone: (303) 579–4828.

Public meetings on the DEIS will be held at Trinidad, Walsenburg, La Junta, Pueblo, and Colorado Springs, Colorado. Comments on the DEIS will be accepted until July 21, 1980. Comments should be directed to Commander, 4th Infantry Division (Mechanized) and Fort Carson, ATTN: AFZC–FE–EQ, Building 304, Fort Carson, CO 80913.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 80-16687 Filed 6-2-80; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Dry Creek Dam and Channel Improvements

Intent to prepare a Draft Environmental Impact Statement (DEIS) for the Dry Creek Dam and Channel Improvements, also known as Warm Springs Dam and Lake Sonoma, Sonoma County, California, in relation to the implementation of Consultation recommendations on the Lake Sonoma Master Plan to conserve the endangered

Peregrine falcon in accordance with Section 7(a) of the Endangered Species Act and amendments.

AGENCY: U.S. Army Corps of Engineers, Department of the Army (CE); U.S. Fish and Wildlife Service, Department of the Interior (FWS).

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. The following measures are to be considered:

a. Rancheria Creek Critical Habitat Zone (CHZ):

(1) Diversion of Rockpile Road prior to entry into the CHZ. Abandonment of the remainder of Rockpile Road through the CHZ as a county public road, which requires cooperation of the County.

(2) Construction of a bridge connecting the west end of Kelly Road to the peninsula between Cherry Creek and Yorty Creek with a road then connecting to the new Hot Springs Road. Abandonment of Rockpile Road beyond the project boundary, which requires cooperation of the County.

(3) Establishment of a ferry system in lieu of a bridge to accomplish No. 2 above.

(4) Realignment of Rockpile Road within the CHZ. Acquisition in fee of the CHZ to prevent development. Implementation of an annual monitoring program and management plan for the CHZ. In lieu of fee acquisition, purchase of development rights of the CHZ can be substituted.

b. Dry Creek CHZ:

(1) Elimination of the borrow site from the CHZ.

(2) Continuation of the annual monitoring program of the area.

(3) Establishment of a management zone in which all project activities are eliminated except those expressly for the conservation of the falcons.

(4) Acquisition of all lands in fee not currently owned by the Corps in T.11N., R.11W., Sections 33, 34, 35 and 36, and T.10N., R.11W., Section 1, 2, 3 and 4. Implementation of a managment plan specifically for the falcon. In lieu of fee purchase, acquisition of development rights of the CHZ can be substituted.

(5) Prohibiting shooting or rock climbing at any time in the CHZ.

c. Upper Dry Creek Candidate Zone:

(1) Elimination of public use of The Upper Dry Creek arm beyond the confluence with Cherry Creek to include elimination of all public facilities, abandonment of Hot Springs Road as a county public road beyond The Cherry Creek bridge, and eliminating boating from this arm.

(2) Purchase all lands in T.11N., R.12W., Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30. Implementation of an annual monitoring program and a management plan specifically for the falcons. In lieu of full purchase, acquisition of development rights to all sections above can be substituted.

d. Summary—One of the following should be implemented to avoid jeopoardy:

(1) Implement: a) one of the four measures provided for the Rancheria Creek CHZ; b) all of the conditions listed for the Dry Creek CHZ; and c) one of the two measures provided for the Upper Dry Creek candidate zone; or

(2) Do not fill the reservoir higher than approximately the 330-foot contour so that the existing Hot Springs Road and Kelly Road can remain unchanged in character and use patterns. At no time in the future allow the county to upgrade or expand Hot Springs Road across Corps property beyond necessary maintenance. Eliminate all recreational plans for the northern Lake Section (all those reached by the proposed new Hot Springs Road). Reduce recreation intensity in the southern Lake Section (all recreation planned south of Dry Creek CHZ) to a level that the reduced reservoir will support. Implement all conditions listed for the Dry Creek CHZ. Abandon Rockpile Road as a county public road beyond the project boundary, which requires cooperation of the County.

e. All measures shall be assessed and a final array of alternative actions shall be presented in the DEIS.

2. In summary, this action resulted from the public review of the Draft Master Plan prepared for the Warm Springs Dam and Lake Sonoma project in December 1978. On February 13, 1979, the U.S. Fish and Wildlife Service requested that Section 7(a) consultation be initiated. Consultation was initiated by the Corps of Engineers on February 20, 1979. The biological opinion was rendered on May 29, 1979 in which significant issues were identified. These issues included secondary development, trespass, traffic related disturbances, and habitat degradation.

The U.S. Fish and Wildlife Service is responsible as a cooperating agency for preparing and furnishing technical information about the endangered American peregrine falcon, detailed descriptions of alternative plans formulated in the biological opinion, and to participate in the preparation of the EIS.

3. A scoping meeting was held on August 29, 1979 with the U.S. Fish and Wildlife Service, California Department of Fish and Game and San Francisco District, Corps of Engineers participating. Prior to this time various opportunities to identify significant issues were furnished during the preparation and review of the Draft Master Plan between July 1978 and July 1979, including public workshops, letter comments and meetings with interested parties.

4. It is expected that the DEIS will be available to the public by early November 1980.

5. Questions about the proposed action and DEIS can be directed to Mr. Les Tong, U.S. Army Corps of Engineers, SPNED–ED, 211 Main Street, Room 809, San Francisco, California 94105.

Dated: May 26, 1980.

John M. Adsit,

Colonel, CE, District Engineer.

[FR Doc. 80–16801 Filed 6–2–80; 8:45 am]

BILLING CODE 3710–FS–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Navigation Channel Study in Krebs Lake at Pascagoula, Miss.

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

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. *Proposed Action:* The proposed action is to prepare a DEIS to assist in determining whether or not to provide a navigation Channel in Krebs Lake at Pascagoula, Mississippi. Several channel and dredged material disposal alternatives are under consideration.

2. *Alternatives:* The alternatives involve structural modifications to the Krebs Lake area. For each channel size considered, a hydraulic dredge would be utilized during both construction and maintenance operations. Diked disposal area alternatives consider both upland and marsh creation sites. No action is also being considered.

3. *Scoping Process:*

a. The Public Involvement Program began in 1977 to discuss navigation problems with local interests. A public meeting workshop was held on 6 May 1980 to define the objectives of the study, review alternatives, and answer questions from local citizens.

b. Significant issues analyzed in the DEIS are: (1) channel sizes, and (2) dredged material disposal alternatives.

4. *Scoping Meeting:* No additional scoping meetings are scheduled due to the advanced state of the DEIS and the Detailed Project Report.

5. *DEIS Preparation:* It is estimated that the DEIS will be available to the Public in June 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Ken Sims, PD–ES, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

Dated: May 9, 1980.

By authority of the Secretary of the Army:

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGO.

[FR Doc. 80–16798 Filed 6–2–80; 8:45 am]

BILLING CODE: 3710–CR–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Authorized Coosa River Navigation Project Between Montgomery and Gadsden, Ala.

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

ACTION: Notice of Intent to Prepare a DEIS.

SUMMARY:

1. *Proposed Action.* The proposed action is to prepare a DEIS to evaluate the environmental impact of the Coosa River Navigation Project. The project involves construction of navigation locks at the existing Alabama Power Company dams on the river as well as some channel dredging and realignment, and relocation of utilities and bridges. The DEIS will include an evaluation of the environmental impact of induced development associated with the project.

2. *Alternatives:* The following basic transportation related alternatives will be evaluated:

a. No Action—This alternative will be the "without" project conditions against which impacts will be measured.

b. Authorized navigation project including induced development.

c. Railroads.

d. Highways.

e. Pipelines.

f. Other transportation methods or combination of methods.

3. *Scoping Process:*

a. The scoping process, as outlined by the Council on Environmental Quality in the November 29, 1978 **Federal Register,** National Environmental Policy Act—Regulations, will be utilized to involve Federal, State, and local agencies and other interested persons. Identification of significant issues to be addressed in the EIS will be determined through the scoping process.

b. Coordination with the U.S. Fish and Wildlife Service, as required by the Fish and Wildlife Coordination Act and the Endangered Species Act, is being undertaken. Coordination required by other laws and regulations will also be conducted.

4. *Scoping Meeting:* A Scoping Meeting will be held; however, the time, date, and location have not been scheduled.

5. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in the fall of 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Henry Malec, PD–ES, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

Dated: May 12, 1980.

By authority of the Secretary of the Army:

George A. Bailey,

Colonel, U.S. Army, Director, Administrative Management, TAGO.

[FR Doc. 80–16799 Filed 6–2–80; 8:45 am]

BILLING CODE 3710–CR–M

Office of the Secretary

Defense Science Board Task Force on Anti-Tactical Missiles; Meeting

The Defense Science Board Task Force on Anti-Tactical Missiles (ATM) will meet in closed session on 24–25 June 1980 in the Pentagon, 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.

At its meeting on 24–25 June 1980 the Defense Science Board Task Force on ATM will review the potential enemy development of new ballistic and cruise missiles and propose and evaluate options for countering such threats.

In accordance with 5 U.S.C. App. 1 § 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 29, 1980.

[FR Doc. 80–16712 Filed 6–2–80; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: June 24 and 25, 1980, 9:00 a.m. to 5:00 p.m.

ADDRESS: June 24 and 25, 1980, Full Council meetings will be held at the Health and Human Services Building (HEW-North) 330 Independence Avenue, S.W., Room 4131, Washington, DC. For further information contact: Gloria Becerra, Office of Bilingual Education and Minority Languages Affairs, Reporters Building, Room 421, Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202, (202–447–9227).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242) to advise the Secretary of the Department of Education concerning matters arising in the admininstration of the Bilingual Education Act.

The meetings on June 24 and 25, 1980 will be open to the public beginning at 9:00 a.m.

June 24, 1980: A meeting of the Full Council on the following subjects is scheduled from 9:00 a.m. until 5:00 p.m. The proposed agenda includes the following:

Business Meeting
- a. Call to Order.
- b. Approval of Minutes.
- c. Chairperson's Report.
- d. Committee Reports.
- e. Ad Hoc Reports.

11:00–12:30—OBEMLA Director's Report.
- a. OBEMLA Resources.
- b. Refugee Task Force.
- c. Report of SEA Funding.
- d. Report of Fellowship Funding.
- e. New Cooridination and Policy Functions.
- f. Status of the OBEMLA Transition.
- g. Proposed Organizational Structure of OBEMLA.
- h. Update of Part C Research.

1:30–2:30—Title I/Title VII Task Force Report—John Staehle.

Report from National Advisory Council on the Educationally Disadvantaged (Title I)—Ms. Alice Baum, Executive Director and representatives of the Council.

2:30–3:00—Institute for Educational Leadership (IEL) Report on Capacity Building—Liz Reisner.
3:00–4:00—Review of Annual Report—Juan Gutierrez.
4:00–4:30—NACBE Budget Report.
June 25, 1980: The proposed agenda includes the following:
9:00–9:45—Report from the Division of Vocational and Technical Education—Thaine McCormick, Director.
9:45–10:45—Report from the Organization of American States (OAS)—Michael Alleyne, Deputy Director, Department of Educational Affairs.
11:00–12:30—f. Old Business
—Action Items
—Report on Asian Conference—Atsuko Brewer
—ID Photos—Rm. G320D—(HEWN).
1:30–2:30—Report from the Agency for International Development (AID)—David Sprague, Acting Director, Office of Education, Development Support Bureau.
2:30–3:00—Report from Special Education and Rehabilitative Services Programs—Edwin Martin, Assistant Secretary, ED.
3:00–4:30—g. New Business—Action Items—Agenda.
h. Public Participation.
i. Adjournment.

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, S.W., Washington, DC. Written requests for such reports should be sent to 400 Maryland Avenue, S.W., Reporters Building, Room 421, Washington, DC 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, DC on May 28, 1980.

Josue M. Gonzalez,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 80-16691 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP80-363]

Alabama-Tennessee Natural Gas Co.; Application

May 27, 1980.

Take notice that on May 7, 1980,[1] Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama 35630, filed in Docket No. CP80-363 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Amoco Production Company (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the order issued in Docket No. CP78-352 on November 20, 1978, it has constructed 17.7 miles of 8⅝-inch pipeline from the Tatum's Camp Field in Lamar County, Mississippi, to a point of interconnection with the Delta-Portland pipelines of the Tennessee Gas Pipeline Company, a Division of Tenneco Inc. near its Valve 535 in Forrest County, Mississippi. Additionally, it is stated that a processing plant was also constructed. The capacity of these facilities is approximately 20,000 Mcf per day which is not being fully utilized at this time, it is said.

Applicant states that Amoco has a working interest in the same wells from which Applicant obtains its natural gas in Lamar County, Mississippi.

Pursuant to an agreement between Applicant and Amoco dated May 5, 1980, Applicant proposes to transport Amoco's gas from the tailgate of the processing plant in Lamar County to an interconnection to be installed on the pipelines of Applicant and United Pipe Gas Line Company (United) in Lamar County. Such gas would be delivered by Applicant to United for Amoco's account, it is said. Additionally, it is stated that the sales and transportation service would be on a best-efforts basis.

Applicant asserts that the only additional facility required to effect this proposal would be a meter station between the pipelines of Applicant and United which would be installed by United.

Applicant states that the term of the transportation agreement with Amoco is for five years from the date of first delivery and from year to year thereafter.

It is further asserted that the transportation charge for the natural gas delivered shall be $0.185 per million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 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. 80-16773 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-99]

Amoco Production Co.; Petition for Declaratory Order

May 27, 1980.

Take notice that on May 19, 1980, Amoco Production Company (Amoco) filed a petition for a declaratory order pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR § 1.7) Amoco requests that it be authorized to collect the "post-1974 gas" vintage rate for gas produced from a planned sidetrack redrilling operation.

More particularly, Amoco plans to produce approximately 2.99 Bcf of otherwise unrecoverable gas reserves by sidetracking from an existing unproductive well bore from a point just below the lowest depth of well casing to a new completion location in a previously penetrated reservoir. Amoco does not intend to "mill out" any of the

[1] The application was initially tendered for filing on May 7, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until May 9, 1980; thus, the filing was not completed until the latter date.

existing well's casing, but rather to begin the sidetrack drilling from a point below where the steel casing strings end.

Amoco requests clarification from the Commission regarding whether the "milling" of the original well casing is an essential prerequisite for the establishment of the commencement of sidetrack operations as the "spud-date" for the new well. If Amoco would be authorized to only collect the rates for the vintage of the existing causing was made, Amoco asserts it would be faced with significant added drilling expense, with no operational or engineering benefit.

The gas to be produced is from Amoco's interest in West Delta Block 35, Offshore Louisiana, Federal Domain. This gas is committed to Tennessee Gas Pipeline Co. (TGP) under Gas Purchase and Sales Agreement dated September 27, 1971. Amoco has not yet submitted its proposed drilling plan to the USGS for its approval.

Amoco states that this proposed sidetrack operation cannot be economically drilled unless the gas produced therefrom qualifies from the maximum lawful price for "post-1974 gas", instead of being held to the vintage applicable to the "spud-date" of the original well.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before June 26, 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. 80-16774 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-364]

Arkansas Oklahoma Gas Co.; Application

May 27, 1980.

Take notice that on May 13, 1980, Arkansas Oklahoma Gas Company (Applicant), P. O. Box 2406, Fort Smith, Arkansas 72902, filed in Docket No. CP80-364 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's regulations for a certificate of public convenience and necessity for blanket authorization to render transportation services for other interstate pipeline companies for terms to up to two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. Applicant states that it would comply with Section 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 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 jurisdicition 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. 80-16775 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI80-9]

Bettis, Boyle and Stovall; Application for Special Relief

May 27, 1980.

Take notice that on March 11, 1980 Bettis, Boyle and Stovall (Applicant) filed an application for special relief pursuant to § 271.1105 of the Commission's rules (18 CFR 271.1105), seeking a rate increase for its gas produced from seven wells located in the Chess Field, Willacy County, Texas and sold to Tennessee Gas Pipeline Company.

Currently, the maximum lawful price which Applicant may charge for its gas under the Natural Gas Policy Act, without reference to applicable contracts rights, is $.669 per MMBtu. Applicant is now seeking to sell the subject gas at a rate of $2.10198 per MMBtu; Applicant states that this rate would provide the necessary revenue for reworking the wells. Presently, no gas is being sold from the subject wells. Applicant states further that with extensive workovers an appreciable amount of gas is recoverable from these wells. Lastly, Applicant asserts that if the requested special relief is not granted, then the wells will have to be plugged and the lease will be abandoned for salvage.

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 NE., Washington, D.C. 20426, in accordance with §§ 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 19, 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. 80-16790 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-18]

Collinsville Co.; Petition for Declaratory Order

May 27, 1980.

Take notice that on February 29, 1980, the Collinsville Company (Petitioner) filed a petition pursuant to 18 C.F.R. § 1.7(c)(1979) requesting that the Commission issue an order determining its jurisdiction over the Petitioner's existing hydroelectric generating site. The project is located on the Farmington River in Hartford County, Connecticut. Correspondence concerning the petition should be addressed to: Mr. Thomas M. Perry, President, The Collinsville Company, P. O. Box 2, Collinsville, Connecticut 06022.

Petitioner intends to make repairs to an existing dam and generating station. The project would utilize existing water rights and would operate run-of-the-river. Power generated at the project would be sold to Northeast Utilities Service Company.

As described in the petition, the project would consist of an existing 16-foot high, 400-foot long, cut granite, block dam and a powerhouse with seven turbine/generator units with a total rated capacity of 1,000 kW.

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 7, 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. 80-16776 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 210]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued May 28, 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.

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. 80-33811/03543
2. 35-073-22126-0000
3. 103 000 000
4. Cummings Oil Co
5. Conley #1-15
6. Loyal East
7. Kingfisher OK
8. 72.0 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80-33812/03192
2. 35-007-00000-0000
3. 108 000 000
4. Mobil Oil Corp
5. Gustin #2
6. Logan SW
7. Beaver OK
8. 1.9 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80-33813/02986
2. 35-025-35114-0000
3. 108 000 000
4. Gas Producing Enterprises Inc
5. Jermyn #1-19
6. Keyes
7. Cimarron OK
8. 3.0 million cubic feet
9. May 15, 1980
10. Colorado Interstate Gas Co Colo Interstate Gas Co Colo Interstate Gas Co

1. 80-33814/01886
2. 35-093-21293-0000
3. 103 000 000
4. Arkansas Western Production Co
5. Weathers #1
6. Ringwood
7. Major OK
8. 139.9 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80-33815/03661
2. 35-043-21699-0000
3. 103 000 000
4. Arco Oil and Gas Co
5. George Grauser #2
6. Sooner Trend
7. Garfield OK
8. 36.5 million cubic feet
9. May 15, 1980
10. Exxon Corp

1. 80-33816/00766
2. 35-153-20868-0000
3. 103 000 000
4. American Public Energy Co
5. Grounds No 1
6. Dombey (undesignated)
7. Texas County OK
8. .0 million cubic feet
9. May 15, 1980
10. Western Gas Interstate Co

1. 80-33817/01395
2. 35-081-20544-0000
3. 102 000 000
4. Parkford Petroleum Inc
5. Kernke No 1
6. NW Agra Field
7. Lincoln OK
8. 24.0 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80-33818/01397
2. 35-081-20579-0000
3. 102 000 000
4. Parkford Petroleum Inc
5. Testerman No 1
6. NW Agra Field
7. Lincoln OK
8. 25.0 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80-33819/03504
2. 35-007-00000-0000
3. 108 000 000
4. Crown Central Petroleum Corp
5. Ellis No 1-26
6. South Six Mile
7. Beaver OK
8. 9.0 million cubic feet
9. May 15, 1980
10. Northern Natural Gas Co

1. 80-33820/03505
2. 35-133-00000-0000
3. 108 000 000
4. Lindell M Koontz
5. Adwan #1-03395
6. Seminole
7. Seminole OK
8. 11.0 million cubic feet
9. May 15, 1980
10. Atlantic Richfield

1. 80-33821/02493
2. 35-017-20741-0000
3. 103 000 000
4. Walker & Withrow Inc
5. McLain A #13-1
6. N W Richland 13
7. Canadian OK
8. 55.0 million cubic feet
9. May 15, 1980
10. Public Service

1. 80-33822/02494
2. 35-017-20694-0000
3. 103 000 000
4. Walker & Withrow Inc
5. McLain #24-1
6. N W Richland
7. Canadian OK
8. 60.0 million cubic feet
9. May 15, 1980
10. Delhi

1. 80-33823/02487
2. 35-017-20740-0000

3. 103 000 000
4. Walker & Withrow Inc
5. McLain B #13–1
6. N W Richland 13
7. Canadian OK
8. 15.0 million cubic feet
9. May 15, 1980
10. Public Service

1. 80–33824/02486
2. 35–017–20773–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Weidemann #25–1 B
6. N W Richland
7. Canadian OK
8. .0 million cubic feet
9. May 15, 1980
10. Delhi

1. 80–33825/02473
2. 35–017–20987–0000
3. 103 000 000
4. Walker & Withrow
5. Weber #7–1
6. Yukon
7. Canadian OK
8. 60.0 million cubic feet
9. May 15, 1980
10. Delhi Gas Pipeline

1. 80–33826/03703
2. 35–149–20058–0000
3. 103 000 000
4. Enserch Exploration Inc
5. R G Johnson No 1
6. Burns Flat
7. Washita OK
8. 182.0 million cubic feet
9. May 15, 1980
10. Natural Gas Pipeline Co of America

1. 80–33827/01392
2. 35–081–00000–0000
3. 102 000 000
4. Parkford Petroleum Inc
5. Riley No 1
6. NW Agra Field
7. Lincoln OK
8. 10.0 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80–33828/01394
2. 35–081–00000–0000
3. 102 000 000
4. Parkford Petroleum Inc
5. McKeown No 2
6. NW Agra Field
7. Lincoln OK
8. 1.8 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80–33829/01389
2. 35–081–00000–0000
3. 102 000 000
4. Parkford Petroleum Inc
5. Testerman No 2
6. NW Agra Field
7. Lincoln OK
8. 26.0 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80–33830/02479
2. 35–017–20926–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Mach #12–1
6. Yukon
7. Canadian OK
8. 60.0 million cubic feet
9. May 15, 1980
10. Delhi Gas Pipeline Corp

1. 80–33831/02482
2. 35–017–20693–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Simpson #30–1
6. N W Richland
7. Canadian OK
8. 90.0 million cubic feet
9. May 15, 1980
10. Delhi Gas Pipeline Corp

1. 80–33832/02478
2. 35–017–20739–0000
3. 103 000 000
4. Walker & Withrow Inc
5. Towe #6–1
6. Yukon
7. Canadian County OK
8. 40.0 million cubic feet
9. May 15, 1980
10. Conoco Delhi

1. 80–33833/01168
2. 35–151–35304–0000
3. 108 000 000
4. Texaco Inc
5. Nellie Olson O/A Unit No D 1
6. Waynoka NE
7. Wood OK
8. 4.4 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33834/03690
2. 35–093–21616–0000
3. 103 000 000
4. Clark Resources Inc
5. Birchall-Dierksen #26–1
6. Sooner Trend
7. Major OK
8. 115.0 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33835/03689
2. 35–093–21629–0000
3. 103 000 000
4. Clark Resources Inc
5. Birchall-Little #26–1
6. Sooner Trend
7. Major OK
8. 192.6 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33836/03688
2. 35–903–21656–0000
3. 103 000 000
4. Clark Resources Inc
5. Buford #35–1
6. Sooner Trend
7. Major OK
8. 125.3 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33837/03487
2. 35–085–00000–0000
3. 108 000 000
4. Lincoln Rock Corp
5. Daube #2
6. Northeast Marietta
7. Love OK
8. 9.4 million cubic feet
9. May 15, 1980
10. Cimarron Transmission Co

1. 80–33838/03697
2. 35–107–00000–0000
3. 108 000 000
4. Pemex Inc
5. Carlton #1
6. East Bearden
7. Okfuskee OK
8. 5.6 million cubic feet
9. May 15, 1980
10. Transok P L Co

1. 80–33839/03694
2. 35–107–00000–0000
3. 108 000 000
4. Pemex Inc
5. Palmer #1
6. East Bearden
7. Okfuskee OK
8. 2.7 million cubic feet
9. May 15, 1980
10. Transok Pipeline Co

1. 80–33840/03602
2. 35–139–00000–0000
3. 108 000 000
4. Edwin L Cox
5. Jarvis #1
6. Guymon-Hugoton Gas Field
7. Texas OK
8. 20.0 million cubic feet
9. May 15, 1980
10. Northern Natural Gas Co

1. 80–33841/03427
2. 35–047–21478–0000
3. 103 000 000
4. Helke Exploration Co
5. Krumrei No 1
6. N E Enid
7. Garfield OK
8. 91.7 million cubic feet
9. May 15, 1980
10. Union Texas Petroluem Co

1. 80–33842/03486
2. 35–093–00000–0000
3. 103 000 000
4. Warren Drilling Co
5. Sproul #2
6.
7. Major County OK
8. 125.0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33843/03539
2. 35–007–21499–0000
3. 103 000 000
4. Arco Oil and Gas Co
5. Bell #1–4
6. Mocane Gas Area
7. Beaver OK
8. 36.0 million cubic feet
9. May 15, 1980
10. Northern Natural Gas Co

1. 80–33844/06598
2. 35–061–20272–0000
3. 103 000 000
4. Jim L Hanna
5. Wagnon Field #1
6. North Russellville
7. Haskell OK
8. 180.0 million cubic feet
9. May 15, 1980
10. Arkansas Louisiana Gas Co

1. 80–33845/03401
2. 35–061–20272–0000
3. 103 000 000
4. Jim L Hanna
5. Wagnon Field No 1
6. North Russellville

7. Haskell OK
8. 180.0 million cubic feet
9. May 15, 1980
10. Arkansas Louisiana Gas Co

1. 80–33846/01877
2. 35–093–21323–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Lingo #1
6. Ringwood
7. Major OK
8. 28.1 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33847/01888
2. 35–093–21492–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Clark #1
6. Ringwood
7. Major OK
8. 4.6 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33848/01881
2. 35–093–21338–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Huston #2
6. Ringwood
7. Major OK
8. .0 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33849/01891
2. 35–093–21281–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Kisamore #1
6. Ringwood
7. Major OK
8. 92.0 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33850/01885
2. 35–093–21486–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Schmidt #1
6. Ringwood
7. Major OK
8. 46.8 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33851/01892
2. 35–093–21510–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Elmer #1
6. Ringwood
7. Major OK
8. 0. million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33852/01884
2. 35–093–21250–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Harman #1
6. Ringwood
7. Major OK
8. 10.9 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33853/01882
2. 35–093–21275–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Obrate #1
6. Ringwood
7. Major OK
8. 6.5 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33854/01879
2. 35–093–21479–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Jones #1
6. Ringwood
7. Major OK
8. 18.9 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33855/01890
2. 35–093–21493–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Pecha #1
6. Ringwood
7. Major OK
8. .0 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33856/01893
2. 35–093–21269–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Bergdall #1
6. Ringwood
7. Major OK
8. 14.6 million cubic feet
9. May 15, 1980
10. Oklahoma Gas & Electric

1. 80–33857/01345
2. 35–079–20251–0000
3. 103 000 000
4. Reserve Oil Inc
5. Tolbert 21–1C
6. Kinta
7. Leflore OK
8. 365.0 million cubic feet
9. May 15, 1980
10. Arkansas Louisiana Gas Co

1. 80–33858/03613
2. 35–129–20078–0000
3. 108 000 000
4. Universal Resources Corp
5. Kirbie #1–36
6. Peek S
7. Roger Mills OK
8. 1.2 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33859/01304
2. 35–007–35996–0000
3. 108 000 000
4. Gulf Oil Corp
5. Koran #1
6. Laverne
7. Beaver OK
8. 14.0 million cubic feet
9. May 15, 1980
10. Transwestern Pipeline Co

1. 80–33860/03422
2. 35–093–21520–0000
3. 103 000 000
4. Helke Exploration Co
5. Hagele No 1
6. Ringwood
7. Major OK
8. 75.0 million cubic feet
9. May 15, 1980
10. Union Texas Petroleum

1. 80–33861/03598
2. 35–047–20901–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. Ruth Dierksen #2
6. Sooner Trend
7. Garfield OK
8. 5.1 million cubic feet
9. May 15, 1980
10. Exxon Co USA

1. 80–33862/03403
2. 35–612–02670–0000
3. 103 000 000
4. Jim L Hanna
5. Wagnon Hill #1
6. Kinta
7. Haskell OK
8. 235.0 million cubic feet
9. May 15, 1980
10. Arkansas Louisiana Gas Co

1. 80–33863/03402
2. 35–061–20267–0000
3. 103 000 000
4. Jim L Hanna
5. Wagnon Hill #1
6. Kinta
7. Haskell OK
8. 235.0 million cubic feet
9. May 15, 1980
10. Arkansas Louisiana Gas Co

1. 80–33864/03591
2. 35–073–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. J J Vaverka #2
6. Sooner Trend
7. Kingfisher OK
8. 5.4 million cubic feet
9. May 15, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–33865/03595
2. 35–047–00000–0000
3. 108 000 000
4. Arco Oil and Gas Co
5. Jerry Milacek #1
6. Sooner Trend
7. Garfield OK
8. .0 million cubic feet
9. May 15, 1980
10. Exxon Co Inc Oklahoma Natural Gas Co

1. 80–33866/03051
2. 35–137–00000–0000
3. 108 000 000
4. Phillips Petroleum Co
5. Doyle 15–10
6. Doyle
7. Stephens OK
8. 1.3 million cubic feet
9. May 15, 1980
10. Aminoil USA Inc.

1. 80–33867/01894
2. 35–093–21308–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Buller #1
6. Ringwood
7. Major OK
8. .0 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33868/03597

2. 35–047–00000–0000
3. 108 000 000
4. Arco Oil and Gas Co
5. Juanita Cornish #1
6. Sooner Trend
7. Garfield OK
8. 1.5 million cubic feet
9. May 15, 1980
10. Exxon Company USA, Oklahoma Natural Gas

1. 80–33869/03599
2. 35–047–00000–0000
3. 108 000 000
4. Arco Oil and Gas Co
5. Henry Wiens Estate #1
6. Sooner Trend
7. Garfield OK
8. 4.4 million cubic feet
9. May 15, 1980
10. Panhandle Eastern Pipe Line Co, Oklahoma Nat Gas Co

1. 80–33870/03481
2. 35–093–00000–0000
3. 103 000 000
4. Warren Drilling Co
5. Neufeld #1
6. Okeene Northwest
7. Major OK
8. 60.0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33871/01878
2. 35–093–21324–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Huston #1
6. Ringwood
7. Major OK
8. .0 million cubic feet
9. May 15, 1980
10. Okla Gas & Electric

1. 80–33872/03631
2. 35–047–21831–0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Roger Hays No 2
6. Enid Northeast
7. Garfield OK
8. .0 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33873/03627
2. 35–017–02112–0000
3. 103 000 000
4. Moran Exploration Inc
5. Sasseen No 1
6. West Yukon
7. Canadian OK
8. .0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33874/03528
2. 35–047–21411–0000
3. 103 000 000
4. J L Thomas Engineering Inc
5. Baker #1
6. Sooner Trend
7. Garfield OK
8. 69.0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33875/03146
2. 35–093–00000–0000
3. 103 000 000
4. Hamm Production Co
5. Jantz #2
6. Chaney Dell
7. Major OK
8. 48.0 million cubic feet
9. May 15, 1980
10. Union Texas Petroleum

1. 80–33876/03719
2. 35–071–00000–0000
3. 108 000 000
4. Summit Energy Inc
5. Sindelar No 8
6. Dilworth
7. Kay County OK
8. 12.0 million cubic feet
9. May 15, 1980
10. Eufaula Enterprises Inc

1. 80–33877/03718
2. 35–071–00000–0000
3. 108 000 000
4. Summit Energy Inc
5. Sindelar No 6
6. Dilworth
7. Kay County
8. 12.0 million cubic feet
9. May 15, 1980
10. Eufaula Enterprises Inc

1. 80–33878/03681
2. 35–009–20283–0000
3. 103 000 000
4. Union Oil Company of Calif
5. Mayfield Unit #1–34
6. N E Mayfield
7. Beckham OK
8. 60.0 million cubic feet
9. May 15, 1980
10. El Paso Natural Gas Co

1. 80–33879/03679
2. 35–007–21628–0000
3. 103 000 000
4. Elder & Vaughn
5. Simmons #1
6. Mocane
7. Beaver OK
8. 30.0 million cubic feet
9. May 15, 1980
10. Northern Natural Gas Co

1. 80–33880/03675
2. 35–151–20914–0000
3. 103 000 000
4. Sovereign Exploration Co
5. Sovereign #1 Busse (Mississippi)
6. Unallocated
7. Woods OK
8. 50.0 million cubic feet
9. May 15, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–33881/03663
2. 35–003–20676–0000
3. 103 000 000
4. Petroleum Resources Co
5. Smith-Weigand No 1
6. SW Cherokee
7. Alfalfa OK
8. 255.5 million cubic feet
9. May 15, 1980
10. Aminoil USA Inc

1. 80–33882/03633
2. 35–047–21797–0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Maxey-Shaklee No 2
6. Enid NE
7. Garfield OK
8. .0 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33883/03632
2. 35–047–21800–0000
3. 103 000 000
4. Ladd Petroleum Corp
5. Shaklee No 2
6. Enid Northeast
7. Garfield OK
8. .0 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33884/03625
2. 35–017–21174–0000
3. 103 000 000
4. Moran Exploration Inc
5. Repecka #1
6. Yukon
7. Canadian OK
8. .0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33885/03626
2. 35–017–21141–0000
3. 103 000 000
4. Moran Exploration Inc
5. Porter #1
6. West Yukon
7. Canadian OK
8. .0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33886/03623
2. 35–017–21140–0000
3. 103 000 000
4. Moran Exploration Inc
5. Warren #1
6. North Yukon
7. Canadian OK
8. .0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33887/03692
2. 35–053–00000–0000
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Conrad No 1
6. Eureka
7. Grant OK
8. 3.5 million cubic feet
9. May 15, 1980
10. Cities Service Gas Co

1. 80–33888/03622
2. 35–007–21582–0000
3. 103 000 000
4. J M Huber Corp
5. Hunt Light No 2
6. Light
7. Beaver OK
8. 145.0 million cubic feet
9. May 15, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–33889/03621
2. 35–025–20321–0000
3. 103 000 000
4. Shell Oil Co
5. Ferguson B 2–27
6. Keyes Dome
7. Cimarron OK
8. 40.0 million cubic feet
9. May 15, 1980
10. Colorado Interstate Gas Co

1. 80–33890/03620
2. 35–007–21493–0000
3. 103 000 000

4. Shell Oil Co
5. Thorne 2–32
6. Mocane Laverne
7. Beaver OK
8. 20.0 million cubic feet
9. May 15, 1980
10. El Paso Natural Gas Co

1. 80–33891/03619
2. 35–139–00000–0000
3. 103 000 000
4. American Public Energy Co
5. H C Hitch #1
6. Guymon South
7. Texas OK
8. 90.0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co, Panhandle Eastern P L Co

1. 80–33892/03601
2. 35–053–00000–0000
3. 108 000 000
4. Arco Oil and Gas Co
5. Matthews Gas Unit #1
6. Wakita Trend
7. Grant OK
8. 18.0 million cubic feet
9. May 15, 1980
10. Sun Gas Co

1. 80–33893/03542
2. 35–017–21227–0000
3. 103 000 000
4. Universal Resources Corp
5. Merveldt #5–35
6. Piedmont West
7. Canadian OK
8. 75.0 million cubic feet
9. May 15, 1980
10.

1. 80–33894/03538
2. 35–073–22151–0000
3. 103 000 000
4. Volcan Energy Corp
5. Stebens #1
6. N W Loyal
7. Kingfisher OK
8. 70.0 million cubic feet
9. May 15, 1980
10. Phillips

1. 80–33895/02726
2. 35–109–00000–0000
3. 103 000 000
4. Wilbur R White
5. Fuzzell A
6. Oklahoma City
7. Oklahoma OK
8. 12.0 million cubic feet
9. May 15, 1980
10. Cities Service Co

1. 80–33896/03662
2. 35–093–21576–0000
3. 103 000 000
4. Shar-Alan Oil Co
5. Cornelsen #1
6. North Fairview
7. Major OK
8. 130.0 million cubic feet
9. May 15, 1980
10. Phillips Petroleum Co

1. 80–33897/03637
2. 35–119–20941–0000
3. 103 000 000
4. Altman Operating Co
5. Spyres #1
6. Ingalls
7. Payne OK
8. 13.0 million cubic feet
9. May 15, 1980
10. Colorado Gas Compression Inc

1. 80–33898/03637
2. 35–119–20941–0000
3. 103 000 000
4. Petroleum Inc
5. Chain Unit #1
6. NW Oakwood
7. Dewey OK
8. 500.0 million cubic feet
9. May 15, 1980
10. Dehli Gas Pipeline Corp

1. 80–33899/03720
2. 35–137–0000—0000
3. 108 000 000
4. Kirkpatrick Oil Co
5. Cox #1
6. Velma
7. Stephens OK
8. 5.5 million cubic feet
9. May 15, 1980
10. Getty Oil Co

1. 80–34097/03629
2. 35–011–20742–0000
3. 108 000 000 Denied
4. St Joe Petroleum (US) Corp
5. McPherson #1
6.
7. Blaine OK
8. 65.0 million cubic feet
9. May 14, 1980
10. Oklahoma Gas & Electric Co

1. 80–34098/03134
2. 35–119–20879–0000
3. 103 000 000
4. Philco Petroleum Corp
5. Hilbert #1
6. Ingalls
7. Payne OK
8. .0 million cubic feet
9. May 14, 1980
10. Colorado Gas Compression Inc

1. 80–34099/03131
2. 35–019–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. John D Dougherty #3
6. Sho-Vel-Tum
7. Carter OK
8. 7.5 million cubic feet
9. May 14, 1980
10. Aminoil USA Inc

1. 80–34100/03130
2. 35–019–00000–0000
3. 108 000 000
4. Arco Oil & Gas Co
5. John D Dougherty #4
6. Sho-Vel-Tum
7. Carter OK
8. 4.5 million cubic feet
9. May 14, 1980
10. Aminoil USA Inc

1. 80–34101/03709
2. 35–003–0000–0000
3. 103 000 000
4. Maguire Oil Co
5. Kirkendall-Elliott #2
6. Chaney Dell
7. Alfalfa OK
8. 9.0 million cubic feet
9. May 14, 1980
10. Panhandle Eastern Pipeline Co

1. 80–34102/03772
2. 35–131–20655–0000
3. 103 000 000
4. Doak Oil Inc
5. Frasier B No 1
6.
7. Rogers OK
8. 27.0 million cubic feet
9. May 14, 1980
10. Diamond S. Gas Systems Inc

1. 80–34103/03773
2. 35–131–20656–0000
3. 103 000 000
4. Doak Oil Inc
5. Frasier A No 1
6.
7. Rogers OK
8. 110.0 million cubic feet
9. May 14, 1980
10. Diamond S Gas Systems Inc

1. 80–34104/03617
2. 35–151–20944–0000
3. 103 000 000
4. Arkansas Western Production Co
5. Hofer #1
6. NW Oakdale
7. Woods OK
8. 150.0 million cubic feet
9. May 14, 1980
10. Panhandle Eastern Pipeline Co

1. 80–34105/03618
2. 35–053–20527–0000
3. 103 000 000
4. Wil-Mc Oil Corp
5. Mitchell #1
6. S Wakita
7. Grant OK
8. 72.0 million cubic feet
9. May 14, 1980
10. Sun Gas Co

1. 80–34106/03656
2. 35–017–21236–0000
3. 103 000 000
4. Calvert Drilling Co
5. Treece #1
6. N Piedmont
7. Canadian OK
8. 4.0 million cubic feet
9. May 14, 1980
10. Phillips Petroleum Co

1. 80–34107/03658
2. 35–083–21055–0000
3. 103 000 000
4. Calvert Drilling Co
5. Edith #1
6. West Edmond
7. Logan OK
8. 33.0 million cubic feet
9. May 14, 1980
10. Phillips Petroleum Co

1. 80–34108/03669
2. 35–007–21556–0000
3. 103 000 000
4. Arco Oil & Gas Co
5. O H Weeks #2
6. Laverne
7. Beaver OK
8. 109.5 million cubic feet
9. May 14, 1980
10. Michigan Wisconsin Pipe Line Co

1. 80–34109/01880
2. 35–093–21288–0000
3. 108 000 000 Denied
4. Arkansas Western Production Co
5. #1 Maphet
6. Ringwood

7. Major OK
8. 20.8 million cubic feet
9. May 14, 1980
10. Oklahoma Gas & Elec Co

1. 80–34110/03535
2. 35–007–21635–0000
3. 103 000 000
4. Follett Operating Co
5. Luckie #1
6. Mocane-Laverne
7. Beaver OK
8. 450.0 million cubic feet
9. May 14, 1980
10. Panhandle Eastern Pipeline Co

1. 80–34111/02254
2. 35–059–00000–0000
3. 102 000 000
4. Kennedy & Mitchell Inc
5. Buffalo #16–62
6.
7. Harper OK
8. 120.0 million cubic feet
9. May 14, 1980
10. Northern Natural Gas Co

1. 80–34112/03686
2. 35–073–22159–0000
3. 103 000 000
4. Harper Oil Co
5. Droke #1
6. Sooner Trend
7. Kingfisher OK
8. 18.0 million cubic feet
9. May 14, 1980
10. Phillips Petroleum Co

1. 80–34113/03713
2. 35–019–21859–0000
3. 103 000 000
4. Jones & Pellow Oil Co
5. Brimer #21–1
6.
7. Carter OK
8. 16.0 million cubic feet
9. May 14, 1980
10. Aminoil USA Inc

1. 80–34114/03503
2. 35–007–00000–0000
3. 108 000 000
4. An-Son Corp
5. Eades #1
6. Eades #1
7. Beaver OK
8. 7.0 million cubic feet
9. May 14, 1980
10. Northern Natural Gas Co

1. 80–34115/03684
2. 35–073–22161–0000
3. 103 000 000
4. Dick Bogert Inc
5. Dixon #1
6. Reeding
7. Kingfisher OK
8. 100.0 million cubic feet
9. May 14, 1980
10. Conoco Inc

1. 80–34116/03660
2. 35–083–21030–0000
3. 103 000 000
4. Calvert Drilling Co
5. Buttram #1
6. West Edmond
7. Logan OK
8. 60.0 million cubic feet
9. May 14, 1980
10. Cities Service Gas Co

1. 80–34117/03659
2. 35–083–21055–0000
3. 103 000 000
4. Calvert Drilling Co
5. Knight #1
6. West Edmond
7. Logan OK
8. 65.0 million cubic feet
9. May 14, 1980
10. Cities Service Gas Co

1. 80–34118/03721
2. 35–007–21636–0000
3. 103 000 000
4. H & L Operating Co
5. West #1
6. Camrick Gas Area
7. Beaver OK
8. 120.0 million cubic feet
9. May 14, 1980
10. Northern Natural Gas Co

1. 80–34119/03722
2. 35–121–20606–0000
3. 103 000 000
4. Supron Energy Corp
5. Turney 31–2
6. Atoka D
7. Pittsburg OK
8. 972.0 million cubic feet
9. May 14, 1980
10. Arkansas Louisiana Gas Co

1. 80–34120/03680
2. 35–009–20269–0000
3. 103 000 000
4. Union Oil Co of Louisiana
5. Mayfield Unit #109
6. N E Mayfield
7. Beckham OK
8. .0 million cubic feet
9. May 14, 1980
10.

1. 80–34121/03670
2. 35–139–21207–0000
3. 103 000 000
4. Anadarko Production Co
5. Heintz E No 1
6. North Richland Center
7. Texas OK
8. 277.0 million cubic feet
9. May 14, 1980
10. Panhandle Eastern Pipe Line Co

1. 80–34122/03474
2. 35–073–22088–0000
3. 103 000 000
4. Classen Oil and Gas Co
5. Rose Hoskins 073
6. Sooner Trend
7. Kingfisher OK
8. 1623.0 million cubic feet
9. May 14, 1980
10. Conoco Inc

U.S. Geological Survey, Metairie, La.

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. 80–34123/GO–1265
2. 17–702–40542–00D2–0
3. 102 000 000
4. Chevron USA Inc
5. OCS–G–2555 #6–D
6. West Cameron
7. 555
8. 113.0 million cubic feet
9. May 13, 1980
10. Natural Gas Pipeline Co of America

U.S. Geological Survey, Albuquerque, N. Mex.

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. 80–33925/COA–5269–79
2. 05–067–06236–0000–0
3. 103 000 000
4. Arco Oil & Gas Co
5. Southern Ute 13–3 32–8
6. Ignacio Blanco (MV)
7. La Plata, Co
8. 260.0 million cubic feet
9. May 12, 1980
10. Western Slope Gas Co

1. 80–33984/COA–5138–79
2. 05–067–05145–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. NWCH 32–10 #14
6. Ignacio Mesaverde
7. La Plata, Co
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80–33985/COA–5136–79
2. 05–067–05026–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. NWCH 32–10 #5
6. Ignacio Blanco MV
7. La Plata, Co
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80–33986/COA–5134–79
2. 05–067–00000–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Bondad 34–10 #7
6. Ignacio Blanco MV
7. La Plata, Co
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80–33989/COA–5133–79
2. 05–067–05111–0000–0
3. 108 000 000
4. Northwest Pipeline Corp
5. Northwest Cedar Hill 32–10 #13
6. Ignacio Blanco Mesaverde
7. La Plata, Co
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80–33995/COA–5207–79
2. 05–067–05593–0000–0
3. 108 000 000
4. El Paso Exploration Co
5. Bondad 33–9 36 #21
6. Ignacio Blanco-Mesaverde Gas

7. La Plata, Co
8. 16.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp
1. 80–33900/NM–5153–79
2. 30–015–22095–0000–0
3. 103 000 000
4. General American Oil Co of Texas
5. Arnold E No 4
6. Fren
7. Eddy, NM
8. 2.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co
1. 80–33901/NM–5152–79
2. 30–015–22900–0000–0
3. 103 000 000
4. David Fasken
5. Fasken-Shell Federal Comm No 5
6. Cemetery (Morrow)
7. Eddy, NM
8. 146.0 million cubic feet
9. May 12, 1980
10. Natural Gas Pipeline Co of America
1. 80–33902/NM–5160–79
2. 30–045–23517–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Hughes A #4
6. Basin Dakota
7. San Juan, NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
1. 80–33903/NM–5152–79
2. 30–039–21970–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Klein #26
6. Basin Dakota
7. Rio Arriba, NM
8. 100.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
1. 80–33904/NM–5293–79
2. 30–045–07615–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Manley No 1
6. Fulcher Kutz-Pictured Cliffs
7. San Juan, NM
8. 19.0 million cubic feet
9. May 12, 1980
10. Southern Union Gas Co
1. 80–33905/NM–5292–79
2. 30–039–06328–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Lowe No 3
6. Tapacito-Pictured Cliffs
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico
1. 80–33906/NM–5291–79
2. 30–045–05652–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Sanger No 1
6. Ballard-Pictured Cliffs
7. San Juan, NM
8. 1.3 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico
1. 80–33907/NM–5290–79
2. 30–045–10310–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Nance No 1
6. Basin-Dakota
7. San Juan, NM
8. 18.0 million cubic feet
9. May 12, 1980
10. Southern Union Gas Co
1. 80–33908/NM–5288–79
2. 30–045–05782–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Consolidated-Hale No 1
6. Basin-Dakota & Ballard-Pictured Cliffs
7. San Juan, NM
8. 12.0 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico
1. 80–33909/NM–5287–79
2. 30–045–05483–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Navajo No 3
6. Basin-Dakota
7. San Juan NM
8. 12.0 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico
1. 80–33910/NM–5280–79
2. 30–039–22103–0000–0
3. 103 000 000
4. Schalk Development Co
5. Schalk 31–2 #
6. Pictured Cliffs
7. Rio Arriba County NM
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corporation
1. 80–33911/NM–5279–79
2. 30–045–23693–0000–0
3. 103 000 000
4. J Gregory Merrion & Robert L Bayles
5. Pete #1
6. WAW Fruitland Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Company
1. 80–33912/NM–5278–79
2. 30–045–23595–0000–0
3. 103 000 000
4. J Gregory Merrion & Robert L Bayles
5. Southland #4
6. WAW Fruitland Pictured Cliffs
7. San Juan NM
8. 35.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Company
1. 80–33913/NM–0023–80
2. 30–045–23514–0000–0
3. 103 000 000
4. Tenneco Oil Co
5. Day #3
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Company
1. 80–33914/NM–5289–79
2. 30–039–06551–0000–0
3. 108 000 000
4. Consolidated Oil & Gas Inc
5. Lowe No 2
6. Tapacito—Pictured Cliffs
7. Rio Arriba NM
8. 18.0 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico
1. 80–33915/NM–0042–80
2. 30–015–60583–0000–0
3. 102 000 000
4. Yates Petroleum Corp
5. Thomas LN Federal No 1
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. May 12, 1980
10. 51. 80–33916/NM–0041–80
2. 30–015–60608–0000–0
3. 103 000 000
4. Yates Petroleum Corp
5. Five Mile Draw LX Federal Com No 1
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. May 12, 1980
10.
1. 80–33917/NM–0040–80
2. 30–015–60574–0000–0
3. 102 000 000
4. Yates Petroleum Corp
5. South Alkali LK Federal No #
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. May 12, 1980
10.
1. 80–33918/NM–5268–79
2. 30–045–08586–0000–0
3. 108 000 000
4. Amoco Production Co
5. Florence Gas Com B No 1
6. Basin-Dakota
7. San Juan NM
8. 20.6 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
1. 80–33919/NM–5262–79
2. 30–025–00000–0000–0
3. 108 000 000
4. Conoco Inc
5. Vaughan A–12 No 1
6. NMFU—Jalmat Yates Gas
7. LEA NM
8. 10.3 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
1. 80–33920/NM–5277–79
2. 30–045–23694–0000–0
3. 103 000 000
4. J Gregory Merrion & Robert L Bayles
5. HI Roll #1–R
6. WAW Fruitland Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. May 12, 1980
10. Southwest Gas Corp
1. 80–33921/NM–5156–79
2. 30–039–21971–0000–0
3. 103 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #108 A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
1. 80–33922/NM–5157–79

2. 30-039-21964-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #291
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33923/NM-5158-79
2. 30-045-23349-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Allison Unit #55
6. Blanco Mesaverde
7. San Juan NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33924/NM-5260-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Lockhart A-30 No 5
6. NMFU—Eumont Queen Gas
7. LEA NM
8. 17.7 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33926/NM-5271-79
2. 30-005-60531-0000-0
3. 102 000 000
4. McClellan Oil Corp
5. Penjack Federal No 1
6. Wildcat (ABO)
7. Chaves NM
8. 182.5 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline Co

1. 80-33927/NM-5144-79
2. 30-045-22051-0000-0
3. 108 000 000
4. Dome Petroleum Corp
5. Fusselman Federal No 1
6. WAW—NIPP
7. San Juan NM
8. 18.5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Natural Gas Pipeline Co of America

1. 80-33928/NM-5145-79
2. 30-045-22052-0000-0
3. 108 000 000
4. Dome Petroleum Corp
5. Frew Federal No 1
6. WAW—NIPP
7. San Juan NM
8. 14.8 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Natural Gas Pipeline Co of America

1. 80-33929/NM-5147-79
2. 30-045-22290-0000-0
3. 108 000 000
4. Mesa Petroleum Co
5. Bindel Federal Com #1
6. UND South Carlsbad (Morrow)
7. Eddy NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33930/NM-5149-79
2. 30-045-23407-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Lawson #4
6. Undesignated
7. San Juan NM
8. 25.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33931/NM-5154-79
2. 30-015-22090-0000-0
3. 103 000 000
4. General American Oil Company of Tex
5. Nunlee No 8
6. Square Lake
7. Eddy Lake NM
8. 4.7 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-33932/NM-5143-79
2. 30-015-22935-0000-0
3. 102 000 000
4. Yates Petroleum Corporation
5. Allison Co Federal No 2
6. Boyd Morrow
7. Eddy NM
8. .0 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline Co

1. 80-33933/NM-5142-79
2. 30-045-23360-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Gooch #2
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33934/NM-5141-79
2. 30-045-23489-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Hughes #3
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33935/NM-0045-80
2. 30-039-22089-0000-0
3. 103 000 000
4. Amoco Production Co
5. Jicarilla Gas Com C Well #1
6. Basin Dakota
7. Rio Arriba NM
8. 105.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33936/NM-5236-79
2. 30-039-07433-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-7 Unit #23
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 14.2 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33937/NM-5237-79
2. 30-045-00000-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Mudge #21
6. Basin-Dakota Gas
7. San Juan NM
8. 8.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33938/NM-5238-79
2. 30-039-07866-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 30-6 Unit #34
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 10.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33939/NM-5239-79
2. 30-045-21409-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano Unit #258
6. Angels Peak-Gallup Gas
7. San Juan NM
8. 7.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33940/NM-0028-80
2. 30-015-22972-0000-0
3. 103 000 000
4. Yates Petroleum Corp
5. Scout EH Federal No 4
6. Undesignated
7. Eddy NM
8. .0 million cubic feet
9. May 12, 1980
10.

1. 80-33941/NM-0031-80
2. 30-045-09998-0000-0
3. 108 000 000
4. R & G Drilling Co
5. Lunt No 61
6. Basin Dakota
7. San Juan County NM
8. 21.2 million cubic feet
9. May 12, 1980
10. Southern Union Gathering Co

1. 80-33942/NM-0034-79
2. 30-039-05329-0000-0
3. 108 000 000
4. Amerada Hess Corp
5. J Apache B No 13
6. Otero
7. Rio Arriba NM
8. 1.7 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33943/NM-0035-80
2. 30-039-05641-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #111
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 2.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Southern Union Gathering Co

1. 80-33944/NM-0037-80
2. 30-039-20837-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 27-4 Unit #94
6. Basin-Dakota
7. Rio Arriba NM
8. 15.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33945/NM-0006-79

2. 30-045-21679-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Schumacher #13
6. Knickerbocker Buttes-Gallup Oil
7. San Juan NM
8. 11.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33946/NM-0010-80
2. 30-039-06671-0000-0
3. 108 000 000
4. El Paso Exploration Co
5. Jicarilla 119 N #3
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 5.8 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33947/NM-0016-80
2. 30-039-20827-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 27-4 Unit #88
6. Tapacito-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33948/NM-0017-80
2. 30-039-07432-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #31
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 21.5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33949/NM-0026-80
2. 30-045-07200-0000-0
3. 108 000 000
4. R & G Drilling Co
5. Schlosser No 26
6. Kutz Fruitland
7. San Juan NM
8. 21.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33950/NM-5231-79
2. 30-045-13312-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Quitzau #11
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 16.4 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33951/NM-5249-79
2. 30-015-60594-0000-0
3. 102 000 000
4. Yates Petroleum Corp
5. Duncan LH Federal No 1-Y
6. ABO
7. Chaves NM
8. .0 million cubic feet
9. May 12, 1980
10.

1. 80-33952/NM-5251-79
2. 30-025-26355-0000-0
3. 103 000 000
4. Amoco Production Co
5. South Mattix Unit Fed #37
6. Und Fowler Drinkard
7. Lea NM
8. 30.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33953/NM-5255-79
2. 30-039-22104-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Jicarilla Well #108 (Gallup)
6. W Lindrith
7. Rio Arriba NM
8. 109.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33954/NM-5255-79-B
2. 30-039-22104-0000-0
3. 103 000 000
4. Arco Oil & Gas Co
5. Jicarilla Well #108 (Dakota)
6. W Lindrith
7. Rio Arriba NM
8. 109.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33955/NM-5261-79
2. 30-045-00000-0000-0
3. 108 000 000
4. Husky Oil Co
5. Alice Bolack #11
6. West Kutz Pictured Cliffs
7. San Juan NM
8. 16.3 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33956/NM-5240-79
2. 30-039-60085-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 27-5 Unit #12
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Northwest Pipeline Corp

1. 80-33957/NM-5241-79
2. 30-039-20603-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-6 Unit #174
6. Blanco South-Pictured Cliffs
7. Rio Arriba NM
8. 16.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33958/NM-5242-79
2. 30-045-21157-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Turner #4
6. Blanco-Pictured Cliffs
7. San Juan NM
8. 18.6 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33959/NM-5244-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Reed B No 8
6. NMFU-Eumont Yates 7 Rivers Queen
7. Lea NM
8. 16.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum

1. 80-33960/NM-5245-79
2. 30-025-24725-0000-0
3. 108 000 000
4. Conoco Inc
5. Pearsall Bx No 3
6. Baish-Maljamar-Pearsall
7. Lea NM
8. 6.1 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline

1. 80-33961/NM-5247-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Langlie-Jack Unit No 4
6. NMFU-Langlie Mattix 7 Rivers Quee
7. Lea NM
8. .5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33962/NM-5232-79
2. 30-045-21419-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano Unit NP #253
6. Angels Peak-Gallup Gas
7. San Juan NM
8. 7.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33963/NM-5233-79
2. 30-039-20187-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #81
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 8.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33964/NM-5234-79
2. 30-045-21397-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano Unit #68
6. Basin-Dakota Gas
7. San Juan NM
8. 9.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Northwest Pipeline Corp

1. 80-33965/NM-5235-79
2. 30-039-60074-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #36
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33966/NM-5225-79
2. 30-039-07442-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #27
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.1 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33967/NM-5228-79
2. 30-045-21407-0000-0
3. 108 000 000
4. El Paso Natural Gas Co

5. Huerfano Unit NP #248
6. Angels Peak-Gallup Gas
7. San Juan NM
8. 16.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33968/NM-5229-79
2. 30-039-06914-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 27-5 Unit #11
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co
Northwest Pipeline Corp

1. 80-33969/NM-5230-79
2. 30-039-07263-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-7 Unit #11
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 17.5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33970/NM-5118-79
2. 30-039-07898-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 30-5 #8
6. Blanco
7. Rio Arriba NM
8. .5 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33971/NM-5117-79
2. 30-039-20712-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 29-5 Unit #68
6. Basin Dakota
7. Rio Arriba NM
8. 16.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-33972/NM-5116-79
2. 30-039-05669-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #27
6. Gavalin Pictured Cliffs
7. Rio Arriba NM
8. 1.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33973/NM-5124-79
2. 30-045-11000-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. SJ 32-8 #19
6. Blanco MV
7. San Juan NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33974/NM-5123-79
2. 30-045-11217-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32-8 #30
6. Blanco MV
7. San Juan NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33975/NM-5122-79
2. 30-045-11204-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Jan 32-7 Comm #2
6. Blanco MV
7. San Juan NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33976/NM-5119-79
2. 30-039-60034-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #14
6. Gavalin Pictured Cliffs
7. Rio Arriba NM
8. 11.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33977/NM-5129-79
2. 30-045-21330-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32-7 NP #34
6. Basin Dakota
7. San Juan NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33978/NM-5127-79
2. 30-045-21545-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 32-7 #28
6. Blanco Mesaverde
7. San Juan NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33979/NM-5126-79
2. 30-039-07907-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Jan 31-6 #14
6. Blanco Mesaverde
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33980/NM-5125-79
2. 30-039-07964-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Rosa Unit #10
6. Blanco Mesaverde
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33981/NM-5131-79
2. 30-039-07355-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Indian L #2
6. Blanco MV
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-33982/NM-5130-79
2. 30-030-07963-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Rosa Unit #16
6. Blanco MV
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33983/NM-5139-79
2. 30-043-20429-0000-0
3. 102 000 000
4. Northwest Exploration Co
5. Natani #1
6. Wildcat Chacra
7. Sandoval NM
8. 18.0 million cubic feet
9. May 12, 1980
10.

1. 80-33987/NM-5204-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Lockhart B-13A No 3
6. NMFU-Blinebry Oil & Gas
7. Lea NM
8. 8.7 million cubic feet
9. May 12, 1980
10. Getty Oil Co

1. 80-33988/NM-5201-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache J No 9
6. Axi Apache Area
7. Rio Arriba NM
8. 3.3 million cubic feet
9. May 12, 1980
10. Gas Company of New Mexico

1. 80-33990/NM-5132-79
2. 30-039-07570-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. San Juan 29-5 #39
6. Blanco MV
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co, Arapahoe Drilling Co, El Paso Natural Gas Co

1. 80-33991/NM-5200-79
2. 30-039-21503-0000-0
3. 108 000 000
4. Conoco Inc
5. Axi Apache D No 5
6. Axi Apache Area
7. Rio Arriba NM
8. 8.5 million cubic feet
9. May 12, 1980
10. Southern Union Gathering Co

1. 80-33992/NM-5199-79
2. 30-005-60311-0000-0
3. 108 000 000
4. Depco Inc
5. Toles Federal No 1
6. Buffalo Valley
7. Chaves NM
8. 11.0 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline Co

1. 80-33993/NM-5198-79
2. 30-039-21864-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #96

6. Basin Dakota
7. Rio Arriba NM
8. 100.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33994/NM-5208-79
2. 30-045-13064-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Lackey B #18
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 14.6 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33996/NM-5206-79
2. 30-045-09709-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Sullivan #1
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 9.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33997/NM-5205-79
2. 30-045-07019-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Bolack B #1
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 16.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33998/NM-5214-79
2. 30-045-07163-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Florance C #10
6. Basin-Dakota Gas
7. San Juan NM
8. 15.3 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-33999/NM-5128-79
2. 30-039-07525-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Indian A #2
6. Choza Mesa PC
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34000/NM-5213-79
2. 30-045-21406-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Ballard #17
6. Angels Peak-Gallup Gas
7. San Juan NM
8. 13.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34001/NM-5211-79
2. 30-045-21101-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Mudge #33
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 17.9 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34002/NM-5209-79
2. 30-039-07671-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 29-7 Unit #101
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34003/NM-5219-79
2. 30-045-21458-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Hubbell #13
6. Aztec-Fruitland Gas
7. San Juan NM
8. 15.3 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34004/NM-5218-79
2. 30-039-06430-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Jicarilla J #2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co, Northwest Pipeline Corp

1. 80-34005/NM5217-79
2. 30-045-20501-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Russell #8
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 16. 4 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34006/NM5140-79
2. 30-045-23492-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Hughes #4
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34007/NM5223-79
2. 30-045-11955-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Storey B #1
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 11.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34008/NM5222-79
2. 30-045-21305-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Atlantic B #14
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 14.2 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34009/NM5221-79
2. 30-045-21149-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Hardie #9
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 13.5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34010/NM5220-79
2. 30-039-06379-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Jicarilla F #1
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 17.9 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co, Northwest Pipeline Corp

1. 80-34011/NM4394-79
2. 30-039-06898-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-7 Unit #17
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34012/NM4305-79-1
2. 30-015-21524-0000-0
3. 108 000 000
4. Coquina Oil Corp
5. Wagner Federal #2
6. Avalon
7. Eddy NM
8. 21.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34013/NM4398-79
2. 30-039-20201-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 27-5 Unit #113
6. Basin-Dakota Gas
7. Rio Arriba County NM
8. 37.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co, Northwest Pipeline Corp

1. 80-34014/NM2438-79
2. 30-045-22425-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Schwerdtfeger 2A
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 1.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34015/NM4553-79
2. 30-045-20773-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Riddle B #6
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34016/NM4542-79
2. 30-005-60530-0000-0
3. 102 000 000
4. McClellan Oil Corp
5. McClellan Federal No 2
6. Sams Ranch (Grayburg)
7. Chaves NM

8. 73.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34017/NM4464-79
2. 30-039-20280-0001-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Canyon Largo Unit #156
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34018/NM4727-79
2. 30-039-20649-0000-0
3. 108 000 000
4. Conoco Inc
5. Conoco 29-4 No 2
6. East San Juan-Campo Gallup
7. Rio Arriba NM
8. .0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Co

1. 80-34019/NM4674-79
2. 30-039-21872-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28-6 Unit #48A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 320.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34020/NM4558-79
2. 30-045-06400-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfanito Unit #56
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 18.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34021/NM4978-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Hawk B-3 No 8
6. NMFU/Tubb Otl
7. Lea NM
8. 7.4 million cubic feet
9. May 12, 1980
10. Getty Oil Co

1. 80-34022/NM4977-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. North El Mar No 5
6. El Mar-El Mar Delaware
7. Lea NM
8. .1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34023/NM4976-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Reed-Sanderson Unit No 4
6. NMFU-Eumont Yates 7 Rivers Queen
7. Lea NM
8. 9.8 million cubic feet
9. May 12, 1980
10. Warren Petroleum

1. 80-34024/NM5193-79
2. 30-039-22120-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Jicarilla 67 #19
6. Undesignated Pictured Cliffs
7. Rio Arriba NM
8. 60.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34025/NM5192-79
2. 30-015-60583-0000-0
3. 103 000 000
4. Yates Petroleum Corp
5. Thomas LN Federal No 1
6. Wildcat
7. Chaves County NM
8. .0 million cubic feet
9. May 12, 1980
10.

1. 80-34026/NM5191-79
2. 30-015-60594-0000-0
3. 103 000 000
4. Yates Petroleum Corp
5. Duncan LH Federal No 1-Y
6. Abo
7. Chaves NM
8. .0 million cubic feet
9. May 12, 1980
10.

1. 80-34027/NM5189-79
2. 30-045-23523-0000-0
3. 103 000 000
4. Southland Royalty Co
5. Wilmer Canyon #3
6. Undesignated Pictured Cliffs
7. San Juan NM
8. 50.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp.

1. 80-34028/NM5196-79
2. 30-045-23296-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Allison Unit #31
6. Basin Dakota
7. San Juan NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34029/NM5195-79
2. 30-045-23287-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Allison Unit #16A
6. Blanco Mesaverde
7. San Juan NM
8. 200.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34030/NM5194-79-A
2. 30-039-21974-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #135A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34031/NM5194-79-B
2. 30-039-21974-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #135A
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34032/NM5086-79
2. 30-039-21975-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Rincon Unit #88A
6. Blanco Mesaverde
7. Rio Arriba NM
8. 70.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34033/NM5007-79
2. 30-045-23717-0000-0
3. 103 000 000
4. Hixon Development Co
5. Ka Da Pah No 1-R
6. Waw-Fruitland-PC
7. San Juan County NM
8. 73.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34034/NM5197-79-A
2. 30-045-23179-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #1A (MV)
6. Blanco Mesaverde
7. San Juan NM
8. 250.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34035/NM-5197-79-B
2. 30-045-23179-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Mudge #1A (PC)
6. Aztec Pictured Cliffs
7. San Juan NM
8. 40.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34036/NM-5090-79
2. 30-039-07430-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #26
6. Blanco-Mexaverde Gas
7. Rio Arriba NM
8. 18.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34037/NM-5089-79
2. 30-039-21968-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Sanchez A #2
6. Basin Dakota
7. Rio Arriba NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34038/NM-5088-79
2. 30-039-21969-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. Vaughn #30
6. Basin Dakota
7. Rio Arriba NM
8. 40.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34039/NM-5087-79

2. 30-039-21943-0000-0
3. 103 000 000
4. El Paso Natural Gas Co
5. San Juan 28-7 Unit #198
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34040/NM-5101-79
2. 30-045-22071-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Scott #20
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 21.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34041/NM-5100-79
2. 30-045-11314-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 32-9 Unit #27
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 18.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34042/NM-5093-0000-0
2. 30-045-20793-0000-0
3. 108 000 000
4. El Paso Natural Gas Company
5. Kelly B #2
6. Blanco-Pictured Cliffs Gas
7. San Juan NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34043/NM-5112-79
2. 30-039-21093-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. SJ 28-7 Unit #242
6. Basin-Dakota Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co, Northwest Pipeline Corp

1. 80-34044/NM-5107-79
2. 30-039-20511-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. San Juan 28-5 Unit #48
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34045/NM-5105-79
2. 30-045-20854-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Sellers #7
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34046/NM-5187-79
2. 30-039-06065-0000-0
3. 108 000 000
4. Amoco Production Co
5. Jicarilla Contract 146 #16
6. Otero-Chacra
7. Rio Arriba NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34047/NM-5166-79
2. 30-045-21119-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Huerfano Unit #232
6. Angels Peak-Gallup Gas
7. San Juan NM
8. 10.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34048/NM-5165-79
2. 30-045-23516-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Hughes A-5
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34049/NM-5163-79
2. 30-045-23515-0000-0
3. 103 000 000
4. Tenneco Oil Co
5. Hughes A #3
6. Basin Dakota
7. San Juan NM
8. 500.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34050/NM-4980-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Conoco Inc
5. Elliott B-20 No 1
6. NMFU-Langlie Mattix 7 Rivers Queen
7. Lea NM
8. 4.7 million cubic feet
9. May 12, 1980
10. Getty Oil Co

1. 80-34051/NM-03300-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #28
6. Gavilan
7. Rio Arriba NM
8. 6.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-34052/NM-3299-79
2. 30-039-07928-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. SI 31-6 Unit #16
6. Blanco
7. Rio Arriba NM
8. 10.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-34053/NM-0010-79-E
2. 30-045-22425-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. Schwerdtfeger 2A
6. Blanco-Mesaverde Gas
7. San Juan NM
8. 1.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34054/NM-3596-79
2. 30-039-06020-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #17
6. Gavilan
7. Rio Arriba NM
8. 3.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-34055/NM-3697-79
2. 30-025-25612-0000-0
3. 103 000 000
4. Amoco Production Co
5. South Mattix Unit No 27
6. Fowler Upper Yeso
7. Lea NM
8. 300.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34056/NM-3602-79
2. 30-039-05795-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #26
6. Gavilan
7. Rio Arriba NM
8. 7.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-34057/NM-3599-79
2. 30-039-05927-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #23
6. Gavilan
7. Rio Arriba NM
8. 2.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp

1. 80-34058/NM-3916-79
2. 30-015-05884-0000-0
3. 108 000 000
4. Texaco Inc
5. Ed White Federal NCT-1 #1
6. Mason (Delaware) North Eddy
7. Eddy NM
8. 3.1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34059/NM-3301-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #15
6. Gavilan
7. Rio Arriba NM
8. 4.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-34060/NM-03365-79
2. 30-045-22785-0000-0
3. 103 000 000
4. Amoco Production Co
5. Jaquez Gas Com C #1A
6. Blanco Mesaverde
7. San Juan NM
8. 183.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34061/NM-3809-79

2. 30-039-00000-0000-0
3. 108 000 000
4. Northwest Pipeline Corp
5. Federal #20
6. Gavilan
7. Rio Arriba NM
8. 16.0 million cubic feet
9. May 12, 1980
10. Northwest Pipeline Corp, El Paso Natural Gas Co

1. 80-34062/NM-3740-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Warren Petroleum Co
5. South Penrose Skelly Unit 1 No 130
6. Penrose Skelly
7. Lea NM
8. 1.5 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34063/NM-3918-79
2. 30-025-22032-0000-0
3. 108 000 000
4. Texaco Inc Co
5. C C Fristoe B Fed NCT-2 No 12
6. Justis Blinebry
7. Lea NM
8. 14.3 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34064/NM-3917-79
2. 30-025-21689-0000-0
3. 108 000 000
4. Texaco Inc
5. C C Fristoe B NCT-1 Fed #2
6. Justis Blinebry
7. Lea NM
8. 7.6 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34065/NM-4146-79-2
2. 30-041-20463-0000-0
3. 103 000 000
4. Wolfson Oil Co
5. Mountain Federal No 3
6. Tomahawk San Andres
7. Roosevelt NM
8. 6.0 million cubic feet
9. May 12, 1980
10. Cities Service Co

1. 80-34066/NM-4183-79
2. 30-045-05816-0000-0
3. 108 000 000
4. El Paso Natural Gas C0
5. McConnell No 2
6. Ballard-Pictured Cliffs Gas
7. San Juan NM
8. 21.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34067/NM-4258-79
2. 30-045-08441-0000-0
3. 108 000 000
4. Beta Development Co
5. Hubbell Federal No 1
6. Basin Dakota
7. San Juan NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34068/NM-4257-79
2. 30-045-07090-0000-0
3. 108 000 000
4. Beta Development Co
5. Blanco Wash Federal No 2
6. Basin Dakota
7. San Juan NM
8. 19.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34069/NM-4256-79
2. 30-045-06113-0000-0
3. 108 000 000
4. Beta Development Co
5. Mudge Federal No 5
6. Basin Dakota
7. San Juan NM
8. 13.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34070/NM-3991-79
2. 30-015-00000-0000-0
3. 108 000 000
4. Latch Operations
5. TE&K No 2
6. Vandergriff Keys Queen
7. Eddy NM
8. 13.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34071/NM-3990-79
2. 30-015-00000-0000-0
3. 108 000 000
4. Latch Operations
5. TE&K No 3
6. Vandergriff Keys Queen
7. Eddy NM
8. 13.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34072/NM-3989-79
2. 30-015-00000-0000-0
3. 108 000 000
4. Latch Operations
5. Berry A No 22
6. Red Lake Queen Gas
7. Eddy NM
8. 14.9 million cubic feet
9. May 12, 1980
10. Phillip Petroleum Co

1. 80-34073/NM-3988-79
2. 30-015-00000-0000-0
3. 108 000 000
4. Latch Operations
5. Berry B No 25
6. Red Lake Queen Gas
7. Eddy NM
8. 17.1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34074/NM-4004-79
2. 30-015-21966-0000-0
3. 102 000 000
4. Monsanto Co
5. Albert Federal No 1
6. Cemetary (Morrow)
7. Eddy NM
8. 100.0 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline Co

1. 80-34075/NM-4067-79-3
2. 30-039-21909-0000-0
3. 103 000 000
4. Jack A Cole
5. Apache Hills No 5
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 36.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34076/NM-4067-79-2
2. 30-039-21908-0000-0
3. 108 000 000
4. Jack A Cole
5. Apache Hills No 4
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 70.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34077/NM-4010-79
2. 30-015-21851-0000-0
3. 102 000 000
4. Monsanto Co
5. Foster Federal No 1
6. Morrow
7. Eddy NM
8. .0 million cubic feet
9. May 12, 1980
10. Transwestern Pipeline Co

1. 80-34078/NM-4106-79
2. 30-039-21601-0000-0
3. 108 000 000
4. Jack A Cole
5. Apache Hills No 2
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34079/NM-4067-79-4
2. 30-039-21907-0000-0
3. 103 000 000
4. Jack A Cole
5. Apache Hills No 6
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 54.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34080/NM-4170-79
2. 30-039-27192-0000-0
3. 108 000 000
4. El Paso Natural Gas Co
5. SJ 28-7 Unit No 34
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 20.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80-34081/NM-3978-79
2. 30-015-00000-0000-0
3. 108 000 000
4. Latch Operations
5. Berry A No 29
6. Red Lake Queen Gas
7. Eddy NM
8. 14.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80-34082/NM-3936-79
2. 30-025-21666-0000-0
3. 108 000 000
4. Texaco Inc
5. A H Blinebry Federal Nct-1 No 35
6. Drinkard
7. Lea NM
8. 4.8 million cubic feet
9. May 12, 1980
10. Getty Oil Co

1. 80-34083/NM-3932-79
2. 30-025-21102-0000-0
3. 108 000 000
4. Texaco Inc
5. A H. Blinebry Federal Nct-1 No 18

6. Blinebry
7. Lea Nm
8. 10.9 million cubic feet
9. May 12, 1980
10. Getty Oil Co

1. 80–34084/NM–3982–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Vandergriff No 7
6. Vandergriff Keys Queen
7. Eddy NM
8. 14.1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34085/NM–3981–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Te&k No 1
6. Vendergriff Keys Queen
7. Eddy NM
8. 13.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34086/NM–3980–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Te&k No 8
6. Vendergriff Keys Queen
7. Eddy NM
8. 13.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34087/NM–3979–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Te&k No 9
6. Vendergriff Keys Queen
7. Eddy NM
8. 13.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34088/NM–3987–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Berry A #26
6. Red Lake Queen Gas
7. Eddy NM
8. 14.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34089/NM–3986–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Berry A #27
6. Red Lake Queen Gas
7. Eddy NM
8. 14.9 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34090/NM–3995–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Vendergriff No 10
6. Vendergriff Keys Queen
7. Eddy NM
8. 14.1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34091/NM–3984–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Vendergriff No 11
6. Vendergriff Keys Queen
7. Eddy NM
8. 15.3 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34092/NM–3983–79
2. 30–015–00000–0000–0
3. 108 000 000
4. Latch Operations
5. Vendergriff #9
6. Vendergriff Keys Queen
7. Eddy NM
8. 14.1 million cubic feet
9. May 12, 1980
10. Phillips Petroleum Co

1. 80–34093/NM–3993–79
2. 30–041–20462–0000–0
3. 103 000 000
4. Wolfson Oil Co
5. Mountain Federal No 2
6. Tomahawk San Andres
7. Roosevelt NM
8. 6.0 million cubic feet
9. May 12, 1980
10. Cities Service Co

1. 80–34094/NM–3992–79
2. 30–041–20452–0000–0
3. 103 000 000
4. Wolfson Oil Co
5. Mountain Federal No 1
6. Tomahawk San Andres
7. Roosevelt NM
8. 6.0 million cubic feet
9. May 12, 1980
10. Cities Service Co

1. 80–34095/UA–5167–79–A
2. 43–037–30452–0000–0
3. 103 000 000
4. Superior Oil Co
5. McElmo Creek Unit S–11 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 8.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80–34096/UA–5167–79–B
2. 43–037–30452–0000–0
3. 103 000 000
4. Superior Oil Co
5. McElmo Creek Unit S–11 (DC)
6. Great Aneth
7. San Juan UT
8. 8.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

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, filed a protest with the Commission on or before June 18, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–16772 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–85–M

[No. 211]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

May 29, 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.

Arkansas Oil and Gas 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. 80–34124
2. 03–027–10671–0000
3. 103 000 000
4. Rustex Oil Inc
5. Harmon No 1
6. Kerlin
7. Columbia AR
8. 11.3 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–34125
2. 03–027–10625–0000
3. 103 000 000
4. Rustex Oil Inc
5. King No 1
6. Kerlin
7. Columbia AR
8. 7.3 million cubic feet
9. May 13, 1980
10.

1. 80–34126
2. 03–027–10642–0000
3. 103 000 000
4. Rustex Oil Inc
5. King No 2
6. Kerlin
7. Columbia AR
8. 10.2 million cubic feet
9. May 13, 1980
10.

1. 80–34127
2. 03–027–10646–0000
3. 103 000 000
4. Rustex Oil Inc
5. King No 3

6. Kerlin
7. Columbia AR
8. 9.1 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–34128
2. 03–027–10702–0000
3. 103 000 000
4. Rustex Oil Inc
5. King No 4
6. Kerlin
7. Columbia AR
8. 7.3 million cubic feet
9. May 13, 1980
10.

1. 80–34129
2. 03–027–10657–0000
3. 103 000 000
4. Rustex Oil Inc
5. Longino No 1
6. Kerlin
7. Columbia AR
8. 9.5 million cubic feet
9. May 13, 1980
10.

1. 80–34130
2. 03–027–10667–0000
3. 103 000 000
4. Rustex Oil Inc
5. Longino No 2
6. Kerlin
7. Columbia AR
8. 9.5 million cubic feet
9. May 13, 1980
10.

1. 80–34131
2. 03–027–10687–0000
3. 103 000 000
4. Rustex Oil Inc
5. Merritt No 1
6. Kerlin
7. Columbia AR
8. 11.7 million cubic feet
9. May 13, 1980
10.

1. 80–34132
2. 03–027–10693–0000
3. 103 000 000
4. Rustex Oil Inc
5. Merritt No 2
6. Kerlin
7. Columbia AR
8. 11.7 million cubic feet
9. May 13, 1980
10.

1. 80–34133
2. 03–027–10655–0000
3. 103 000 000
4. Rustex Oil Inc
5. Rowe No 1
6. Kerlin
7. Columbia AR
8. 12.8 million cubic feet
9. May 13, 1980
10.

1. 80–34134
2. 03–027–10551–0000
3. 103 000 000
4. Rustex Oil Inc
5. Nipper No 2
6. Dorcheat-Macedonia
7. Columbia AR
8. 27.3 million cubic feet
9. May 13, 1980
10. J–W Operating Co

1. 80–34135
2. 03–027–10552–0000
3. 103 000 000
4. Rustex Oil Inc
5. Chaffin Estate No 2
6. Dorcheat-Macedonia
7. Columbia AR
8. 45.7 million cubic feet
9. May 13, 1980
10. J–W Operating Co

1. 80–34136
2. 03–027–10542–0000
3. 103 000 000
4. Rustex Oil Inc
5. Couch No 1
6. Magnolia
7. Columbia AR
8. 18.2 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–34137
2. 03–027–10697–0000
3. 103 000 000
4. Rustex Oil Inc
5. Foster No 3
6. Magnolia
7. Columbia AR
8. 63.9 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–34138
2. 03–027–10513–0000
3. 103 000 000
4. Rustex Oil Inc
5. Garrett No 1
6. Magnolia
7. Columbia AR
8. 53.0 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

1. 80–34139
2. 03–027–10555–0000
3. 103 000 000
4. Rustex Oil Inc
5. Garrett NO 2
6. Magnolia
7. Columbia AR
8. 54.7 million cubic feet
9. May 13, 1980
10. Arkansas Louisiana Gas Co

California Department of Conservation, Division of Oil and Gas

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. Purchase(s)

1. 80–34351/80–2–0001
2. 04–111–20898–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 200
6. San Miguelito
7. Ventura CA
8. 40.2 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

1. 80–34352/80–2–0002
2. 04–111–20884–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 203
6. San Miguelito
7. Ventura CA
8. 23.7 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

1. 80–34353/80–2–0003
2. 04–111–20784–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 368
6. San Miguelito
7. Ventura CA
8. 2.7 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

1. 80–34354/80–2–0004
2. 04–111–20785–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 369
6. San Miguelito
7. Ventura CA
8. 2.7 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

1. 80–34355/80–2–0005
2. 04–111–20786–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 370
6. San Miguelito
7. Ventura CA
8. 43.8 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

1. 80–34356/80–2–0006
2. 04–111–20889–0000
3. 103 000 000
4. Conoco Inc
5. Grubb No 566
6. San Miguelito
7. Ventura CA
8. 1.5 million cubic feet
9. May 19, 1980
10. Pacific Lighting & Service Co

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. Purchase(s)

1. 80–34350/ K–97–0356
2. 15–047–00000–0000
3. 108 000 000
4. Getty Oil Co
5. F H Barstow No 1
6. Edstaff
7. Edwards KS
8. 17.9 million cubic feet
9. May 19, 1980
10. Northern Natural Gas Co

Louisiana Office of Conservation

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. Purchase(s)

1. 80–34306/80–194
2. 17–065–20045–0000
3. 102 000 000
4. Crystal Oil Co
5. Vu B Chicago Mill G #18
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Crop

1. 80–34307/80–193
2. 17–065–20044–0000
3. 102 000 000
4. Crystal Oil Co
5. Vua Chicago Mill F #15
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34308/80–192
2. 17–065–20025–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill F 2
6. Buckshot Bayou
7. Madison LA
8. 44.1 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34309/80–191
2. 17–065–20024–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 1
6. Buckshot Bayou
7. Madison LA
8. 44.1 million cubic feet
9. May 15, 1980
10. Columbia Gas Transimission Corp

1. 80–34310/80–190
2. 17–065–20040–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill
6. Buckshot Bayou
7. Madison LA
8. 44.1 million cubic feet
9. May 15, 1980
10. Columbia Gas Transimission Corp

1. 80–34311/80–308
2. 17–075–22585–0000
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #15D
6. Lake Washington
7. Plaquemines LA
8. 350.0 million cubic feet
9. May 15, 1980
10. Southern Natural Gas Co

1. 80–34312/80–307
2. 17–075–22585–0000
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #15
6. Lake Washington
7. Plaquemines LA
8. 350.0 million cubic feet
9. May 15, 1980
10. Southern Natural Gas Co

1. 80–34313/79–2499
2. 17–075–21487–0000
3. 102 000 000
4. Kirby Exploration Co
5. I M Weldon No 1
6. South Chegby
7. Lafourche Parish LA
8. 547.5 million cubic feet
9. May 15, 1980
10. Texas Gas Transmission Corp

1. 80–34314/80–195
2. 17–107–20308—0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill I 21
6. Buckshot Bayou
7. Tensas LA
8. 2.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34315/80–180
2. 17–099–20646–0000
3. 102 000 000
4. Getty Oil Co
5. Smedes Brothers No 17
6. St Martinville Field
7. St Martin LA
8. 292.0 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co

1. 80–34316/80–125
2. 17–727–20073–0000
3. 102 000 000
4. LGS Exploration Program
5. S L 6657 No 1
6. Chandeleur Sound Block 35
7. St Bernard LA
8. 360.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80–34317/80–197
2. 17–700–20162–0000
3. 102 000 000
4. Williams Exploration Co
5. State Lease 7551 No 1
6. West Cameron Block 1
7. Offshore Cameron LA
8. 1825.0 million cubic feet
9. May 15, 1980
10. Louisiana Resources Co

1. 80–34318/80–171
2. 17–113–20928–0000
3. 102 000 000
4. Exxon Corp
5. Exxon Fee-Pecan Island No 80
6. Pecan Island
7. Vermilion LA
8. 4000.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Trans Corp

1. 80–34319/80–189
2. 17–065–20037–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 11
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34320/80–188
2. 17–065–20035–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 10
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34321/80–187
2. 17–065–20033–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 9
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34322/80–186
2. 17–065–20029–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 6
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34323/80–185
2. 17–065–20028–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill 5
6. Buckshot Bayou
7. Madison LA
8. 441.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34324/80–306
2. 17–045–20405–0000
3. 102 000 000
4. Tee Operating Co
5. J B Schwing C No 2
6. Iberia Field
7. Iberia Parish LA
8. .0 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co United Gas P L Co

1. 80–34325/80–128
2. 17–087–20129–0000
3. 102 000 000
4. Chevron USA Inc
5. S L 6646 #1
6. Rigolets
7. St Bernard LA
8. 29.2 million cubic feet
9. May 15, 1980
10. New Orleans Public Service Inc

1. 80–34326/80–131
2. 17–727–20050–0000
3. 102 000 000
4. McMoran Exploration Co
5. State Lease 6674 #1
6. Chandeleur Sound Block 58
7. St Bernard LA
8. 550.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipeline Corp

1. 80–34327/80–196
2. 17–107–20322–0000
3. 102 000 000
4. Crystal Oil Co
5. Chicago Mill No 20
6. Buckshot Bayou
7. Madison LA

8. 73.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp
1. 80–34328/80–170
2. 17–003–20170–0000
3. 102 000 000
4. Sun Oil Co
5. Vua Stout Kinder Canal Co No 6
6. Kinder
7. Allen LA
8. 293.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–34329/80–136
2. 17–075–22584–0000
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #14
6. Lake Washington
7. Plaquemines LA
8. 228.0 million cubic feet
9. May 15, 1980
10. Southern Natural Gas Co
1. 80–34330/80–127
2. 17–087–20130–0000
3. 102 000 000
4. Chevron USA Inc
5. S L 6647 #1
6. Rigolets
7. St Bernard LA
8. 18.4 million cubic feet
9. May 15, 1980
10. New Orleans Public Service Inc
1. 80–34331/79–2310
2. 17–127–20689–0000
3. 102 000 000
4. Frank Spooner
5. La Pacific J No 3
6. Richland Creek
7. Winn LA
8. 90.0 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co
1. 80–34332/79–2311
2. 17–059–21590–0000
3. 102 000 000
4. Frank Spooner
5. La-Pacific M No 1
6. Richland Creek
7. LaSalle Parish LA
8. 100.0 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co
1. 80–34333/80–130
2. 17–727–20074–0000
3. 102 000 000
4. McMoran Exploration Co
5. State Lease 6674 #2
6. Chandeleur Sound Block 58
7. St Bernard LA
8. 550.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–34334/80–129
2. 17–087–20171–0000
3. 102 000 000
4. Chevron USA Inc
5. S L 6651 #2
6. Rigolets
7. St Bernard LA
8. 30.9 million cubic feet
9. May 15, 1980
10. New Orleans Public Service Inc
1. 80–34335/79–2306
2. 17–053–20543–0000
3. 102 000 000
4. Clover Energy Corp
5. Racca 161168
6. Woodlawn
7. Jefferson Davis LA
8. 328.0 million cubic feet
9. May 15, 1980
10. United Gas Pipe Line Co
1. 80–34336/79–1676
2. 17–045–20526–0000
3. 102 000 000
4. Tee Operating Co
5. J B Schwing C #2
6. Iberia Field
7. Iberia Parish LA
8. 182.5 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co
1. 80–34337/80–124
2. 17–023–21127–0000
3. 102 000 000
4. Phillips Petroleum Co
5. SL 1170–1 Hog A #17
6. Hog Bayou
7. Offshore Cameron LA
8. 216.0 million cubic feet
9. May 15, 1980
10. Michigan Wisconsin Pipe Line Co
1. 80–34338/80–256
2. 17–075–22621–0000
3. 102 000 000
4. McAlester Fuel Co
5. State Lease 3942 #1
6. Garden Island Bay
7. Palquemines LA
8. 182.5 million cubic feet
9. May 15, 1980
10.
1. 80–34339/80–134
2. 17–705–20100–0000
3. 103 000 000
4. Exchange Oil & Gas Corp
5. S L 3624 No 5
6. Vermilion Block 16 Offshore
7. Vermilion LA
8. 1.8 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipe Line Corp
1. 80–34340/80–135
2. 17–113–20854–0000
3. 102 000 000
4. Southport Exploration Inc
5. State Lease No 7701 No 1
6. West White Lake Field
7. Vermilion LA
8. 1058.5 million cubic feet
9. May 15, 1980
10. Louisiana Intrastate Gas Corp
1. 80–34341/80–164
2. 17–045–20592–0000
3. 102 000 000
4. Tee Operating Co
5. J B Schwing D No 6
6. Iberia Field
7. Iberia Parish LA
8. 72.0 million cubic feet
9. May 15, 1980
10. United Gas Pipeline Co
1. 80–34342/80–132
2. 17–727–20075–0000
3. 102 000 000
4. McMoran Exploration Co
5. State Lease 6678 #2
6. Chandeleur Sound Block 58
7. St Bernard LA
8. 560.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–34343/80–133
2. 17–727–20068–0000
3. 102 000 000
4. McMoran Exploration Co
5. State Lease 6678 #1
6. Chandeleur Sound Block 58
7. St Bernard LA
8. 550.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipeline Corp
1. 80–34344/80–123
2. 17–093–20177–0000
3. 102 000 000
4. Columbia Gas Development Corp
5. Hawthorne #1
6. College Point-St James Field
7. St James Parish LA
8. 91.0 million cubic feet
9. May 15, 1980
10.

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. 80–34142/30–80—11
2. 23–073–20186–0000
3. 103 000 000
4. Gulf Oil Corp
5. C V Cooper No 10
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 14, 1980
10. United Gas Pipeline Co
1. 80–34143/29–80–11
2. 23–073–20179–0000
3. 103 000 000
4. Gulf Oil Corp
5. J M Andrew No 67
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 14, 1980
10. United Gas Pipeline Co
1. 80–34144/27–80–11
2. 23–073–20183–0000
3. 103 000 000
4. Gulf Oil Corp
5. Johnathan Davis No 3
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 14, 1980
10. United Gas Pipeline Co
1. 80–34145/26–80–224
2. 23–045–20019–0000
3. 103 000 000
4. Texas Pacific Oil Co Inc
5. M B Zengarling #1
6. Waveland (Mooringsport)
7. Hancock MS
8. 219.0 million cubic feet
9. May 14, 1980

10. Tennessee Gas Pipeline Co
1. 80-34146/35-80-11
2. 23-073-20175-0000
3. 103 000 000
4. Gulf Oil Corp
5. J M Andrew No 66
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 14, 1980
10. United Gas Pipe Line Co
1. 80-34147/34-80-467
2. 23-091-20090-0000
3. 107 000 000
4. Tomlinson Interests Inc
5. Pitard & Porobil #1
6. E Morgantown
7. Marion MS
8. 1.9 million cubic feet
9. May 14, 1980
10. Transcontinental Gas Pipeline Corp
1. 80-34359/40-80-11
2. 23-073-20192-0000
3. 103 000 000
4. Gulf Oil Corp
5. 1 H Bass et al No 84
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 15, 1980
10. United Gas Pipe Line Co
1. 80-34360/36-80-11
2. 23-073-20182-0000
3. 103 000 000
4. Gulf Oil Corp
5. J M Andrew No 71
6. Baxterville
7. Lamar MS
8. 30.0 million cubic feet
9. May 15, 1980
10. United Gas Pipe Line Co

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. 80-34357
2. 30-025-26148-0000
3. 103 000 000
4. Conoco Inc
5. State KN-12 No 5
6. Eumont Monument
7. Lea NM
8. 27.0 million cubic feet
9. May 16, 1980
10. El Paso Natural Gas Co
1. 80-34358
2. 30-025-26296-0000
3. 103 000 000
4. Conoco Inc
5. State KP-13 No 3
6. Eumont-Monument
7. Lea NM
8. 178.0 million cubic feet
9. May 16, 1980
10. Northern Natural Gas Co

New York Department of Environmental Conservation, Bureau of Mineral Resources

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. 80-34148/856
2. 31-013-13912-0000
3. 103 000 000
4. Oilmark & Co Inc
5. Wolff #1
6. Lake Shore
7. Chautauqua NY
8. 25.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas
1. 80-34149/855
2. 31-013-13909-0000
3. 103 000 000
4. Oilmark & Co Inc
5. Ross #1
6. Lake Shore
7. Chautauqua NY
8. 20.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas
1. 80-34150/854
2. 31-013-13911-0000
3. 103 000 000
4. Oilmark & Co Inc
5. Leone #2
6. Lake Shore
7. Chautauqua NY
8. 20.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas
1. 80-34151/853
2. 31-013-13910-0000
3. 103 000 000
4. Oilmark & Co Inc
5. Leone #1
6. Lake Shore
7. Chautauqua NY
8. 10.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas
1. 80-34152/850
2. 31-013-11794-0000
3. 108 000 000
4. Local Energy Inc
5. Abram #1
6. Lake Shore
7. Chautauque NY
8. 7.0 miliion cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34153/847
2. 31-029-12959-0000
3. 108 000 000
4. Local Energy Inc
5. Balcerzak #1
6. Lake Shore
7. Erie NY
8. 2.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34154/846
2. 31-029-13054-0000
3. 108 000 000
4. Local Energy Inc
5. Rudnick #1
6. Lake Shore
7. Erie NY
8. 3.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34155/845
2. 31-013-11631-0000
3. 108 000 000
4. Local Energy Inc
5. Calarco #1
6. Lake Shore
7. Chautauqua NY
8. 16.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34156/834
2. 31-013-11812-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Holmes #1
6. Lakeshore
7. Chautauqua NY
8. 15.3 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34157/833
2. 31-013-12404-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. A & M Makuch #1
6. Lakeshore
7. Chautauqua NY
8. 10.5 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34158/832
2. 31-013-12210-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. G & I Frost #1
6. Lakeshore
7. Chautauqua NY
8. 20.6 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34159/831
2. 31-013-12211-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. L & S Lesch #1
6. Lakeshore
7. Chautauqua NY
8. 16.1 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34160/830
2. 31-013-12215-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. K Pilarski #1
6. Lakeshore
7. Chautauqua NY
8. 16.3 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp
1. 80-34161/829
2. 31-013-12477-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Rankin Unit #1
6. Lakeshore
7. Chautauqua NY

8. 20.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp

1. 80–34162/829
2. 31–029–12970–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Emerling Unit #1
6. Concord
7. Erie NY
8. 16.8 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp

1. 80–34163/828
2. 31–029–09823–0000
3. 108 000 000
4. Local Energy Inc
5. Johnston #1
6. Hamburg
7. Erie NY
8. 18.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp

1. 80–34164/822
2. 31–013–11518–0000
3. 108 000 000
4. Local Energy Inc
5. Majka #1
6. Lakeshore
7. Chautauqua NY
8. 16.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Dist Corp

1. 80–34165/813
2. 31–013–14357–0000
3. 103 000 000
4. Envirogas Inc
5. E McCutchean #1
6. Lakeshore
7. Chautauqua NY
8. 18.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

1. 80–34166/812
2. 31–013–14352–0000
3. 103 000 000
4. Envirogas Inc
5. G Laporte #2
6. Lakeshore
7. Chautauqua NY
8. 18.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

1. 80–34167/810
2. 31–013–14319–0000
3. 103 000 000
4. Envirogas Inc
5. M White #1
6. Lakeshore
7. Chautauqua NY
8. .0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

1. 80–34168/532
2. 31–013–11451–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. F Maggio #1
6. Lakeshore
7. Chautauqua NY
8. 7.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34169/531
2. 31–013–11511–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Purdy #2A
6. Lakeshore
7. Chautauqua NY
8. 2.5 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34170/530
2. 31–013–11448–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. E Jusko #1
6. Lakeshore
7. Chautauqua NY
8. 12.4 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34171/529
2. 31–013–11423–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. S Josko #1
6. Lakeshore
7. Chautauqua NY
8. 18.7 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34172/528
2. 31–013–11422–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. W Burgun #2
6. Lakeshore
7. Chautauqua NY
8. 7.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34173/527
2. 31–013–11401–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. S Kauski #1
6. Lakeshore
7. Chautauqua NY
8. 12.4 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34174/526
2. 31–013–11358–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. James Vinciguerra #1
6. Lakeshore
7. Chautauqua NY
8. 18.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34175/525
2. 31–013–113300–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Strychalski #1
6. Lakeshore
7. Chautauqua NY
8. 3.4 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34176/524
2. 31–013–11329–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. A Purdy #1
6. Lakeshore
7. Chautauqua NY
8. 1.5 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34177/523
2. 31–013–11310–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. A Harris #1
6. Lakeshore
7. Chautauqua NY
8. 6.9 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34178/522
2. 31–013–11309–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. A Jopek #1
6. Lakeshore
7. Chautauqua NY
8. 13.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34179/521
2. 31–013–11281–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Morse #2
6. Lakeshore
7. Chautauqua NY
8. 4.7 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34180/520
2. 31–013–11265–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Dudley Start #3
6. Lakeshore
7. Chautauqua NY
8. 3.6 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34181/518
2. 31–013–11178–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Oakes #1
6. Lakeshore
7. Chautauqua NY
8. 14.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34182/517
2. 31–013–11122–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Conti Brothers #5
6. Lakeshore
7. Chautauqua NY
8. 5.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34183/516
2. 31–013–11121–0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Conti Brothers #4
6. Lakeshore
7. Chautauqua NY
8. 16.7 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80–34184/515

2. 31-013-11113-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Conti Brothers #3
6. Lakeshore
7. Chautauqua NY
8. 5.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34185/514
2. 31-013-11086-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. C & L Giambra #1
6. Lakeshore
7. Chautauqua NY
8. 2.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34186/513
2. 31-013-11085-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. R Boccolucci #1
6. Lakeshore
7. Chautauqua NY
8. 4.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34187/512
2. 31-013-11076-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Lesch William #2
6. Lakeshore
7. Chautauqua NY
8. 11.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34188/511
2. 31-013-11075-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Zuchowski Neil #1
6. Lakeshore
7. Chautauqua NY
8. 1.7 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34189/510
2. 31-013-11074-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Wilcox James #1
6. Lakeshore
7. Chautauqua NY
8. 4.2 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34190/509
2. 31-013-11052-0000
3. 108 000 000
4. Flint Oil & Gas Inc
5. Conti Brothers #2
6. Lakeshore
7. Chautauqua NY
8. 8.7 million cubic feet
9. May 14, 1980
10. National Fuel Gas

1. 80-34191/804
2. 31-013-14363-0000
3. 103 000 000
4. Envirogas Inc
5. J Orton #3
6. Lakeshore
7. Chautaugua NY
8. 18.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

1. 80-34192/803
2. 31-013-14301-0000
3. 103 000 000
4. Envirogas Inc
5. A Nixon #3
6. Lakeshore
7. Chautauqua NY
8. 18.0 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

1. 80-34193/802
2. 31-013-14313-0000
3. 103 000 000
4. Envirogas Inc
5. J Glasser #1
6. Lakeshore
7. Chautauqua NY
8. 1.8 million cubic feet
9. May 14, 1980
10. National Fuel Gas Supply Corp

Virginia Department of Labor and Industry, Division of Mines and Quarries

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. 80-34345
2. 45-051-20335-0030
3. 103 000 000
4. W E Elliott Trustee Acct 507
5. N D Howard et al No 1
6. Nora
7. Dickenson VA
8. 54.0 million cubic feet
9. May 8, 1980
10. Columbia Gas Transmission 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. 80-34194
2. 47-021-01138-0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-57
6. Center District
7. Gilmer WV
8. 2.2 million cubic feet
9. May 14, 1980
10. Conslidated Gas Supply Corp

1. 80-34195
2. 47-097-00792-0000
3. 108 000 000
4. Queen Gas Co
5. Marple No 2
6. Warren District
7. Upshur County WV
8. 1.1 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34196
2. 47-097-00737-0000
3. 108 000 000
4. Queen Gas Co
5. Marple #1
6. Warren District
7. Upshur WV
8. 3.2 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34197
2. 47-097-00625-0000
3. 108 000 000
4. Queen Gas Co
5. Stout No 2
6. Warren District
7. Upshur County WV
8. 74.8 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34198
2. 47-097-00840-0000
3. 108 000 000
4. Queen Gas Co
5. Hockenberry #1
6. Buckhannon District
7. Upshur WV
8. 9.3 million cubic feet
9. May 14, 1980
10. Columbia Gas Transmission Corp

1. 80-34199/A-182
2. 47-085-02547-0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-182
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34200/A-165
2. 47-085-02479-0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-165
6. Murphy District
7. Ritchie WV
8. 2.0 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34201/A-110
2. 47-041-00816-0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-110
6. Court House
7. Lewis WV
8. 1.6 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80-34202/A-109
2. 47-041-00686-0000
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-109
6. Court House
7. Lewis WV
8. 1.6 million cubic feet
9. May 14, 1980
10. Consolidated Gas Supply Corp

1. 80–34203
2. 47–067–00490–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. M Richardson #1
6. Jefferson
7. Nicholas WV
8. 60.0 million cubic feet
9. May 14, 1980
10. Equitable Gas Co

1. 80–34204
2. 47–047–00792–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp C–14
6. North Fork
7. McDowell WV
8. 55.0 million cubic feet
9. May 14, 1980
10.

1. 80–34205
2. 47–047–00791–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land C–13
6. North Fork
7. McDowell WV
8. 55.0 million cubic feet
9. May 14, 1980
10.

1. 80–34206
2. 47–097–00796–0000
3. 108 000 000
4. Queen Gas Co
5. Wanless #1
6. Buckhannon District
7. Upshur WV
8. 6.5 million cubic feet
9. May 14, 1980
10. Columbia Gas Transmission Corp

1. 80–34207
2. 47–011–00308–0000
3. 108 000 000
4. Marval Gas Co
5. McKendree #1
6. Tylers Creek
7. Cabell WV
8. 3.1 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34208
2. 47–043–00204–0000
3. 108 000 000
4. Six Mile Gas Co
5. Darnell #1
6. Sheridan
7. Lincoln WV
8. 5.6 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34209
2. 47–043–00050–0000
3. 108 000 000
4. Sweetland Burns & Lockwood
5. Phoebe Reynolds #1
6. Carroll
7. Lincoln WV
8. 1.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34210
2. 47–043–00051–0000
3. 108 000 000
4. Sweetland Burns & Lockwood
5. Phoebe Reynolds #2
6. Carroll
7. Lincoln WV
8. 1.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34211
2. 47–043–00076–0000
3. 108 000 000
4. Sweetland Burns & Lockwood
5. H R Hoskinson #1
6. Carroll
7. Lincoln WV
8. 1.1 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34212
2. 47–043–00079–0000
3. 108 000 000
4. Sweetland Burns & Lockwood
5. H R Hoskinson #2
6. Carroll
7. Lincoln WV
8. 1.1 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34213
2. 47–043–00087–0000
3. 108 000 000
4. Sweetland Burns & Lockwood
5. Bd of Educ #1
6. Carroll
7. Lincoln WV
8. 1.1 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34214
2. 47–043–00042–0000
3. 108 000 000
4. Sweetland Land and Mineral Co
5. Holbrook #3
6. Carroll
7. Lincoln WV
8. .7 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34215
2. 47–043–00259–0000
3. 108 000 000
4. Sweetland Land and Mineral Co
5. McCallister #1
6. Sheridan
7. Lincoln WV
8. 1.2 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34216
2. 47–043–00299–0000
3. 108 000 000
4. Sweetland Land and Mineral Co
5. Cooper #1
6. Sheridan
7. Lincoln WV
8. 2.0 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34217
2. 47–011–00127–0000
3. 108 000 000
4. R N Adkins Trustee
5. C P Rousey #1
6. Trace Creek
7. Cabett WV
8. 4.9 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34218
2. 47–011–00269–0000
3. 108 000 000
4. R H Adkins Trustee
5. Irene Perry #1
6. Grant
7. Cabell WV
8. 1.4 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34219
2. 47–011–00265–0000
3. 108 000 000
4. R H Adkins Trustee
5. H C Boster #1
6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34220
2. 47–011–00353–0000
3. 108 000 000
4. R H Adkins Trustee
5. Minerva Sidebottom #1
6. Grant
7. Cabell WV
8. 1.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34221
2. 47–011–00357–0000
3. 108 000 000
4. R H Adkins Trustee
5. U G Bledsoe #1
6. Grant
7. Cabell WV
8. 85.0 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34222
2. 47–011–00047–0000
3. 108 000 000
4. R H Adkins Agent
5. B L Perry #2
6. Trace Creek
7. Cabell WV
8. 1.8 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34223
2. 47–011–00320–0000
3. 108 000 000
4. R H Adkins Trustee
5. M A Wheeler #1
6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34224
2. 47–011–00323–0000
3. 108 000 000
4. R H Adkins Trustee
5. J E Beckett #1
6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34225
2. 47–011–00347–0000
3. 108 000 000
4. R H Adkins Trustee
5. Lyle Bledsoe #1

6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34226
2. 47–011–00132–0000
3. 108 000 000
4. R H Adkins Trustee
5. Nando Johnson #1
6. Trace Creek
7. Cabell WV
8. 4.9 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34227
2. 47–011–00375–0000
3. 108 000 000
4. R H Adkins Trustee
5. Effie Carter Lacy #1
6. Grant
7. Cabell WV
8. .0 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34228
2. 47–011–00168–0000
3. 108 000 000
4. R H Adkins Trustee
5. R L Johnson #1
6. McComas
7. Cabell WV
8. 2.1 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34229
2. 47–033–00121–2000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. W G Allen 12293
6. West Virginia Other A–85772
7. Harrison WV
8. 14.0 million cubic feet
9. May 14, 1980
10. General System Purchasers

1. 80–34230
2. 47–033–01200–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. C M Lang 12312
6. West Virginia Other A–85772
7. Harrison WV
8. 14.0 million cubic feet
9. May 14, 1980
10. General System Purchasers

1. 80–34231
2. 47–011–00379–0000
3. 108 000 000
4. R H Adkins Trustee
5. Irene Perry #2
6. Grant
7. Cabell WV
8. 1.4 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34232
2. 47–011–00358–0000
3. 108 000 000
4. R H Adkins Agent
5. B L Perry #1
6. Trace Creek
7. Cabell WV
8. 1.8 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34233
2. 47–011–00284–0000
3. 108 000 000
4. R H Adkins Trustee
5. J L Stanley #1
6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34234
2. 47–011–00312–0000
3. 108 000 000
4. R H Adkins Trustee
5. Jerusha Beckett #1
6. Grant
7. Cabell WV
8. 2.5 million cubic feet
9. May 14, 1980
10. Pennzoil Co

1. 80–34235
2. 47–001–00902–0000
3. 103 000 000
4. Consolidated Gas Supply Corp
5. G D Young 12304
6. West Virginia Other A–85772
7. Barbour WV
8. 13.0 million cubic feet
9. May 14, 1980
10. General System Purchasers

1. 80–34236
2. 47–041–00487–0000
3. 108 000 000
4. Virginia Trimble
5. Alfred Well
6. Freeman Creek District
7. Lewis County WV
8. 3.9 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34237
2. 47–001–00097–0000
3. 108 000 000
4. Virginia Trimble
5. Ruskin Ward Well
6. Union District
7. Barbour WV
8. 4.1 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34238
2. 47–021–03499–0000
3. 107 000 000
4. Rockwell Petroleum Co
5. Conner #2
6. Right Fork of Ellis
7. Gilmer WV
8. 30.0 million cubic feet
9. May 15, 1980
10. Carnegie Natural Gas Co

1. 80–34239
2. 47–109–00824–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp I–17
6. Barkers Ridge
7. Wyoming WV
8. 36.7 million cubic feet
9. May 15, 1980
10.

1. 80–34240
2. 47–109–00827–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp I–19
6. Barkers Ridge
7. Wyoming WV
8. 36.7 million cubic feet
9. May 15, 1980
10.

1. 80–34241
2. 47–109–00825–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp I–20
6. Barkers Ridge
7. Wyoming WV
8. 150.0 million cubic feet
9. May 15, 1980
10.

1. 80–34242
2. 47–109–00826–0000
3. 102 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp I–26
6. Barkers Ridge
7. Wyoming WV
8. 36.7 million cubic feet
9. May 15, 1980
10.

1. 80–34243
2. 47–005–00646–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #9
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34244
2. 47–035–01443–0000
3. 103 000 000
4. Devon Corp
5. George L Casto #923
6. Parchment
7. Jackson WV
8. 300.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34245/005123
2. 47–035–01432–0000
3. 103 000 000
4. Devon Corp
5. D L Morrison #868
6. Parchment
7. Jackson WV
8. 20.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34246
2. 47–035–01431–0000
3. 103 000 000
4. Devon Corp
5. Charles Bowles #866
6. Parchment
7. Jackson WV
8. 35.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34247
2. 47–035–01430–0000
3. 103 000 000
4. Devon Corp
5. Harold King #865
6. Parchment
7. Jackson WV
8. 35.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34248
2. 47–035–01429–0000
3. 103 000 000
4. Devon Corp
5. W W Woodard #867
6. Parchment
7. Jackson WV
8. 20.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34249
2. 47–097–00595–0000
3. 108 000 000
4. Virginia Trimble
5. Cutright Well
6. Warren District
7. Upshur County WV
8. 1.7 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34250
2. 47–097–00581–0000
3. 108 000 000
4. Virginia Trimble
5. J E Wagner #1
6. Warren District
7. Upshur County WV
8. 2.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34251
2. 47–041–00498–0000
3. 108 000 000
4. Virginia Trimble
5. Lee Bailey Well
6. Freemans Creek District
7. Lewis County WV
8. 3.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34252
2. 47–035–01441–0000
3. 108 000 000
4. Virginia Trimble
5. J E Wagner #1
6. Warren District
7. Upshur County WV
8. 2.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34253
2. 47–053–00157–0000
3. 103 000 000
4. Devon Corp
5. Lottie Barnett Hrs #913
6. Parchment
7. Mason WV
8. 12.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34254
2. 47–053–00156–0000
3. 103 000 000
4. Devon Corp
5. Erma Livingston #921
6. Parchment
7. Mason WV
8. 36.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34255/005123
2. 47–053–00154–0000
3. 103 000 000
4. Devon Corp
5. Nancy McDade #910
6. Parchment
7. Mason WV
8. 24.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34256
2. 47–053–00151–0000
3. 103 000 000
4. Devon Corp
5. Overt Pullins #909
6. Parchment
7. Mason WV
8. 24.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34257
2. 47–053–00150–0000
3. 103 000 000
4. Devon Corp
5. Belle Friese #918
6. Parchment
7. Mason WV
8. 27.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34258
2. 47–053–00148–0000
3. 103 000 000
4. Devon Corp
5. Belle Friese #917
6. Parchment
7. Mason WV
8. 27.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34259
2. 47–035–01454–0000
3. 103 000 000
4. Devon Corp
5. Walter Hunt Hrs #906
6. Parchment
7. Jackson WV
8. 18.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34260
2. 47–035–01445–0000
3. 103 000 000
4. Devon Corp
5. K M Click #922
6. Parchment
7. Jackson WV
8. 300.0 million cubic feet
9. May 15, 1980
10. Kaiser Aluminum & Chemical Corp

1. 80–34261
2. 47–005–00627–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #5
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34262
2. 47–005–00628–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #8
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34263
2. 47–005–00637–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #11
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34264
2. 47–079–00861–0000
3. 108 000 000
4. Apalachian Exploration & Devel Inc
5. McLean Heirs A–4
6. Union
7. Putnam WV
8. 18.6 million cubic feet
9. May 15, 1980
10. Cabot Corp

1. 80–34265
2. 47–079–00868–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Putnam Land Co B–5
6. Union
7. Putnam WV
8. 11.0 million cubic feet
9. May 15, 1980
10. Cabot Corp

1. 80–34266
2. 47–079–00865–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Putnam Land Co B–3
6. Union
7. Putnam WV
8. 11.0 million cubic feet
9. May 15, 1980
10. Cabot Corp

1. 80–34267
2. 47–079–00904–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Putnam Land B–8
6. Union
7. Putnam WV
8. 14.4 million cubic feet
9. May 15, 1980
10. Cabot Corp

1. 80–34268
2. 47–005–00647–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #10
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34269
2. 47–005–00648–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #6
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34270
2. 47–005–00649–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #13A

6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34271
2. 47–005–00662–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #7
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34272
2. 47–005–00601–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #1
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34273
2. 47–005–00606–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #2
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34274
2. 47–005–00607–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #3—015020
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34275
2. 47–005–00626–0000
3. 108 000 000
4. Ashland Exploration Inc
5. Courtney Co #4
6. Siler
7. Boone WV
8. 2.6 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34276
2. 47–013–02154–0000
3. 108 000 000
4. Francis E Cain
5. David Mathess Heirs #3
6. Sheridan
7. Calhoun WV
8. 2.2 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34277
2. 47–013–02120–0000
3. 108 000 000
4. Francis E Cain
5. David Mathess Heirs #2
6. Sheridan
7. Calhoun WV
8. 2.2 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34278
2. 47–041–21063–0000
3. 108 000 000
4. Glenn H Johnson
5. Wimer #1–TA
6. Collins Settlement
7. Lewis WV
8. 9.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34279
2. 47–107–00816–0000
3. 103 000 000
4. B & W Producers
5. Lincicone #1
6. Walker Field
7. Wood WV
8. 16.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34280
2. 47–107–00797–0000
3. 103 000 000
4. B & W Producers
5. Bunner #3
6. Walker Field
7. Wood WV
8. 7.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34281
2. 47–107–00785–0000
3. 103 000 000
4. B & W Producers
5. Bunner #4
6. Walker Field
7. Wood WV
8. 7.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34282
2. 47–102–00784–0000
3. 103 000 000
4. B & W Producers
5. Bunner #2
6. Walker Field
7. Wood WV
8. 7.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34283
2. 47–107–00773–0000
3. 103 000 000
4. B & W Producers
5. W L Roberts #1
6. Walker Field
7. Wood WV
8. 30.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34284
2. 47–102–00772–0000
3. 103 000 000
4. B & W Producers
5. Asa Bunner #1
6. Walker Field
7. Wood WV
8. 27.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34285
2. 47–102–00757–0000
3. 103 000 000
4. B & W Producers
5. Villers #3
6. Walker Field
7. Wood WV
8. 3.6 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34286
2. 47–073–00678–0000
3. 108 000 000
4. D B Grable
5. J E Bailey #3
6. Jefferson District
7. Pleasants County WV
8. 2.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34287
2. 47–073–00677–0000
3. 108 000 000
4. D B Grable
5. J E Bailey #2
6. Jefferson District
7. Pleasants County WV
8. 2.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34288
2. 47–109–00814–0000
3. 103 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp I–13
6. Barkers Ridge
7. Wyoming WV
8. 188.6 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34289
2. 47–013–02344–0000
3. 108 000 000
4. Francis E Cain
5. James Roberts Oil & Gas #3
6. Lee District
7. Calhoun WV
8. 7.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34290
2. 47–013–02017–0000
3. 108 000 000
4. Francis E Cain
5. David Mathess Ceirs #1
6. Sheridan
7. Calhoun WV
8. 2.2 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34291
2. 47–017–02346–0000
3. 103 000 000
4. Industrial Gas Associates
5. Thompson No 1
6. Central District
7. Doddridge WV
8. 23.0 million cubic feet
9. May 15, 1980
10. Carnegie Natural Gas Co

1. 80–34292
2. 47–039–03403–0000
3. 103 000 000
4. Ashland Exploration Co Inc
5. Bedford Land No 13
6. Paint Creek Field
7. Kanawha WV
8. 219.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34293
2. 47–019–00392–0000
3. 103 000 000
4. Ashland Exploration Inc
5. Eastern Assoc Trans Corp #61
6. Paint Creek
7. Fayette WV
8. .0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34294
2. 47–073–20708–0000
3. 108 000 000
4. Energy Unlimited Inc
5. CA Janes #2
6. Grant
7. Pleasants WV
8. 9.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34295
2. 47–073–20700–0000
3. 108 000 000
4. Energy Unlimited Inc
5. Harness Heirs #1
6. Grant
7. Pleasants WV
8. 2.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34296
2. 47–017–02338–0000
3. 103 000 000
4. Allegheny Land & Mineral Co
5. A–810
6. Southwest District
7. Doddridge WV
8. .0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34297
2. 47–107–28120–0000
3. 108 000 000
4. Big Apple Oil & Gas Assoc
5. W H Kress #1
6. Branch of Stillwell Creek
7. Wood WV
8. 3.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34298
2. 47–013–02856–0000
3. 103 000 000
4. Lowell Sampson
5. Alfred Kelley #2
6.
7. Calhoun WV
8. 20.0 million cubic feet
9. May 15, 1980
10.

1. 80–34299
2. 47–011–20608–0000
3. 103 000 000
4. Spartan Gas Co
5. Clarence Davis #1
6. Grant District
7. Cabell WV
8. 14.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Inc

1. 80–34300
2. 47–013–01970–0000
3. 108 000 000
4. Francis E Cain
5. James Roberts Oil & Gas #2
6. Lee District
7. Calhoun WV
8. 78.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34301
2. 47–017–02356–0000
3. 103 000 000
4. Industrial Gas Associates
5. Shepherd No 1
6. Central District
7. Doddridge WV
8. 23.0 million cubic feet
9. May 15, 1980
10. Carnegie Natural Gas Co

1. 80–34302
2. 47–047–00354–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp #103
6. Sandy River
7. McDowell WV
8. 8.3 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34303
2. 47–047–00350–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp #101
6. Sandy River
7. McDowell WV
8. 15.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34304
2. 47–047–00309–0000
3. 108 000 000
4. Appalachian Exploration & Devel Inc
5. Pocahontas Land Corp #93
6. Sandy River
7. McDowell WV
8. 15.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

1. 80–34305
2. 47–013–01645–0000
3. 108 000 000
4. Francis E Cain
5. James Roberts Oil & Gas #1
6. Lee District
7. Calhoun WV
8. 78.0 million cubic feet
9. May 15, 1980
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Metairie, LA.

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. 80–34140/GO–1277
2. 17–720–40065–0000–0
3. 102 000 000
4. Kirby Exploration Co
5. OCSG 1107 No D–14D
6. West Delta
7. 134
8. 1.0 million cubic feet
9. May 14, 1980
10. Southern Natural Gas Co

1. 80–34141/GO–1274
2. 17–720–40057–0000–0
3. 102 000 000
4. Kirby Exploration Co
5. OCSG 1107 N0 D–9
6. West Delta
7. 134
8. 1.0 million cubic feet
9. May 14, 1980
10. Southern Natural Gas Co

1. 80–34362/GO–1316
2. 17–712–40166–00S1–0
3. 102 000 000
4. CNG Producing Co
5. D–9S1
6. Ship Shoal
7. 247
8. 1460.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

1. 80–34365/G9–1085
2. 17–703–40176–0000–0
3. 102 000 000
4. Sonat Exploration Co
5. G–3288 Well No A–3D
6. East Cameron
7. 46
8. 204.0 million cubic feet
9. May 15, 1980
10. Southern Natural Gas Co

1. 80–34366/GO–1269
2. 17–703–40199–0000–0
3. 102 000 000
4. Sonat Exploration Co
5. G–3288 No A–6
6. East Cameron
7. 46
8. 128.0 million cubic feet
9. May 15, 1980
10. Southern Natural Gas Co

1. 80–34367/GO–1317
2. 17–712–40166–00S2–0
3. 102 000 000
4. CNG Producing Co
5. D–9S2 (Alt)
6. Ship Shoal
7. 247
8. 1168.0 million cubic feet
9. May 15, 1980
10. Columbia Gas Transmission Corp

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. 80–34346/GO–1306
2. 42–708–40079–0000–0
3. 102 000 000
4. Exxon Corp
5. OCS–G 3237 No A–3
6. High Island
7. 193
8. 3000.0 million cubic feet
9. May 12, 1980
10. Transcontinental Gas Pipe Line Corp

1. 80–34361/GO–1295
2. 42–711–40429–0000–0

3. 102 000 000
4. Aminoil Development Inc
5. OCS–G–2412 Well No A–13D
6. High Island
7. A–317
8. 2190.0 million cubic feet
9. May 15, 1980
10. Natural Gas Pipeline Co of America, Trunkline Gas Co, Panhandle Eastern Pipeline Co, Transcontinental Gas Pipeline Corp

1. 80–34363/GO–1294
2. 42–711–40429–0000–0
3. 102 000 000
4. Aminoil Development Inc
5. OCS–G–2412 No A–13
6. High Island
7. A–317
8. 2190.0 million cubic feet
9. May 15, 1980
10. Natural Gas Pipeline Co of America, Trunkline Gas Co, Panhandle Eastern Pipeline Co, Transcontinental Gas Pipeline Corp

1. 80–34364/G9–1195
2. 42–711–40400–0000–0
3. 102 000 000
4. Transocean Oil Inc
5. A–3–D
6. High Island East E A S E
7. A–283
8. 1825.0 million cubic feet
9. May 15, 1980
10. Transcontinental Gas Pipeline Corp

U.S. Geological Survey, Albuquerque, N. Mex.

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. 80–34347/NM–95–79–SA
2. 30–039–00000–0000–0
3. 108 000 000 Denied
4. Conoco Inc
5. Axi Apache N #1
6. Axi Apache Area
7. Rio Arriba NM
8. 10.2 million cubic feet
9. May 12, 1980
10. Gas Co of New Mexico (C–4787)

1. 80–34348/NM–0376–78–1
30–015–10260–0000–0
3. 103 000 000 Denied
4. Harvey E Yates Co
5. Gates Federal Deep #1
6.
7. Eddy NM
8. 50.0 million cubic feet
9. May 12, 1980
10. El Paso Natural Gas Co

1. 80–34349/NM–98–79–SA
2. 30–039–00000–0000–0
3. 108 000 000 Denied
4. Conoco Inc
5. Axi Apache N #8
6. Axi Apache Area
7. Rio Arriba NM
8. 13.6 million cubic feet
9. May 12, 1980
10. Gas Co of New Mexico

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 18, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–16841 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–360]

Florida Gas Transmission Co.; Application

May 27, 1980.

Take notice that on May 12, 1980, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP80–360 an application pursuant to Section 7(c) of the Natural Gas Act, and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to render transportation service for other interstate pipeline companies for terms of up to two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that transportation revenues received from service rendered pursuant to the proposed authorization would be treated according to its settlement agreement approved by the Commission in Docket No. RP79–16, *et al.*, rather than pursuant to Section 284.103(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 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 protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as 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 an 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. 80–16777 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–361]

Florida Gas Transmission Co.; Application

May 27, 1980.

Take notice that on May 12, 1980, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP80–361 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 an offshore pipeline and certain appurtenant facilities for the transportation of natural gas from Sabine Pass Blocks 10 and 17, offshore Texas and Louisiana, and for the reinforcement of a segment of Applicant's mainline in St. Landry Parish, Louisiana, all as more fully se forth in the application which is on file with the Commission and open to public inspection.

Applicant states it has executed a gas purchase contract with Shell Oil Company for the purchase of approximately 60 percent of the production from Sabine Pass Blocks 10 and 17, offshore Texas and Louisiana, and has entered into negotiations with

the holders of the remaining interests, which production has proved and probable reserves of 180,000,000 Mcf and proved, probable, and potential reserves of approximately 272,000,000 Mcf. Initial daily deliverability is currently estimated at 45,000 Mcf with 1984 deliverability estimated at 209,600 Mcf, it is stated. To transport the volumes of gas estimated to be available, Applicant proposes to construct, own, and operate:

(1) Approximately 41.4 miles of 22-inch pipeline from Sabine Pass Block 10 to a point of interconnection with Applicant's existing mainline facilities in Jefferson County, Texas.

(2) Meter stations on the production platforms in Blocks 10 and 17 and at an onshore point in Jefferson County, Texas.

(3) Approximately 5.0 miles of 26-inch pipeline which would reinforce Applicant's existing pipeline system in St. Landry Parish, Louisiana.

Applicant states that while the proposed facilities initially would be designed to transport all the reserves available from Blocks 10 and 17, the facilities may be expanded to accommodate additional volumes of gas as further exploration and development takes place in blocks in the vicinity of Blocks 10 and 17.

Applicant states the estimated cost of constructing the proposed facilities would be $33,229,000, which cost would be financed with internally generated funds and with long-term financing programs to the extent permanent financing would be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 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 the 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. 80-16778 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-13 (PGA80-2)]

Gas Gathering Corp.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

May 28, 1980.

Take notice that Gas Gathering Corporation (GGC), on May 16, 1980 tendered for filing proposed changes in its FERC Gas Tariff providing for reduced charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would decrease the rate charged Transco by .21333 cents per Mcf from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1980. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to permit it to reduce the balance of its Unrecovered Purchased Gas Cost Account as of March 31, 1980, through a six-month surcharge.

A Copy of the filing has been served upon Transco.

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, 1.10). All such petitions or protests should be filed on or before June 10, 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. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16779 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL80-13]

State of Hawaii, Department of Land and Natural Resources; Petition for Declaratory Order

May 28, 1980.

Take notice that the State of Hawaii, Department of Land and Natural Resources filed on February 14, 1980, a petition for declaratory order [see the Commission's Regulations, 18 CFR § 1.7(c)(1979)]. Correspondence with the petitioner should be directed to: Mr. Susumu Ono, Chairman of the Board, Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809.

Petitioner requests that the Commission determine its jurisdiction over hydroelectric facilities that the petitioner proposes to construct at the existing State-owned Molokai Irrigation System near the City of Kualapuu on Molokai Island, Maui County, Hawaii. Petitioner states that the powerplant will be sited at the end of a closed conduit located on state land and which discharges into a state-owned reservoir. Petitioner further states that the power generated by the project will be used only on the island of Molokai.

Anyone desiring to be heard or to make any protest about the petition should file a protest or a petition to intervene 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, N.E., Washington, D.C. 20426. The

petition is on file with the Commission and is available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 80-16780 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL79-31]

Iowa Electric Light & Power Co.; Petition for Declaratory Order

May 27, 1980.

Take notice that on September 28, 1979, the Iowa Electric Light and Power Company ("Iowa Electric") filed a petition under the Federal Power Act, 16 U.S.C. 791(a)–825(r), for an order declaring that the Commission lacks jurisdiction over Iowa Electric's Iowa Falls and Maquoketa hydroelectric projects. Correspondence with Iowa Electric on this matter should be addressed to: Mr. Milton E. Carlson, Manager, Contracted Services, Iowa Electric Light and Power Company, P.O. Box 351, Cedar Rapids, Iowa 52406 and Steven G. Gerhart, Assistant General Counsel, Eva J. Cram, Attorney, Iowa Electric Light and Power Company, P.O. Box 351, Cedar Rapids, Iowa 52406.

The Maquoketa project is located in Jackson County, Iowa, one mile west of the city of Maquoketa on the Maquoketa River. The Maquoketa project consists of a 26 foot-high 650 foot-long concrete dam, a break-way spillway 60 feet long, an inlet section 40 feet long, an earthen dike 400 feet long with a concrete core, 5 floodgates, each 24 feet wide, and a powerhouse containing two generating units, each rated at 698 kW.

The Iowa Falls project is located in Hardin County, Iowa on the Iowa River at Iowa Falls. The project consists of a concrete dam, 220 feet long and 26 feet high, and a powerhouse containing one generating unit rated at 540 kW.

In support of its petition, Iowa Electric (1) states that the projects were constructed prior to 1935 and no significant changes or alterations have been made to the projects since their original construction, (2) states that the relevant portions of both rivers have been classified under the River and Harbor Act of 1899, 33 U.S.C. § 403, by the Corps of Engineers as non-navigable, (3) states that no lands of the United States are affected by either project.

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 C.F.R. § 1.8 or § 1.10 (1979). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 itervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before July 11, 1980. The Commission's address is: 825 N. 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. 80-16781 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-410]

The Montana Power Co.; Agreement for Sale of Firm Energy

May 28, 1980.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on May 20, 1980, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Puget Sound Power & Light Company ("Puget"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Puget.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdicational sales by $1,382,500.00 based upon energy delivered from January 4, 1980 through January 31, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of January 4, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

A copy of this filing has been sent to the Puget Sound Power and Light Company.

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, Northeast, Washington, D.C. 20426, in accordance with §§ 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 17, 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. 80-16782 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-409]

The Montana Power Co.; Agreement for Sale of Firm Energy

May 28, 1980.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on May 20, 1979, tendered for filing in accordance with Section 35 of the Commission's regulations, a Letter Agreement with Portland General Electric Company ("Portland"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Portland.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,382,500.00 based upon energy delivered from January 4, 1980 through January 31, 1980. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of January 4, 1980 is proposed and waiver of the Commission's requirements is therefore requested.

A copy of this filing has been mailed to the Portland General Electric Company.

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, Northeast, Washington, D.C. 20426, in accordance with §§ 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 17, 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. 80-16783 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-78]

Mountain Fuel Supply Co., Amendment

May 27, 1980.

Take notice that on May 8, 1980, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP80-78 pursuant to Section 7(c) of the Natural Gas Act an amendment to its application filed November 13, 1979, in the instant docket, so as to eliminate the competitive nature of Applicant's application, to change the proposed facilities to be constucted for the transportation of Northern Natural Gas Company's (Northern) Gas, to transport natural gas for Northern, and to withdraw the request for consolidation, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the original application proposed an alternate method of transporting natural gas whereby Northwest Pipeline Corporation (Northwest) and Northern would receive the benefit of their natural gas acquisition efforts in the Overthrust area of southwest Wyoming at a significantly lower cost and with a substantial reduction in environmental impact from the proposals made by Northwest by application filed January 17, 1979, as supplemented November 26, 1979, in Docket No. CP79-150. Thus, Applicant seeks authority for the construction and operation of facilities for the transportation of up to 65,000 Mcf of gas per day for the account of Northern from the Painter Reservoir field as well as other fields. The construction of facilities and tranpsortation of gas would be pursuant to an agreement between Applicant and Northern dated April 10, 1980, it is asserted. Applicant states that the agreement provides for a 10.0-cent per Mcf gathering charge, based upon cost of service, an initial transportation charge of 14.0 cents per Mcf subject to change based upon changes in cost, and an exchange fee of 5.0 cents per Mcf when compression is required to effect delivery into the facilities of Colorado Interstate Gas Company. It is stated that all costs would be payable by Northern to Applicant and that Northern would reimburse Applicant for its proportionate share of compressor fuel.

Also pursuant to the agreement, Applicant proposes to construct:

(1) Approximately 24.8 miles of 16-inch pipeline from the Painter Reservoir Field to Applicant's main transmission lines located in Summit County, Utah. The estimated cost is $4,961,000.

(2) Approximately 3.6 miles of 12-inch pipeline lateral to connect Northern's Painter Reservoir gas supply to the Northern terminus of the proposed 16-inch pipeline. The estimated cost of the 12—inch lateral is $601,000.

Applicant states it would finance the cost of the proposed facilities with funds on hand, as supplemented by short-term borrowing if necessary.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirtements 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16785 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-358]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

May 29, 1980.

Take notice that on May 9, 1980, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-358 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Authorization is sought, it is stated, to transport, on an interruptible basis, up to 20,000 Mcf of natural gas per day pursuant to a transportation contract dated May 8, 1980, between Applicants and Columbia Gas wherein Panhandle would receive the gas for Columbia Gas' account from Delhi Pipe Line Company (Delhi) at a point on Panhandle's system in Dewey County, Oklahoma. It is stated further that Columbia Gas is purchasing the gas from various wells in northwestern Oklahoma and has made arrangements for deliveries to be made to Panhandle by Delhi.

Applicants stated that they have agreed to transport and exchange said gas with redelivery by Trunkline to Columbia Gas at an existing interconnection between the facilities of Trunkline and Columbia Gulf Transmission Company at Centerville, Louisiana.

Applicants state that for this transportation service, the agreement provides that Columbia Gas would pay Panhandle 19.42 cents per Mcf received by Panhandle at the point of receipt, and Panhandle would pay Trunkline for its *pro rata* share of the transportation service from the amounts paid by Columbia Gas, with Panhandle retaining 6 percent of the volume received for fuel usage.

Applicants state that the term of this transportation service is ten years and from year to year thereafter.

It is asserted that the utilization of capacity in Applicants' existing facilities is the most efficient and economical means of transporting Columbia Gas' volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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 practices 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, pursuant that, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16842 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-366]

Panhandle Eastern Pipe Line Co.; Application

May 29, 1980.

Take notice that on May 14, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, and P.O. Box 1348, Kansas City, Missouri 64141, filed in Docket No. CP80-366 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of a delayed exchange, transportation and gas purchase and sales agreement (agreement) entered into between Applicant and Producer's Gas Company (PGC) dated July 10, 1979, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that PGC is the owner of a certain intrastate pipeline in northwestern Oklahoma and the sole customer served by PGC on this pipeline is Western Farmers Electric Cooperative (WFEC). PGC has found that during the months of January, February, July and August, it requires additional supplies of natural gas in order to meet the peak needs of WFEC, it is stated. Applicant also states that during other months of the year (March, April, November and December) PGC has volumes of natural gas available to its pipeline system in excess of the needs of WFEC.

The agreement, Applicant asserts, provides that during the months of January and February, Applicant would make available to PGC volumes of natural gas on a daily basis not to exceed 10,000 Mcf in order to assist PGC in meeting WFEC's peak needs. PGC would be limited to requesting natural gas during the two-month period to 10 days during January and 10 days during February, and Applicant would be obligated to make these deliveries to PGC only if in its sole judgment it can do so without reducing its deliveries of natural gas to its own customers, it is stated.

Applicant states that during the months of March and April, PGC would be required to redeliver to Applicant the thermal equivalent of the cumulative quantity of natural gas delivered by Applicant to PGC during the immediately preceding January and February. PGC would also be obligated during the months of March and April to make a volume of surplus gas available for sale to Applicant equal to 50 percent of the total volume Applicant made available to PGC by delayed exchange in the immediately preceeding January and February, it is stated.

Applicant states that during the months of July and August it would make available to PGC additional volumes of gas in the same manner as described above for the months of January and February. However, during the months of July and August, Applicant would make available up to a maximum of 20,000 Mcf of natural gas per day to PGC it is stated. During the months of November and December, PGC would redeliver a like volume to Applicant of what was provided to PGC during July and August and offer for sale to Applicant a volume equal to 50 percent of the volumes received by PGC from Applicant during the immediately preceding July and August, it is stated.

Applicant further states that pursuant to the agreement, PGC would sell and Applicant would purchase surplus volumes of natural gas available on PGC's pipeline system throughout the year at a price equal to PGC's system weighted acquisition cost per million btu during the month in which purchases would be made. Applicant would also pay PGC a transportation charge, it is stated. The agreement also grants Applicant the right to have any volumes which it may acquire transported by PGC through PGC's northwestern Oklahoma pipeline system, it is stated.

Applicant states the agreement is for a term of fifteen years from the date of initial delivery and from year to year thereafter.

It is further stated that the points of delivery and redelivery provided for by the agreement are existing points of interconnection between the pipeline facilities of Applicant and PGC. Applicant would utilize its budget-type authorization to construct and operate facilities to attach any new supplies of natural gas to PGC's system for the account of Applicant, it is stated.

With respect to the transportation segment of the agreement, Applicant further proposes to establish or abolish delivery points to PGC as the occasion arises, and to inform the Commission on an annual basis as to deliver points which have been established or deleted. Such filing would be submitted to the Commission pursuant to Part 154 of the Regulations, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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. 80-16843 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-362]

Panhandle Eastern Pipe Line Co.; Application

May 28, 1980.

Take notice that on May 13, 1980, Panhandle Eastern Pipe Line Company (Applicant), 3000 Bissonnet, Houston, Texas 77001, filed in Docket No. CP80-362 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 the facilities necessary to establish two new delivery points to two of its existing resale customers, Town Gas Company (Town Gas) and Indiana Gas Company (Indiana Gas) and facilities required to institute 23 direct sales of natural gas to right-of-way grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization for the following:

(1) Installation and operation of facilities required to make 23 direct sales of natural gas to the following right-of-way grantors or their successors in interest in the States of Texas, Oklahoma, Kansas, and Missouri for domestic, or irrigation fuel end-use:

Name of applicant	Points of delivery—county	End-use
1. Allen D. Binford	Kiowa, Kans	Irrigation.
2. Gene Black	Seward, Kans	Irrigation.
3. Jesse R. Bolin	Moniteau, Mo	Domestic.
4. L. Trent Burkdoll	Franklin, Kans.	Domestic.
5. Austell Burrus	Hutchinson, Tex.	Irrigation.
6. C. Delbert Crabtree	Johnson, Mo	Domestic.
7. Lester D. Davis	Meade, Kans	Domestic.
8. Martin L. Haskins	Major, Okla	Domestic.
9. Dennis E. Hicks	Texas, Okla	Domestic.
10. Arnold R. Jantzen	Major, Okla	Domestic.
11. Melvin O. Leicher	Pettis, Mo	Domestic.
12. T. Reed Maxson	Johnson, Mo	Domestic.
13. Dale McDaniel	Barber, Kans	Domestic.
14. Elvin Meigs	Woodward, Okla.	Domestic.
15. Lavern C. Morris	Woods, Okla	Domestic.
16. William Morrison	Callaway, Mo	Domestic.
17. John H. Nightengale	Major, Okla	Domestic.
18. Donald H. Parker	Major, Okla	Domestic.
19. Nigel E. Perry	Dewey, Okla	Domestic.
20. Victor H. Ricke	Barber, Kans	Domestic.
21. Blaine Rikli	Garfield, Okla	Domestic.
22. Ted H. Schoneboom	Audrain, Mo	Domestic.
23. Jack L. Woods	Kingfisher, Okla.	Domestic.

(2) Establishment of one new delivery point to Town Gas, an existing distribution company customer in the state of Illinois in order that Town Gas may provide natural gas service for domestic end-use to Robert W. Personett, Atwood, Illinois, a right-of-grantor, and authority to construct and operate facilities required to establish said new delivery point.

(3) Establishment of one new delivery point to Indiana Gas an existing distribution company customer in the State of Indiana in order that Indiana Gas may provide natural gas service for domestic end-use to Gerald E. Holloway, Jonesboro, Indiana, a right-of-way grantor, and authority to construct and operate facilities required to establish said new delivery point.

Applicant proposes to make direct sales of natural gas to right-of-way grantors or their successors in interest for the segments of its pipeline system west of the Mississippi River, it is stated. Sales of natural gas to right-of-way grantors or their successors in interest on segments of Applicant's pipeline system situated east of the Mississippi River would be made through existing resale customers of Applicant, it is said. Of the 23 direct sales, three would be for irrigation fuel purposes it is said. Applicant estimates that each of the proposed irrigation fuel sales would involve an average of 3,750 Mcf of natural gas per year. Applicant states that the remaining 20 direct sales would involve the end-use of natural gas for domestic purposes. Applicant estimates the average volume of natural gas to be sold in these 20 transactions would be approximately 150 Mcf per year.

The total cost of the facilities proposed herein is estimated to be $19,650 which cost would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-16786 Filed 6-2-80; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. RP80-2]

Alabama-Tennessee Natural Gas Co.; Tariff Filing

May 28, 1980.

On May 9, 1980, Alabama-Tennessee Natural Gas Company filed revised tariff sheets to be substituted for the same designated sheets previously filed:

Thirty-Second Revised Sheet No. 3-A
Fifth Revised Sheet No. 5
Fifth Revised Sheet No. 11
Fifth Revised Sheet No. 14

The above tariff sheets were submitted as effective no substantial changes in rates, but reflecting changes in form.

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 §§ 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 13, 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. 80-16833 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-83]

ANR Storage Co.; Filing of Revised Tariff Sheets

May 28, 1980.

Take notice that on May 15, 1980, ANR Storage Company (ANR) filed the following Revised Tariff Sheets:

Original Volume No. 2

First Revised Sheet No. 84
Third Revised Sheet No. 31
First Revised Sheet No. 31A
Second Revised Sheet No. 52
First Revised Sheet No. 52A
Third Revised Sheet No. 74
Second Revised Sheet No. 74A
Second Revised Sheet No. 96
First Revised Sheet No. 96A

The revised tariff sheets, ANR states, are filed pursuant to Commission order issued May 1, 1980, requiring the elimination of a short-term interest cost tracking provision. The proposed effective date of the revised tariff sheets is May 3, 1980.

ANR states that copies of the revised tariff sheets were mailed to its customers which received copies of the initial filing.

Any person desiring to comment on said filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before June 9, 1980. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16832 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-357]

Colorado Interstate Gas Co.; Application

May 29, 1980.

Take notice that on May 9, 1980, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80-357 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the implementation of a settlement proposal which includes a curtailment plan and an index of entitlement protecting high-priority and essential agricultural users of natural gas, certain revisions to annual and peak day entitlements, and a rate shift among CIG's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that on August 8, 1979, CIG filed in Docket No. SA79-15 a request for a Staff Adjustment of certain of its obligations under Commission Order No. 29; namely, for a one-year extension of time to file the Index of Entitlements and requisite tariff sheets and for authority to operate under its existing interim curtailment plan during that period, the rationale for CIG's request being that it needed more time to compile and analyze data, to confer with its customers, and, if possible, to formulate a curtailment plan acceptable to all of CIG's customers.

CIG states further that by order issued in Docket No. SA79-15, CIG was granted the requested one-year time extension, authority to continue to operate under its interim curtailment plan, and was required to file revised tariff sheets and an Index of Entitlements effectuating § 281.204 of the Commission's Regulations under the Natural Gas Policy Act of 1978, by October 1, 1980, to be effective November 1, 1980.

Since the one-year time extension was granted, CIG states that it and its customers have avidly pursued a curtailment plan that would be mutually acceptable and equitable to all parties as well as meet the Order No. 29 mandated goal of providing maximum curtailment protection to high-priority and essential agricultural natural gas users.

In order to implement the negotiated settlement package previously described, CIG requests authority to;

(1) Implement the *pro forma* tariff sheets which contain a *pro rata* curtailment plan and Index of Entitlements.

(2) Reduce Natural Gas Pipleline Company of America's (NGPL) future daily firm volume entitlement from 210,000 Mcf to 170,000 Mcf during the months of December, January, and February.

(3) Reduce NGPL's rate by 5.31 cents per Mcf, or $1,742,800 per year, and to increase compensatorially the rates charged to CIG's other jurisdictional transmission system customers, all to be effective October 1, 1980.

(4) Reallocate the 40,000 Mcf per day of firm peak day gas relinquished by NGPL to certain existing transmission system customers.

(5) Make revisons to the annual entitlements of its existing customers, including NGPL.

(6) Make revisions to the service agreements of certain of its existing customers to change the maximum daily volume obligation at some delivery points.

(7) Change the delivery pressure at the Grimm Tap delivery point to Public Service Company of Colorado.

CIG states that the settlement proposal is the outcome of negotiations among CIG and its customers and must be considered in its entirety and that implementation of each element is essential to meet the terms of the agreement.

The combination of the curtailment plan and gas allocation changes allow maximum protection for essential agricultural and high-priority users as well as needed annual and peak day gas entitlement revisions, it is asserted.

CIG states that although Order No. 29 delineates the specific requirements of a pipeline's curtailment plan, Order No. 29 also anticipates the possibility that a pipeline company may submit, as a settlement, a curtailment plan that differs from the one set out therein.

CIG states further that the curtailment plan contained in Section 12 of the *pro forma* tariff sheets provides the maximum practicable protection for high-priority and essential agriculutural users attached to CIG's pipeline system; as such, it is submitted in settlement of the conditions of Order No. 29 and waiver is requested for those portions of Order No. 29 not specifically addressed by CIG's curtailment plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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 Naturl 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. 80-16834 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-370]

Columbia Gas Transmission Corp. and Equitable Gas Co.; Application

May 29, 1980.

Take notice that on May 15, 1980, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP80-370 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Columbia has locally purchased volumes of natural gas available in Braxton County, West Virginia, at a point which is remote from its existing pipeline system. It is also stated that Equitable has existing pipeline facilities in Braxton County, West Virginia, which are capable of accepting such gas volumes for redelivery to Columbia's pipeline system and that it has a need for higher pressure gas in the Buckhannon, West Virginia, portion of its pipeline system which Columbia has the capability of supplying.

Applicants state that in order to accommodate the needs of both companies they have entered into a transportation and exchange agreement dated October 12, 1979, the terms of which indicate the following:

(1) Columbia would deliver exchange gas volumes of up to a maximum of 1,000 Mcf per day at an interconnection to be established between Columbia and Equitable at a point mutually agreeable on Equitable's Line F-992 in Salt Lick District of Braxton County, West Virginia (Braxton Point).

(2) Columbia would deliver exchange gas volumes up to a maximum of 1,000 Mcf per day at an interconnection between Columbia's Line 8078 and Equitable's Line D-692 near Buckhannon, Upshur County, West Virginia (Buckhannon Point).

(3) Equitable would redeliver gas volumes equivalent to the volumes received from Columbia at the Braxton and Buckhannon points by reducing volumes which Columbia would deliver to Equitable at an existing interconnection in Wetzel County, West Virginia, known as Fallen Timber (Fallen Timber Point).

Applicants state that because the service to be rendered to each other would be of equivalent value, no charge would be made for such services except that:

(1) If the volumes delivered by Columbia to Equitable at the Buckhannon Point for Equitable's benefit exceed the volumes delivered by Columbia to Equitable at the Braxton Point for Columbia's benefit, Equitable would pay a charge for the transportation of such excess volumes from Fallen Timber to the Buckhannon Point which charge shall be equal to Columbia's average system transmission cost, exclusive of company use and unaccounted for gas, for all excess volumes delivered to Columbia.

(2) If the volumes delivered by Columbia to Equitable at the Braxton County Point for Columbia's benefit exceed the volumes delivered by Columbia to Equitable at Buckhannon Point for Equitable's benefit, Columbia would pay a charge for the transportation of such excess volumes from Braxton Point to the Fallen Timber Point which charge would be 15.5 cents per Mcf of such excess gas. This charge would be subject to adjustment for increases and reductions in average system transmission costs and the condition that Equitable would retain 5.0 percent of such excess gass for company use and unaccounted for gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16835 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[TA80-1-22 (PGA 80-2d)]

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

May 28, 1980.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on May 20, 1980, tendered for filing Substitute Twentieth Revised Sheet No. 16 to its FERC Gas Tariff, Third Revised Volume No. 1. The revised tariff sheet is proposed to be effective June 1, 1980 in lieu of Twentieth Revised Sheet No. 16 filed May 9, 1980.

The substitute tariff sheet was filed to reflect the change in gas costs for a three-month period rather than a six-month period as included in the May 9, 1980 filing. The revision reflects a decrease of 22.05¢ per Dt from the rates shown on Nineteenth Revised Sheet No. 16.

Consolidated requests a waiver of the Commission's rules and regulations, specifically Section 154.22, Notice Requirements, and 154.38 and any other of the Rules and Regulations as may be deemed necessary in order to permit the rates shown on Substitute Twentieth Revised Sheet No. 16 to become effective as proposed.

Copies of this filing were served upon Consolidated's jurisdictional customers as well as interested State Commissions.

Any persons 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 NE., Washington, D.C. 20426, in accordance with §§ 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 13, 1980. Protests will be considered by the Commission in determining the appropriate action to the taken, but will not serve to make protestants parties to the proceedings. Any persons weighing 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. 80-16836 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-89]

El Paso Natural Gas Co.; Tariff Filing

May 28, 1980.

Take notice that on May 23, 1980, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, tendered for filing in Docket No. TC80-89 pursuant to Section 4(d) of the Natural Gas Act certain original and revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. Such tariff sheets are identified in the appendix hereto and, if accepted for filing and permitted to become effective, will amend the General Terms and Conditions of El Paso's FERC Gas Tariff. The tendered sheets are available for public inspection.

El Paso states that the purpose of the subject tariff sheets is to amend certain of the provisions of El Paso's FERC Gas Tariff governing curtailments of deliveries to its interstate system customers so as to permit El Paso to sell and deliver, and its customers to request and receive, volumes of gas in excess of the customers' respective peak day entitlements as presently specified in the currently effective curtailment plan, on those days when the total supplies available for sale from El Paso's interstate system are equal to or exceed the volumes necessary to serve fully all customer requests up to such peak day entitlements and also meet El Paso's own storage injection needs. The tendered tariff sheets provide, in effect, that volumes actually received by any customer on such days shall not be considered in calculating unauthorized daily and seasonal overrun penalties to that customer.

El Paso states that the availability of natural gas supplies on a daily basis from all sources to its interstate system is now such that El Paso anticipates being able to serve fully all customer requirements up to peak day entitlement limitations on at least some and perhaps many days during the current summer season and on such days to have some excess gas available. In transmitting the revised tariff sheets, El Paso states that its interstate customers may not request or receive volumes of gas from El Paso which are in excess of peak day entitlements, even in circumstances where the customer, in fact, could use additional gas were it available and even though El Paso's delivery of such additional gas might otherwise be authorized by both contract and certificate. Thus, it is said, to the extent that supplies available to El Paso's interstate system exceed the aggregate of all customers' reported requirements up to peak day entitlements, El Paso, as a result of the peak day entitlements limitation on customer takes, may be required to turn back currently available gas supplies which at least some of its customers acutally need and could utilize and which El Paso is otherwise authorized to deliver to those customers.

El Paso requests, pursuant to § 154.51 of the Commission's Regulations, that waiver be granted of the notice requirements of Section 4(d) of the Natural Gas Act and § 154.22 of said regulations and that the tendered tariff sheets be permitted to become effective as of June 1, 1980. El Paso submits that the request for waiver of the notice requirement should be granted for the reasons that (i) El Paso will thereby be able at the earliest possible date to utilize effectively supplies of gas which are otherwise currently available and (ii) El Paso's customers will thereby be able to receive at the earliest possible date the otherwise currently available supplies of gas which those customers can efficiently utilize which, except for peak day entitlement limitations and daily and seasonal penalty provisions, El Paso is currently authorized to deliver to those customers and those customers are authorized to receive.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before June 12, 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Appendix

El Paso Natural Gas Company

Original Volume No. 1

First Revised Sheet No. 63-I.
Original Sheet No. 63-I.1.
First Revised Sheet No. 67-D.7.
Fourth Revised Sheet No. 67-E.
Second Revised Sheet No. 67-F.
Original Sheet No. 67-F.1.

Third Revised Volume No. 2

First Revised Sheet No. 1-S.
Original Sheet No. 1-S.1.
Second Revised Sheet No. 1-T.
Second Revised Sheet No. 1-U.
First Revised Sheet No. 1-V.

Original Volume No. 2A

First Revised Sheet No. 13-MM.
Original Sheet No. 13-MM.1.
Second Revised Sheet No. 14-MM.
Second Revised Sheet No. 15-MM.
First Revised Sheet No. 16-MM.

[FR Doc. 80-16837 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-82]

Granite State Gas Transmission, Inc.; Informal Settlement Conference

May 28, 1980.

Take notice that on June 3, 1980, at 10 o'clock a.m. there will be an informal settlement conference of all interested persons in these proceedings. The meeting place for the conference will be at the offices of the Federal Energy Regulatory Commission, Room 8402, 825 North Capitol Street NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16838 Filed 6-2-80; 8:45 a.m.]

BILLING CODE 6450-85-M

[Docket No. CP80-369]

Great Lakes Gas Transmission Co; Application

May 29, 1980.

Take notice that on May 15, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP80-369 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 1,324,000 Mcf of natural gas per year to Natural Gas Pipeline

Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by an application filed concurrently with the Economic Regulatory Commission (ERA) under Section 3 of the Natural Gas Act Applicant has requested authorization from the Administrator to import for resale in the United States, 1,324,000 Mcf of natural gas per year to be purchased from TransCanada PipeLines Limited (TransCanada) commencing with the first day of the month following the date on which all requisite Canadian and U.S. regulatory approvals have been received.

Applicant states further that the 1,324,000 Mcf is the volume of fuel gas which is expected to be saved due to Applicant's looping program for which Applicant received authorization by order issued May 17, 1979, in Docket No. CP79–157.

Applicant proposes herein to sell the 1,324,000 Mcf of annual fuel savings gas to Natural, its existing resale customer.

Applicant states that (1) the proposed sales can be rendered by means of existing facilities, (2) the rate of these sales would be the CQ rate under Applicant's FERC Gas Tariff, First Revised Volume No. 1 applicable to the existing service to Natural, (3) the gas would be delivered to Natural at a rate of 3,618 Mcf per day, and (4) the gas would be delivered by Applicant for the account of Natural to Michigan Wisconsin Pipe Line Company (Mich Wis) at an existing interconnection between the facilities of Applicant and Mich Wis near Crystal Falls, Michigan.

It is stated that a new service agreement dated April 23, 1980, has been entered into between Applicant and Natural which is similar to the existing service agreement between the two parties, except for the increase in contract quantity from the presently effective 162,013 Mcf per day to 165,631 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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. 80–16839 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER80–377]

Iowa Power & Light Co.; Rate Schedule Filing

May 29, 1980.

The filing Company submits the following:

Take notice that Iowa Power and Light Company ("Iowa Power"), on May 7, 1980, tendered for filing proposed changes in Iowa Power and Light Company FERC Rate Schedule No. 53, which sets forth rates for wholesale electric service to Montezuma Municipal Light and Power ("City").

Proposed Supplement No. 14 to Rate Schedule No. 53 provides for a change in the floor price for emergency energy and power as well as a change in billing due dates and interest charges on late payment thereof. This change is needed for compliance with the rates shown in the Mid-Continent Area Power Pool Agreement.

Iowa Power requests that the Commission waive its prior notice requirements and accept Proposed Supplement No. 14 for filing with a retroactive effective date of April 16, 1980. Iowa Power states that copies of the filing have been served upon the City and the Iowa State Commerce 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 NW., Washington, D.C. 20426, in accordance with §§ 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 17, 1980. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 80–16840 Filed 6–2–80; 8:45 am]

BILLING CODE: 6450–85–M

[Docket No. QF80–6]

Power Systems Engineering, Inc. and Great Lakes Carbon Corp.; Applications for Commission Certification of Qualifying Status of a Cogeneration Facility

May 29, 1980.

On May 20, 1980, Power Systems Engineering, Inc. (Power Systems) and Great Lakes Carbon Corporation (Great Lakes) filed with the Federal Energy Regulatory Commission an application for certification of a facility as a qualifying bottoming-cycle cogeneration facility pursuant to § 292.207 of the Commission's rules.

Great Lakes owns and operates facilities in Port Arthur, Texas, for the calcining of petroleum coke to produce calcined coke by the combustion of volatile material in the petroleum coke in a atmosphere that is so low in oxygen that combustion of the carbon in the coke is retarded. Great Lakes states that it utilizes three large rotary kilns into each of which is fed petroleum coke and natural gas, the latter being used for start-up and flame control. Heat in the kilns is generated approximately 15 percent by the natural gas, 80 percent by the volatiles in the petroleum coke feed stock, and 5 percent by the combustion of a portion of the carbon in the petroleum coke. Hot flue gases are now exhausted to the atmosphere from each of the kilns at approximately 1800 to 2000° F. The total heat content of these flue gases is such that if they were flowed through waste heat boilers, about 660,000 pounds of steam per hour at 1250 psig. and 9500° F could be produced. Great Lakes states that

production of this amount of steam from oil would require 3600 barrels of oil a day. The cogeneration facility is expected to save the equivalent of 700,000 barrels of oil per year.

Great Lakes states that it is the intent of Power Systems, either alone or as a general partner in a limited partnership, to construct (or have constructed for it), own and operate facilities which will utilize the waste heat from the calcining operation and convert i into electric power. To that end, Power Systems will construct at each kiln a waste heat recovery boiler and utilize the steam produced thereby to operate a condensing steam turbine-generator unit which will be capable of developing approximately 75,000 kilowatts of power.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission Rules of Practice and Procedure. All such petitions or protests must be filed on or before July 3, 1980 and must be served on the applicant. 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. 80-16844 Filed 6-2-80; 8:45 am]

BILLING CODE: 6450-85-M

[Docket No. TA80-2-40 (PGA80-1)]

Raton Natural Gas Co.; Rate Change Filing

May 28, 1980.

Take notice that on May 14, 1980, Raton Natural Gas Company (Raton) tendered for filing Second Alternate Twenty-first Revised Sheet No. 3a to its FERC Gas Tariff Original Volume No. 1. An effective date of April 1, 1980, is proposed.

Raton states that the instant filing corrects an error in the current commodity gas cost adjustment amount set forth on the Alternate Twenty-first Revised Sheet No. 3a which was filed on May 5, 1980. The instant filing changes the commodity gas cost adjustment amount from 16.04¢ to 14.34¢.

Raton requests waiver of the Commission's Regulations to permit the filing to become effective coincidental with Colorado Interstate Gas Company's April 1, 1980, effective tariff change.

Raton further states that a copy of the filing has been served to its only customer and interested State Commissions.

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, NE., Washington, D.C. 20426, in accordance with §§ 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 10, 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. 80-16787 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI80-106]

Shell Oil Co.; Petition for Declaratory Order

May 29, 1980.

Take notice that on December 4, 1979 (supplemented on February 8, 1980), Shell Oil Company (Shell) petitioned the Commission pursuant to Sections 1.7(c) and 1.43 of the latter's Rules of Practice and Procedure (18 CFR 1.7(c) and 1.43), for a declaratory order disclaiming the Natural Gas Act (NGA) jurisdiction for certain sales of gas by Shell to El Paso Natural Gas Company (El Paso).

Shell entered into an October 28, 1974 Option Agreement by which El Paso could elect to purchase Shell's gas from certain acreage in Beckham and Washita Counties, Oklahoma. This agreement was in effect on November 8, 1978 and certain sales had been made from this acreage prior to that date. Sales from the Coy No. 2 well (the subject of the instant petition) had not commenced however, on or before, November 8, 1978.

Shell asks whether the Commission considers gas subject to an "option agreement" on November 8, 1978 to be committed or dedicated to interstate commerce as defined in the Natural Gas Policy Act (NGPA) subparagraph 2(18)(A)(ii) and as used in NGPA subsection 601(a). Shell submits that such gas should not be deemed to be committed or dedicated to interstate commerce. (Shell defines an "option agreement" as "any contract or agreement providing for the making of elections by one or both parties as a condition precedent to creation of a binding set of promises for the purchase and sale of natural gas for resale in interstate commerce." (Petition at 2).

Shell states that certainty in this area is imperative to avoid situations wherein a producer might sell gas at its peril for filing to comply with the certification requirements of the Natural Gas Act. Shell asserts that mere option agreements are not contracts which would "require" gas to be sold in interstate commerce within the meaning of the NGPA subparagraph 2(18)(A)(ii). Therefore, Shell opines, under subparagraphs 601(a)(1)(A) of the NGPA, NGA jurisdiction is lifted as of December 1, 1978. Consequently no obligation exists thereafter for a producer to obtain a certificate of public convenience and necessity for sales of such gas in interstate commerce.

Shell presents additional issues to be resolved, in the event that the Commission determines that gas subject to such option agreements remains under its NGA jurisdiction after December 1, 1978. Namely, first, must a producer who has petitioned a jurisdictional agency for a well-category determination under the provision set forth in NGPA subparagraph 601(a)(1)(B), request a certificate of public convenience and necessity for sale made during the pendancy of such well-category determinations? Second, if so, then is a certificate required for any first sale of gas made on and after the date the jurisdictional agency makes a final affirmative determination pursuant to NGPA subsection 503(c)? Shell asserts that both questions should be answered in the negative. Shell states that the Commission should not have a requirement that producers request simultaneous to a petition for a jurisdictional agency determination, a request for a NGA certificate. Such dual filing requirements, in Shell's opinion, would serve no purpose.

In a "Supplement to Petition For Declaratory Order, etc." filed on February 8, 1980, Shell stated that the Coy No. 2 well (the subject of this docket) had received a determination from the Oklahoma Corporation Commission that the well was a deep, high-cost well, within the meaning of 18 CFR 275.202(a), and was thereby removed from the NGA jurisdiction pursuant to NGPA 601(a)(1)(B). Nevertheless, Shell stated that the

issues presented in its original petition remain unresolved causing continuing uncertainty in the industry.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 30, 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 rule 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. 80-16845 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-85]

Sierra Pacific Power Co.; Compliance Filing

May 28, 1980.

The filing Company submits the following:

Take notice that on May 19, 1980, Sierra Pacific Power Company (Sierra) submitted for filing a compliance report pursuant to the Commission's letter order of February 7, 1980 in the above-referenced proceeding.

Sierra submits that its Compliance Report shows monthly billing determinants and revenues under present and settlement rates, the monthly revenue refund, and the monthly interest computation.

A copy of this filing has been sent to the appropriate state commissions.

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 §§ 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 17, 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. 80-16789 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP61-5, *et al.*]

South Georgia Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

May 28, 1980.

Take notice that the pipelines listed in the Appendix hereby 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, NE., Washington, D.C. 20426, on or before June 11, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 80-16788 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP77-108]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

May 28, 1980.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 16, 1980 tendered for filing certain revised tariff sheets to be effective July 1, 1980.

Transco states that the purpose of this filing is to reflect an advance payment "tracking" rate reduction of 0.3¢ per dt in the commodity rate or delivery charge of Transco's sales and firm transportation rate schedules.

Transco also states that the rate reduction is being filed in accordance with Article VII of Transco's "Agreement as to Rates" in Docket No. RP77-108 and approved, along with Transco's "Supplemental Agreement as to Rates," by Commission letter order dated October 11, 1979. Article VII provides for adjustments to Transco's jurisdictional rates to give effect to inclusion in rate base of net increases or decreases in the amount of outstanding advance payments made by Transco provided such net increases or decreases result in an adjustment of 0.3¢ per dt when computed to the nearest one-tenth of one cent. The rate reduction proposed herein is occasioned by a decrease of $12,003,282 in the advance payment balance from the amount included in Transco's rates as of its most recent advance payment tracking reduction effective January 1, 1980.

The Company states that copies of the filing were served upon the Company's jurisdictional customers and interested State commissions and other parties in Docket No. RP77-108.

Any persons 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 NE., 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 10, 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. 80-16791 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP76-136 and RP77-26]

Transcontinental Gas Pipe Line Corp.; Rate Change Filing

May 28, 1980.

Take notice that on May 14, 1980, Transcontinental Gas Pipe Line Corporation (Transco) filed Substitute Third Revised Substitute Tenth Revised Sheet No. 12 superseding Second Revised Substitute Tenth Revised Sheet No. 12 of its FERC Gas Tariff Second Revised Volume No. 1. The proposed effective date is November 1, 1978.

Transco states that the instant filing corrects a typographical error contained on Third Revised Substitute Tenth Revised Substitute Sheet No. 12 under the column "Charges per dt—Zone 3" for Credit to Reflect Curtailment of the ACQ rate schedule from 146.82¢ per dt to 145.82¢ per dt. Transco further states that the typographical error was not involved in Transco's billings or the determination of the amount of charging charges on unrecovered demand charge adjustments distributed to its customers on March 5, 1980.

Transco states that copies of the filing were mailed to the purchasers, State Commissions and interested parties which received copies of Third Revised Substitute Tenth Revised Substitute Sheet No. 12 which was filed on April 10, 1980.

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, NE., Washington, D.C. 20426, in accordance with §§ 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 10, 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.

Appendix

Filing date, Company, Docket No., Type Filing

May 2, 1980, South Georgia Natural Gas Company, RP61–5, Report.
May 9, 1980, Transcontinental Gas Pipe Line Corporation, RP63–3, Report.

[FR Doc. 80–16792 Filed 6–2–80; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. CP80–368]

Transcontinental Gas Pipe Line Corp.; Application

May 29, 1980.

Take notice that on May 15, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed on Docket No. CP80–368 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 two gas supply facilities required to attach new gas supplies to its system, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate two gas supply facilities described as follows:

Location and Description

Port Hudson Field, East Baton Rouge Parish, Louisiana; 7.5 miles of 12-inch pipeline and meter station.
Big Point Field, St. Tammany Parish, Louisiana; 3.68 miles of 2-inch pipeline and manifold platform.

Applicant states that the proposed facilities would be necessary to attach needed gas to Applicant's system as soon as the subject gas fields are ready for production.

It is stated that the estimated cost of constructing the proposed facilities would be $2,930,000, which cost would be initially financed through short-term loans and available cash. Permanent financing would be undertaken as part of an overall long-term financing program at a later date, it is stated.

Applicant further states that no new sale or service is proposed by the current application and that the proposed facilities would not increase the delivery capacity of Applicant's main transmission system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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. 80–16846 Filed 6–2–80; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. CP80–372]

Transcontinental Gas Pipe Line Corp., Application

May 29, 1980.

Take notice that on May 16, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80–372 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to import up to 10,000,000 Mcf of natural gas per year, for a period beginning November 1, 1980, and ending April 30, 1993.

Applicant states it has entered into an agreement with Union Gas Limited (Union) of Chatham, Ontario, Canada, dated April 16, 1980, for the gas which would be imported. Transportation would be by means of existing pipeline facilities owned and operated by Panhandle Eastern Pipe Line Company (Panhandle) which are connected to Union's facilities at the international boundary near River Rouge, Michigan, it is stated. Panhandle would deliver, by displacement, equivalent quantities to Trunkline Gas Company (Trunkline) for Applicant's account at existing interconnections between the Panhandle and Trunkline systems, with delivery of the gas to Applicant to be made by displacement at an existing interconnection between Applicant and Trunkline at Ragley, Louisiana, it is stated.

Applicant asserts that Union would deliver 10,000 Mcf annually to Panhandle for Applicant's account. It is stated that up to 25,000 Mcf of gas per day would be delivered from April through December, with Applicant having the option to receive up to 30,000 Mcf of gas per day and Applicant would receive a base volume of 3,000 Mcf of gas per day during January through March, plus an amount equivalent to Union's receipt of synthetic gas, again with provision for Applicant to receive up to 30,000 Mcf of gas per day if agreed to by Union. Applicant states that it would be obligated to take or pay for 7,500,000 Mcf of gas during the period of

April through December and 2,500,000 Mcf during the period of January through March if gas is tendered by Union. Any volumes paid for but not taken during each period could be recovered by Applicant in the next two succeeding periods, and any amounts paid but not so recovered would be refunded by Union, it is stated. It is further asserted that the contract provides that the price of the gas would be the then prevailing Canadian international border price.

Applicant further states that the cost of gas purchased from Union would be reflected in subsequent purchased gas adjustment filings by Applicant, and Applicant requests the Commission to approve specifically such method of recovery of purchased gas costs. Applicant also asserts that it would utilize existing pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 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. 80-16847 Filed 6-21-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-359]

United Gas Pipe Line Co.; Application

May 28, 1980.

Take notice that on May 9, 1980, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-359 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 a pipeline and appurtenant facilities to move new gas supplies to the interstate markets from Block A-443, High Island Area, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to construct and operate approximately 5.3 miles of 10-inch pipeline extending from the herein proposed meter station to be constructed on the producer's platform in Block A-443, High Island Area, South Addition, to connect with the existing subsea tap located on the 30-inch West Leg of the High Island Offshore System (HIOS), at Block A-283, High Island Area, East Addition, South Extension, offshore Texas. Construction of the proposed pipeline and appurtenant facilities (A-443 line) is estimated to cost $3,726,000, to be financed from internally generated funds, it is stated.

United states that it is actively involved in negotiations with the Union Oil of California Company, Mobil Oil Exploration and Producing Southeast, Inc., and Diamond Shamrock Corporation to acquire the right to purchase their respective percentage interests in Block A-443.

It is stated that the proven reserves underlying the A-443 Field are estimated to be 19,600,000 Mcf and the proven plus potential reserves are estimated to be 20,400,000 Mcf, the average day deliverability from Block A-443 estimated to be 30,000 Mcf with deliveries from said block scheduled to commence in November, 1980.

The proposed A-443 Line is required to connect a new gas supply to HIOS, wherein United would utilize its capacity to move further the new gas supply onshore to interstate markets, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-16793 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-57]

Upper Peninsula Power Co.; Application

May 27, 1980.

Take notice that on May 19, 1980, Upper Peninsula Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $9,000,000, with a final maturity date of not later than June 30, 1982. The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the Upper Peninsula of Michigan with a population of approximately 140,000.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program, and the purchase of fuel supplies through June 30, 1981.

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, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 19, 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. 80-16794 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-56]

Upper Peninsula Generating Co.; Application

May 27, 1980.

Take notice that on May 19, 1980, Upper Peninsula Generating Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to $45,000,000, with a final maturity of not later than July 1, 1982. The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in generation and transmission of electric energy for sale to its owners, Upper Peninsula Power Company and Cliffs Electric Service Company.

The proceeds from the sale of the notes and bankers' acceptances will be used for the purchase of coal supplies through July 1, 1982, and such construction expenditures at the Presque Isle Generating Station which are not funded by working capital.

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, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 19, 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-16795 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF80-5041]

Western Area Power Administration; Filing

May 28, 1980.

The filing party submits the following:

Take notice that on May 19, 1980, the Assistant Secretary for Resource Applications of the Department of Energy (Assistant Secretary) did confirm and approve, on an interim basis effective June 16, 1980, Rate Schedules PD-F1, PD-T1, PD-T1, and PD-T3 for wholesale power and transmission service for the Western Area Power Administration's Parker-Davis Project. Said Rate Schedules were issued pursuant to the Assistant Secretary's Rate Order No. WAPA-3.

The rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-33. The Assistant Secretary suggests that the Commission approve the rates for a five-year period, ending June 30, 1985, with the understanding that the rates can be adjusted at an earlier date, if needed, to comply with cost recovery criteria.

The Assistant Secretary has also filed the Description of Record and Statements A through E covering Revenues, Investment, Replacements, Interest Expenses, and Operating Expenses.

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, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before, June 16, 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. 80-16796 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed Week of April 18 through April 25, 1980

Notice is hereby given that during the week of April 18, 1980 through April 25, 1980 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

May 27, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Apr. 18 through Apr. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 18, 1980	A. Smith Bowman Distillery, Sunset Hills, VA	BEE-1096	Allocation Exception. If granted: A. Smith Bowman Distillery would receive an exception from the provisions of 10 CFR Part 211 that would increase the firm's allocation of unleaded motor gasoline for the purpose of blending gasohol.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr. 18 through Apr. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 18, 1980	Champlin Petroleum Company, Washington, DC	BEE-1095	Exception from the Entitlements Program. If granted: Champlin Petroleum Company would receive an exception from the provisions of the "single firm" rule and the Entitlements Program "runs credit" with respect to the expansion of its Wilmington, California, refinery.
Apr. 18, 1980	Dobrovir, Oakes & Gebhardt, Washington, DC	BFA-0328	Appeal of an Information Request Denial. If granted: The April 8, 1980, Information Request Denial issued by the Department of Energy would be rescinded, and Dobrovir, Oakes & Gebhardt would receive access to DOE information concerning the June 15, 1978, announcement of a decision to allow the temporary export of residual fuel oil.
Apr. 18, 1980	Peerless Petrochemicals, Inc., Washington, DC	BEE, BEL-1094	Allocation Exception. If granted: Peerless Petrochemicals, Inc., would receive an exception and a temporary exception from the provisions of 10 CFR 211.65, which would modify its crude oil buy/sell obligations.
Apr. 18, 1980	Pride Refining, Inc./Marathon Oil, Abilene, TX	BEJ-0083	Protective Order. If granted: A Protective Order would be issued whereby Pride Refining, Inc., and Marathon Oil Co. would exchange confidential information in connection with Pride's application for Exception (Case No. BEE-0651).
Apr. 21, 1980	Amerada Hess Corporation, Washington, DC	BRD, BRH-0985.	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted to Amerada Hess Corporation and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the January 9, 1980, Proposed Order of Disallowance issued to the firm by the Office of Special Counsel.
Apr. 21, 1980	Arizona Fuels Corporation, Fredonia, AZ	BEX-0050	Supplemental Order. If granted: A supplemental order would be issued to Arizona Fuels Corporation whereby the exception relief previously granted would be rescinded or modified (Case No. DEE-2239).
Apr. 21, 1980	Bracewell and Patterson, Washington, DC	BFA-0330	Appeal of an Information Request Denial. If granted: The March 20, 1980, Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Bracewell and Patterson would receive access to copies of certain audit guidelines related to crude oil resellers.
Apr. 21, 1980	Craft Petroleum, Jackson, MI	BEE-1099	Price Exception (Section 212.73). If granted: Craft Petroleum Company, Inc., would be permitted to sell the crude oil produced from the J. W. Richardson No. 3 Well located in Lincoln County, Mississippi, at market prices.
Apr. 21, 1980	Highway Oil, Inc., Topeka, KS	BEX-0049	Supplemental Order. If granted: A Supplemental Order would be issued to Highway Oil, Inc. which would order the firm to show why the exception relief granted to them should not be revoked.
Apr. 21, 1980	Marathon Oil Company, Findlay, OH	BRD, BRH-0983.	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted to Marathon Oil Company and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the January 9, 1980, Proposed Order of Disallowance issued to Marathon Oil Co. by the Office of Special Counsel.
Apr. 21, 1980	Miller & Chevalier, Washington, DC	BFA-0331	Appeal of an Information Request Denial. If granted: The March 20, 1980, Information Request Denial issued by the General Counsel for Interpretation and Rulings of the Department of Energy would be rescinded and Miller & Chevalier would receive access to DOE information concerning regulations and statutes: 10 CFR 212.1; 10 CFR 212.53; and the Emergency Petroleum Allocation Act of 1973.
Apr. 21, 1980	Murphy Oil Corporation, Washington, DC	BRD, BRH-0984.	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted to Murphy Oil Corporation and an evidentiary hearing would be convened in connection with the Statement of Objections submitted to the January 9, 1980, Proposed Order of Disallowance issued to the firm by the Office of Special Counsel.
Apr. 21, 1980	Otis Ainsworth, Washington, DC	BRD, BRH-0552.	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the November 15, 1979, Proposed Remedial Order issued to Otis Ainsworth.
Apr. 22, 1980	Eagle Oil Company, Waurika, OK	BEN-0026	Request for Interim Order. If granted: An Interim Order would be issued to Eagle Oil Company which would allow the firm to receive immediately the relief granted in Case No. BEE-0095, pending a final determination on a Statement of Objections.
Apr. 23, 1980	Crown Central Petroleum Corp., Baltimore, MD	BEA-0332	Appeal of an Entitlements Notice. If granted: The January 1980 Entitlements Notice issued by the Economic Regulatory Administration would be modified.
Apr. 23, 1980	Energy Cooperative, Inc., Washington, DC	BEA-0334	Appeal of an Entitlements Notice. If granted: The January Entitlements Notice issued by the Economic Regulatory Administration would be modified.
Apr. 23, 1980	Energy Unlimited, Lincoln, MA	BFA-0329	Appeal of Information Request Denial. If granted: The March 19, 1980, Information Request Denial issued by the Office of Energy Research would be rescinded, and Energy Unlimited would receive access to information related to Contract No. AT(29-1)789.
Apr. 23, 1980	International Processors, St. Rose, LA	BEA-0333	Appeal of an Entitlements Notice. If granted: The January 1980 Entitlements Notice issued by the Economic Regulatory Administration would be modified.
Apr. 24, 1980	Ashland Oil Corp., Washington, DC	BEA-0335	Appeal of an Entitlements Notice. If granted: The January Entitlements Notice issued by the Economic Regulatory Administration would be modified.
Apr. 24, 1980	Aztec Energy Company, Washington, DC	BED-1068	Motion for Discovery. If granted: Discovery would be granted to Aztec Energy Company in connection with an Application for Temporary Stay filed by the firm (Case No. BST-0004).
Apr. 24, 1980	Aztec Energy Company, Washington, DC	BEA-0336	Appeal of an Assignment Order. If granted: The March 21, 1980, Temporary Assignment Order issued to Murphy Oil Company and Cities Service Company by the Economic Regulatory Administration, Region IV, regarding Murphy's and Cities' supply obligations to Sexton Oil Company would be rescinded.
Apr. 24, 1980	Lebel Oil Corporation, Paramus, NJ	BSG-0020	Petition for Special Redress. If granted: Special Redress would be granted to Lebel Oil Corp. to allow the firm until April 28, 1980, to file a request for review of the March 26, 1980, subpeona issued to it by the Department of Energy.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr 18 through Apr. 25, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 24, 1980	Plateau, Inc., Morristown, NJ	BES-1049	Request for Stay. If granted: Plateau, Inc., would receive a stay of its entitlements purchase obligations for the months of April through November 1980 pending a final determination on its Application for Exception (Case No. BEE-1049).
Apr. 24, 1980	Standard Oil Co. of Ohio, Cleveland, OH	BED-1075, BEJ-0085.	Motion for Discovery Protective Order. If granted: Discovery would be granted to Standard Oil Co. of Ohio (SOHIO) and a Protective Order would be entered into by SOHIO and the Ohio Independents for Survival (OIS) in connection with the Application for Exception filed by OIS (Case No. BEE-1075).
Apr. 25, 1980	Chessie Systems, Inc., Cleveland, OH	BEJ-0066	Motion for Protective Order. If granted: A Protective Order would be issued to Chessie Systems, Inc. (Chessie) whereby the firm would not be required to respond to the interrogatories served on its by six Ashland Oil Company suppliers (Ashland Oil Company, BEE-0373).
Apr. 25, 1980	Whitehead Oil Company, Lincoln, NE	BEA-0337	Appeal of an Assignment Order. If granted: The April 18, 1980, Assignment Order issued by the Economic Regulatory Administration, Region VII, regarding Hudson Refining Company, Inc.'s supply obligations to Whitehead Oil Company would be rescinded.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

[Week of Apr 18, 1980, to Apr 25, 1980. If granted: the following firms would be granted relief which would increase their base period allocation for motor gasoline.]

Name	Case No. and date	State
K-Dell Auto Service	BEE-1097, 4/18/80	PA.
Amerda Hess Corporation	BEE-1098; BEL-1098, 4/21/80	NY.
Union Oil Company	BEE-1100; BEE-1104, 4/21/80	CA.
Silco Oil Co.	BEE-1108, 4/22/80	MO.
Ray's Ocean Mobil Service	BEE-1106, 4/23/80	NJ.
12 Mile and Dequindre Mobil.	BEE-1107, 4/23/80	MI.
Mclean Mobil Service	BEE-1105, 4/21/80	VA.
Asarco, Inc.	BEE-1111, 4/16/80	TN.
Al's Service Center	BEE-1110, 4/25/80	NJ.
Dave's Standard	BEE-1112, 4/23/80	MI.
Recreation Plus, Inc.	BEN-0024, 4/21/80	CA.
Kickapoo Oil Co., Inc.	BEX-0048, 4/21/80	WI.
Estrelita Estates Co.	BEN-0025, 4/21/80	CA.
Passport Marina	BEN-0027, 4/24/80	FL.
School Board of Sarasota Co.	BEE-1114, 4/23/80	FL.
Duncan Oil Co.	BEL-0049, 4/18/80	D.C.
Kimberly Gas Mart	BMR-0035, 4/24/80	ID.

Notices of Objection Received

[Week of Apr. 18 to Apr. 25, 1980]

Date	Name and location of applicant	Case No.
4/21/80	Terrytown Texaco Gretna, LA	BEO-1162
4/22/80	Robert C. Michel Co., Ambridge, PA	DEE-5808
4/22/80	Ed's Service Center, Inc., Cable, WS	DEE-6665
4/22/80	Belmont Mobil Service Belmont, MA	DEE-3350
4/23/80	Pennzoil Producing Co., Houston, TX	BXE-0887
4/24/80	West Point Exxon, Ione, CA	DEE-6669
4/25/80	By-Rite Oil Company, Inc., Detroit, MI	BEE-0631
4/23/80	Como Oil Company, Duluth, MN	BEE-0584

Notices of Objection Received

[Week of Apr. 18 to Apr 25, 1980]

Date	Name and location of applicant	Case No.
4/24/80	Cray Energy, Bellows Falls, VT	BEE-0616
4/23/80	General Telephone Co. of CA, Santa Monica, CA.	BEO-1175
4/23/80	Johnny's Petroleum, Newbury Park, CA.	DEE-5249

[FR Doc. 80-16699 Filed 6-2-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Eastern Division, Pick-Sloan Missouri Basin Program; Post-1985 Marketing Plan

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Announcement of public information forums and public comment forums on the development of post-1985 marketing plans for the Eastern Division, Pick-Sloan Missouri Basin Programs (potential future power resources will also be considered).

SUMMARY: The Western Area Power Administration (Western) has scheduled Public Information Forums in June 1980 to discuss development of post-1985 marketing plans for the Eastern Division, Pick-Sloan Missouri Basin Program. The Public Information Forums will provide interested parties an opportunity to participate in discussions concerning Western's proposals for post-1985 marketing of existing and potential power resources. Western's presentation will include proposals for marketing available resources. A brief description of the Eastern Division transmission system and hydro resources follows:

The Eastern Division, Pick-Sloan Missouri Basin Program, operates an integrated power system located in Montana (east of the Continental Divide), North Dakota, South Dakota, western Minnesota, western Iowa, and eastern Nebraska. The power system consists of over 7,300 circuit miles of high-voltage transmission line and 90 substations. In the Eastern Division, Western markets power to 230 preference customers from eight Federal powerplants on the Missouri River and the Big Horn River. Two powerplants, Yellowtail and Canyon Ferry in Montana, are operated by the Water and Power Resources Service (formerly the Bureau of Reclamation). The others, Fort Peck in Montana, Garrison in North Dakota, and Big Bend, Oahe, Fort Randall, and Gavins Point in South Dakota, are operated by the U.S. Army Corps of Engineers. The total installed capacity of the eight powerplants is 2,398 megawatts.

Public Comment Forums are expected to be held in late August 1980 to provide interested parties an opportunity to present oral and written comments

concerning the post-1985 marketing plan development. Interested parties are invited to submit written comments directly to Western's Billings Area Office and/or present written or oral views, data, and arguments at the Public Comment Forum.

DATES: The Public Information Forums will be held at the times and locations and on the dates shown below:

Date, City, Place, and Time

June 25, 1980, Sioux Falls, S. Dak., Downtown Holiday Inn; 9:30 a.m.
June 26, 1980, Fargo, N. Dak., Holiday Inn of Fargo; 9:30 a.m.
June 27, 1980, Billings, Mont., Northern Hotel; 9:30 a.m.

The dates, locations, and times of the Public Comment Forums will be announced later.

ADDRESS: Comments or requests for further information concerning the Public Information and Public Comment Forums should be directed to: Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box EGY, Billings, MT 59101, Telephone: (406) 657–6532.

Issued at Golden, Colorado, May 27, 1980.

Don W. Shinkle,

Assistant Administrator for Management Services.

[FR Doc. 80–16700 Filed 6–2–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1500–8; OPTS–59020]

Toxic Substances Control; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an exemption from the premanufacture notification requirements of Section 5 of the Toxic Substances Control Act (TSCA) for the test marketing of mono and di-formate salts of 2-{(2-(dimethylamino)ethyl)methylamino)ethanol and formate salt of 2-(N,N-dimethylamino)ethanol. The manufacturer has requested confidentiality for its identity. The exemption is effective immediately, subject to the conditions listed below.

DATE: Written comments must be submitted by July 3, 1980.

ADDRESS: All comments should bear the identifying notation T80–18 and be addressed to Document Control Officer, Office of Toxic Substances [TS–793], EPA, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ann Radosevich, Notice review Branch, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C., 20460 (202/426–2601).

SUPPLEMENTAL INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for a commercial purpose must submit a premanufacture notice (PMN) to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit such applicants to manufacture or process new chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. Under section 5(h)(6), immediately upon receipt of an exemption application, EPA must publish in the **Federal Register** notice of the receipt of such application. Section 5(h)(6) also provides that EPA must either approve or deny the application within 45 days of the Agency's receipt and must publish a notice of its decision in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 7, 1980, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture certian new chemical substances for test marketing purposes. The applicant claimed its company identity to be confidential. The substances for which the exemption application was submitted are mono and di-formate salts of 2-{(2-(dimethylamino)ethyl)methylamino)ethanol and formate salt of 2-(N,N-dimethylamino)ethanol. EPA subsequently identified another new

substance formed coincidentally with the manufacture of these substances, the mono formate salt of bis(N,N-dimethylaminoethyl)ether.

Due to administrative error, EPA failed to publish in the **Federal Register** notice of receipt of the application. Therefore interested persons will have until July 3, 1980, to submit comments on this test marketing exemption.

In its application, the manufacturer stated that it intends to produce less than 15,000 pounds of the mixture containing the new substances. Test marketing will be conducted at one customer plant for use of the mixture as a catalyst for a confidential use. The manufacturer intends to begin the test marketing program by the end of 1980, for a period of up to one year.

The manufacturer stated that the new chemical substances are generated coincidentally with the production of the mixture and will not be isolated from the mixture for test marketing purposes. The entire composition is functional. There are no byproducts. Co-existing in the mixture will be mono and di-formate salts of:

Bis (N,N-dimethylaminoethyl) ether
2-((2-(dimethylamino)ethyl)methylamino)ethanol
and the mono formate salt of:
2-(N,N-dimethylamino)ethanol.

The manufacturer stated that it will pump the raw materials for the mixture from drums into a closed reaction vessel. After several hours of mixing, the mixture containing the new substances will be transferred into drums. The manufacturer will wash the reaction vessel with an appropriate solvent or wash and wastes will be incinerated.

Three to five workers may be exposed to the substances during the manufacturing process. Worker exposure via inhalation, and skin and eye contact is possible during quality control and drumming operations. The manufacturer estimated that the maximum duration of exposure during manufacture will be four hours per day for six days. Plant workers will be protected with plastic or rubber gloves and boots.

The manufacturer estimated that eight to ten workers may be exposed to the mixture during the processing of the mixture into final products. Worker inhalation, dermal and eye exposures are possible during quality control and mixing operations. The manufacture estimated that the maximum duration of exposure during processing will be eight hours per day for up to 30 days. The manufacturer has supplied the processor a Material Safety Data Sheet on the mixture so that the processor can take proper precautions when handling the mixture. The manufacturer states that work practice procedures for handling the mixture call for workers to wear rubber aprons, plastic or rubber cuffed gloves, and face shields. In addition, an air-supplied respirator is available in enclosed spaces.

The manufacturer stated that there will be no release of the new substances into the environment during manufacture and use for test marketing purposes.

The manufacturer provided no toxicity test data on the individual chemical substances. Rather, because the manufacturer will not isolate the individual substances at any time during their existence as formate salts, it provided an acute toxicity profile on the total mixture. Following are the test results:

Acute Oral Toxicity, LD_{50}, 2800 mg/kg (in rats).

Acute Dermal Toxicity, LD_{50}, 1000 mg/kg (in rabbits)

Acute Inhalation Toxicity, LD_{50}, 20.1 mg/kg (in rats).

Characteristic of these types of amines and amine salts, these particular substances are severe primary skin irritants, are corrosive to the skin of rabbits, and are severe eye irritants. The manufacturer will apply to containers cautionary labeling in accord with ANSI standards and the DOT "corrosive" desgination.

EPA believes that the manufacturing process and the steps taken by the company to limit exposure to the new substances during manufacturing will provide adequate protection to workers involved with the production of the mixture. In addition, EPA believes that the product labeling, the Material Safety Data Sheet, and general work practice procedures will provide adequate protection to workers involved in the processing of the mixture. Finally, EPA believes that there will be no consumer or environmental exposure to the new substances during the test marketing of the mixture.

Based upon the anticipated exposure during manufacture and use for test marketing purposes, EPA concludes that the substances will not present any unreasonable risk of injury to health or the environment as a result of the test marketing activities described by the manufacturer. Therefore EPA approves this application for manufacture and use of these new chemical substances for test marketing purposes, subject to the following conditions:

1. This test marketing exemption is granted only to the applicant manufacturer.

2. This exemption is granted *only for the mono and di-formate salts of 2-((2-(dimethylamino)ethyl)methylamino)ethanol and formate salt of 2-(N,N-dimethylamino) ethanol. This exemption does not* include any additional new substances other than impurities or byproducts formed as a result of the manufacture of the mixture containing the mono and di-formate salts of 2-((2-(dimethyalmino)ethyl)methylamino)ethanol and formate salt of 2-((N,N dimethylamino) ethanol.

3. The applicant may sell the mixture containing these new substances only to the customer identified in the test marketing exemption. The applicant must maintain records of the date(s) of shipment(s) to that customer, and the quantity shipped in each shipment, and must make these records available to EPA upon request.

4. Each bill of lading that accompanies a shipment of the substance during the test marketing must state that the use of the sustance is restricted to that described to EPA in the test marketing exemption application.

5. The production volume of the mixture containing the new substances may not exceed 15,000 pounds, as described in the application.

The test marketing exemption is effective immediately. However, the public will have 30 days after pubication of this notice in the **Federal Register** (July 3, 1980), to submit comments on this test marketing exemption. EPA may revoke or otherwise amend this test marketing exemption if the Agency receives information that would lead the Agency to conclude that the test marketing of the mono and di-formate salts of 2-((2-(dimethylamino)ethyl)methylamino)ethan or the formate salt of 2–(N,N-dimethylamino)ethanol may present an unreasonable risk of injury to health or the environment.

Although EPA is approving this application, the Agency is concerned about the general failure of this manufacturer and of other test marketing applicants to provide sufficient information and data in exemption applications for EPA to make the required finding that the test marketing will not present any unreasonable risk of injury to health or the environment. In this instance the manufacturer did not provide to EPA the Material Safety Data Sheet it intends to provide to its customer. In response to request from EPA the manufacturer finally provided this information to the Agency near the end of the statutory 45-day review period. This late information enabled EPA to determine that the substance will not present any unreasonable risk during the manufacturing and use for marketing purposes. In the future the Agency may not be able to supplement information

missing from initial test marketing exemption applications. In these cases, EPA may decide to deny the applications, because to approve an application the Agency must make an *affirmative* finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Manufacturers must bear in mind that EPA is under servere time constraints to determine whether there is an adequate basis for making the statutory finding for approval of exemption applications. This in turn limits the degree to which EPA can search beyond the manufacturer's initial application for data or other information that may indicate a lack of unreasonable risk. This does not imply that the absence of data in the application itself will, taken alone, be the basis for a denial. However, if EPA has significant uncertainty concerning the risks presented by the test marketing activities due to a lack of data or information in the application the Agency will not approve the application.

Dated: May 27, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-16740 Filed 6-2-80; 8:45am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 23, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 57-116.

Filing Party: Robert B. Yoshitomi, Esquire, Lillick McHose & Charles, Attorneys for the Pacific Westbound Conference, Two Embarcadero Center, San Francisco, California 94111.

Subject: Agreement No. 57-116 amends the first paragraph of Article 12(a)(2) of the Pacific Westbound Conference by adding language which permits the Neutral Body employed by PWC to police other rate agreements and individual carriers in any trades, including PWC members, without violating its neutrality requirement.

Agreement No.: 5680-30.

Filing Party: Robert B. Yoshitomi, Esquire, Lillick McHose & Charles, Attorneys for the Pacific Straits Conference, Two Embarcadero Center, San Francisco, California 94111.

Subject: Agreement No. 5860 amends the first paragraph of Article 18(a)(2) of the Pacific Straits Conference by adding language which permits the Neutral Body employed by PSC to police other rate agreements and individual carriers in any trades, including PSC members, without violating its neutrality requirement.

Agreement No. 10261-7.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, NW.—Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 10261-7 amends Article 3 of the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement to provide that the parties may by majority vote agree upon and file, cancel, or modify tariff provisions permitting, prohibiting or limiting substituted service by land between discharge (foreign) ports in the same country.

By Order of the Federal Maritime Commission.

Dated: May 28, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-16851 Filed 6-2-80; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Horace L. Pietravalle, P.O. Box 24842, Tampa, Fl 33623.

Timely Air Freight Inc., (Ocean Div.), 28478 Highland Rd., Romulus, MI 48174. Officers: Charles M. Hall, President, June M. Hall, Secretary/Treasurer, Gus S. Rizzo, Vice President.

Cargo Express Custom Brokers, Inc., 145-60 157th Street, Jamaica, NY 11434. Officers: John W. Gebbie, Secretary, Richard R. Wohlrab, President, David Mah, Vice President, James Gallo, Vice President.

Meston and Brings, Inc., P.O. Box 3363, Seattle, WA 98114. Officers: Bruce S. Meston, President, Dan M. Brings, Vice President, Sam Shimabukuro, Operations Manager.

Transmarcom (USA) Inc. (a Texas Corporation), 1900 West Loop South, Houston, TX 77027. Officers: Frank van den Bossache, President/Treasurer/Director, Joseph A. Bond, Vice President/Secretary, Dean Fisher, Director, Marvin L. Readhimer, Director, Harry Wolfs, Director, Charles W. David, Assistant Vice President.

By the Federal Maritime Commission.

Dated: May 29, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-16852 Filed 6-2-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Patriot Bancorporation; Formation of Bank Holding Company

Patriot Bancorporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent (less director's qualifying shares) of the voting shares of Brookline Trust Company, Brookline, Massachusetts, and the successor by merger to Harbor National Bank of Boston, Boston, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 23, 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 23, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 80-16800 Filed 6-2-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

NATIONAL CAPITAL PLANNING COMMISSION

Intent To Prepare an Environmental Impact Statement and Notice of A Scoping Meeting for the Smithsonian Institution's South Quadrangle Development Project, Washington, D.C.

AGENCY: General Services Administration in cooperation with the National Capital Planning Commission.

ACTION: South quadrangle development project—construction of a 460,000 square foot structure.

PURPOSE: To provide space for museum programs including Freer Gallery of Art and new Asian Gallery, an Education Center, and the Museum of African Art.

FOR FURTHER INFORMATION CONTACT: Jerry R. Shiplett, Public Buildings Service (WPJ), General Services Administration, National Capital Region, Washington, D.C. 20407 (202) 472-1334.

SUMMARY: 1. Description of the Proposed Action: The proposed South Quadrangle Development Project consists of a 460,000 square foot structure principally underground housing museum programs, including the Freer Gallery of Art and new Asian Gallery, an Education Center, and the Museum of African Art. The proposed design also includes a small 13,000 square foot above-ground pavilion for each museum, and restoration of a garden setting.

The project site is located to the south of the original Smithsonian Building (Castle) and defined by the Freer Gallery of Art to the west, the Arts and Industries Building to the east and Independence Avenue to the south.

2. Description of Alternatives: The alternatives presently to be considered include, but are not limited to, the following:

a. The "no action" alternative allowing continued present use;

b. Evaluation of alternative sites;

c. Modification of the proposed design and concept.

3. Public Participation in the EIS Process: Full participation by interested Federal, state and local agencies, as well as, all other interested organizations and persons, is invited. The general public also is encouraged to participate.

An environmental assessment has been prepared, and the significant items to be discussed in the EIS presently include:

a. Potential effects on the hydrologic and subsurface conditions of the site, including the existing adjacent buildings;

b. Visual impact from 10th Street, Independence Avenue, the Mall and from within the proposed Garden;

c. Historic environment, including reference to Section 106 of the National Historic Preservation Act of 1966;

d. Effects on transportation and parking within the site and proximate area.

The environmental assessment and other information is available for review. For an appointment, contact Frank Gilmore, Smithsonian Institution, on (202) 381-6431.

4. Scoping: The General Services Administration in cooperation with the National Capital Planning Commission will sponsor a public meeting to determine the scope of the Draft EIS. This meeting will be held on Wednesday, June 11, 1980, from 7:30 P.M. to 8:30 P.M., at the Freer Gallery of Art auditorium. All interested parties are encouraged to attend and admittance will be from the south entrance on Independence Avenue. If you wish to comment and are unable to attend the scoping meeting, written comments will be accepted until June 25, 1980.

5. Timing: It is expected that the Draft EIS will be available for public review within three months.

6. Request for Copies of the Draft EIS: All interested persons or organizations are encouraged to submit their names and addresses to the person indicated above for inclusion on the distribution list for the Draft EIS.

May 23, 1980.

Edward H. Rickels,

Secretary.

[FR Doc. 80-16734 Filed 6-2-80; 8:45 am]

BILLING CODE 7520-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Prevention, Education, and Information Working Group; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National advisory body scheduled to assemble during the month of June 1980.

Prevention, Education, and Information Working Group, Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, June 23: 2:00 p.m.—Open, Conference Room 4033, Ben Franklin Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. Contact: Mr. Edward Sands, Room 14C-24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6295.

Purpose: The Prevention, Education, and Information Working Group: (1) reviews all Federal efforts in the areas of alcohol abuse and alcoholism prevention, education, and information, including such issues as advertising and labeling of alcoholic beverages, regulation to alcoholic beverages and social policy issues related to the above areas; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate and enhance alcohol abuse and alcoholism prevention, education, and information efforts among Federal agencies; and (4) prepares such reports and recommendations to the Interagency Committee as are necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion of working group activities and the development of a Working Group work plan.

Substantive program information may be obtained from the contact person listed above. The NIAAA Public Affairs Office will furnish upon request summaries of the meeting and a roster of Committee members. Contact Mr. Harry Bell, Associate Director, Office of Public Affairs, NIAAA, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-3306.

Dated: May 28, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-16702 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 80F-0169]

British Cellophane Ltd., Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: British Cellophane Ltd. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sodium *n*-alkyl sulfonate as an antistatic agent in polyolefin films intended to contact foods.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health and Human Services, 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 OB3476) has been filed by British Cellophane Ltd., Bath Rd., Bridgewater, Somerset TA6 4PA, England, proposing that the food additive regulations be amended to provide for the safe use of sodium *n*-alkyl sulfonate as an antistatic agent in polyolefin film intended to contact food.

The potential environmental impact of this action is being reviewed. If the Food and Drug Administration (FDA) finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of FDA's finding of no significant impact and the evidence supporting that document will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: May 23, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-16694 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0149]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of copolymers of diallyldimethly ammonium chloride and acrylamide as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard that contact food.

FOR FUTHER INFORMATION CONTACT: Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health and Human Services, 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 8B3411) has been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230, proposing that Part 176 of the food additive regulations be amended to provide for the safe use of copolymers of diallyldimethyl ammonium chloride and acrylamide as a retention and drainage aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard that contact food.

The agency has determined that the proposed action falls under § 25.1(f)(1)(v) (21 CFR 25.1(f)(1)(v)) and is exempt from the need of an environmental impact analysis report, and that no environmental impact statement is necessary.

Dated: May 23, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-16692 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80F-0163]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Calgon Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane, as a slimicide in the manufacture of paper and paperboard intended for food-contact use.

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

SUPPLEMENTARY INFORMATION: 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 0B3495) has been filed by Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230, proposing that § 176.300 *Slimicides* (21 CFR 176.300) be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a slimicide in the manufacture of paper and paperboard intended for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that document will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: May 23, 1980.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 80-16693 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0081]

Frozen Fish Sticks, Frozen Fish Cakes, and Frozen Crab Cakes; Recommended Microbiological Quality Standards

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing recommended microbiological quality standards for frozen fish sticks, frozen fish cakes, and frozen crab cakes.

ADDRESSES: Written comments on the recommendations should be submitted to the Hearing Clerk (HFA-305), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: R. B. Read, Jr., Bureau of Foods (HFF-120), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1217.

SUPPLEMENTARY INFORMATION: FDA is for the first time issuing recommended microbiological quality standards for selected foods. Previously, FDA intended to promulgate such quality standards as food standard regulations under Subpart B of Part 103 (21 CFR Part 103). Part 103 quality standards are regulations intended to ensure that those foods prone to microbial growth or other quality defects maintain minimum standards of quality. At this time, however, FDA lacks sufficient resources to promulgate and enforce additional quality standard regulations under Part 103. Nonetheless, FDA remains convinced that the concept of microbiological quality standards is a

valid one, one that should not be set aside because of a lack of resources at the Federal level. Thus, FDA is continuing those investigations into the microbiological quality of certain foods begun under the Part 103 quality standards program, and based upon those investigations will issue microbiological quality standards as recommendations or regulations as appropriate. FDA is encouraging the voluntary adoptions of these recommended microbiological quality standards by industry and by State authorities who may wish to incorporate the standards into State food regulations. This notice announces the availability of the first of FDA's recommended microbiological quality standards, those for frozen fish sticks, fish cakes and crab cakes.

Frozen fish sticks, fish cakes, and crab cakes are examples of foods susceptible to microbial contamination resulting from abuse in handling and for which the FDA conducted surveys to gather information related to microbiological quality. During the surveys, samples consisting of approximately 5 retail package units of each product were collected from stores in 32 standard metropolitan statistical areas (SMSA's) throughout the United States. Each unit of each product was analyzed for aerobic plate count, coliform organisms, *Escherichia coli*, and *Staphylococcus aureus*. Statistical evaluations of the data obtained from the sample analyses were used as a basis for establishing microbiological recommendations for fish sticks, fish cakes, and crab cakes (Refs. 2, 3, and 4). Because the levels of *Escherichia coli* and *Staphylococcus aureus* were found to be extremely low in the surveyed products, recommended limits were not established for these organisms.

Because the microbial population decreases when foods are held at or below freezing temperatures, the age of frozen foods and the conditions of storage are major factors affecting microbial populations of the foods. These factors have been considered in the recommended microbiological quality standards for frozen fish sticks, fish cakes, and crab cakes.

Additionally, because samples collected during the surveys were from retail stores rather than at the point of manufacture, it is appropriate that the recommended microbiological quality standards not be applicable to the products during or just after manufacture. For this reason, the recommendations do not apply to the frozen product until 30 days or more after manufacture. However, if the date of manufacture of the product cannot be found on package codes, markings, or by other appropriate means, the provisions of the guides should be applicable regardless of the date of manufacture.

The recommended microbiological quality standards for fish sticks, fish cakes, and crab cakes include the following elements:

1. *The number of randomly selected subsample units that constitute a sample.* The recommendations provide for a random sample of five subsamples considered representative of the lot or taken one from each of five shipping cases when the lot consists of five or more shipping cases.

2. *A quality level value which separates acceptable quality from the marginal quality range.* This value has been selected so that it exceeds the microbiological levels of at least 95 percent of the survey population with 99 percent confidence. The lot is acceptable if the subsample levels are at or below this value.

3. *A marginal range where the sample may be acceptable or unacceptable depending upon the number of subsamples that fall in this range.* A sampled lot of product is acceptable when a maximum of two subsamples are found with values in the marginal range. The lot is unacceptable when three or more subsamples are found with values in this range.

4. *A second quality level value which separates the marginal range from unacceptable levels.* This value has been selected so that it exceeds the microbiological levels of at least 99 percent of the survey population with 99 percent confidence. When one or more subsamples are found to exceed this level, the lot is unacceptable.

Under the recommended microbiological quality standards, individual lots would be found unacceptable if, upon analysis, either of two findings are made: (1) any one of the five subsamples exceeds the upper limit established for the marginal range, or (2) a given number of subsamples exceed specified values within the marginal range.

References

A copy of each reference is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

1. Baer, E. F., A. P. Duran, H. V. Leininger, R. B. Read, Jr., A. H. Schwab, and A. Swartzentruber, "Microbiological Quality of Frozen Breaded Fish and Shellfish Products," *Applied and Environmental Microbiology*, 31(3):337–341, March 1976.

2. FDA Memorandum, "Proposed Microbiological Quality Standards (MQS) for Fish Cakes, Fish Sticks, and Crab Cakes," October 28, 1976.

3. FDA Memorandum, "Survey Sample Rejection Rates Due to the Joint Application of APC and Coliform Proposed Standards," November 11, 1976.

4. FDA Memorandum, "Microbiological Quality Standards," October 18, 1976.

On the basis of the surveys and other available information, the agency has determined that it should recommend microbiological quality standards for frozen fish sticks, fish cakes, and crab cakes. These recommendations are now available. The agency encourages the States and industry and other interested parties to adopt these recommendations.

Because these are the first FDA recommendations for microbiological quality standards, the complete text is provided below. The agency anticipates that the text of future recommendations will not be made part of the notice of availability published in the **Federal Register**. The recommendations are as follows:

Recommended Microbiological Quality Standard

Frozen Fish Sticks

(a) For the purposes of this recommended microbiological quality standard the following definitions apply:

(1) A "frozen fish stick" is any frozen article designated in its label statement of identity as a fish stick and which consists of rectangular-shaped unglazed masses of cohering pieces of fish flesh cut from frozen fish blocks. Fish sticks usually are of uniform size and weight with the longest dimension being about three times the next largest dimension. Fish sticks are coated with a suitable batter and/or breading.

(2) A "sample of frozen fish sticks" is a collection of five subsamples (retail size packages) taken to be representative of the lot, provided that one subsample is taken from each of five different randomly chosen shipping cases when the lot consists of five or more shipping cases.

(b) When examined by the methods described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed. (1975), sections 46.037, 46.038, and 46.039, a sample of frozen fish sticks should meet the following recommended microbiological limits:

(1) Aerobic plate count should not exceed either:

(i) 85,000 per gram in three or more of the five subsamples examined or

(ii) 540,000 per gram in any of the five subsamples examined.

(2) Coliform count by Most Probable Number (MPN) should not exceed either:

(i) twenty-three (23) per gram in three or more of the five subsamples examined or

(ii) 230 per gram in any of the five subsamples examined.

(c) The provisions of this guide are not applicable to a lot of frozen fish sticks which has a date of manufacture less than 30 days prior to the date of the sample examination.

Recommended Microbiological Quality Standard

Frozen Fish Cakes

(a) For the purposes of this recommended microbiological quality standard the following definitions apply:

(1) A "frozen fish cake" is any frozen article designated by its label statement of identity as a fish cake and which is made from shredded fish flesh and non-fish flesh filler and binder ingredients.

(2) A "sample of frozen fish cakes" is a collection of five subsamples (retail size packages), taken to be representative of the lot, provided that one subsample is taken from each of five different randomly chosen shipping cases when the lot consists of five or more shipping cases.

(b) When examined by the methods described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed. (1975), sections 46.037, 46.038, and 46.039, a sample of frozen fish cakes should meet the following recommended microbiological limits:

(1) Aerobic plate count should not exceed either:

(i) 100,000 per gram in three or more of the five subsamples examined or

(ii) 1,000,000 per gram in any of the five subsamples examined.

(2) Coliform count by Most Probable Number (MPN) should not exceed either:

(i) 150 per gram in three or more of the five subsamples examined or

(ii) 1500 per gram in any of the five subsamples examined.

(c) The provisions of this guide are not applicable to a lot of frozen fish cakes which has a date of manufacture less than 30 days prior to the date of the sample examination.

Recommended Microbiological Quality Standard

Frozen Crab Cakes

(a) For the purposes of this recommended microbiological quality standard the following definitions apply:

(1) A "frozen crab cake" is any frozen article designated by its label statement of identity as a crab cake and which is made from shredded crabmeat and non-crabmeat flesh filler and binder ingredients.

(2) A "sample of frozen crab cakes" is a collection of five subsamples (retail size packages), taken to be representative of the lot, provided that one subsample is taken from each of five different randomly chosen shipping cases when the lot consists of five or more shipping cases.

(b) When examined by the methods described in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed. (1975), sections 46.037, 46.038, and 46.039, a sample of frozen crab cakes should meet the following recommended microbiological limits:

(1) Aerobic plate count should not exceed either:

(i) 100,000 per gram in three or more of the five subsamples examined or

(ii) 1,000,000 per gram in any of the five subsamples examined.

(2) Coliform count by Most Probable Number (MPN) should not exceed either:

(i) 150 per gram in three or more of the five subsamples examined or

(ii) 1500 per gram in any of the five subsamples examined.

(c) The provisions of this guide are not applicable to a lot of frozen fish cakes which has a date of manufacture less than 30 days prior to the date of the sample examination.

Recommended microbiological quality standards for other foods may also be developed and, as they become available, other notices will issue. The establishment of the recommendations for fish sticks, fish cakes, and crab cakes or for any other foods does not prejudice the possibility of publishing at some future date other microbiological quality standards for fish sticks, fish cakes, crab cakes, or other foods.

Copies of the recommended microbiological quality standards for frozen fish sticks, fish cakes, and crab cakes and supportive data are available for public examination between 9 a.m. and 4 p.m., Monday through Friday, in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for single copies of the recommendations may be made in writing to the Food and Drug Administration, Bureau of Foods (HFF-120), Division of Microbiology, 200 C St., SW., Washington, DC 20204.

Interested persons may submit written comments on the recommendations to the Hearing Clerk (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857 (preferably four copies and identified with the Hearing Clerk docket number found in brackets in the heading of this document). Received comments will be incorporated into the public file on recommendations and may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 28, 1980.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 80-16695 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N-0338; DESI 4681]

Combination Drug Product Containing Adiphenine Hydrochloride and Phenobarbital; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for Transentine-Phenobarbital Tablets (NDA 4-681). The basis of withdrawal is that the drug lacks substantial evidence of effectiveness for its labeled indications.

EFFECTIVE DATE: June 13, 1980.

ADDRESS: Requests for opinion of the applicability of this notice to a specific drug product should be identified with the reference number DESI 4681 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Carter, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the Federal Register of January 18, 1980 (45 FR 3669), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the following new drug application. The proposed order was based on the lack of substantial evidence of effectiveness.

NDA 4-681; Transentine-Phenobarbital Tablets containing adiphenine hydrochloride and phenobarbital; previously marketed by Ciba Pharmaceutical Co., Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

Any drug product that is identical, related, or similar to the drug product named above and is not the subject of

an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by the January 18, 1980 notice. The failure to file an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, 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 him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 4–681 and all amendments and supplements to it is withdrawn effective June 13, 1980.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: May 8, 1980.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 80-16536 Filed 6-2-80; 8:45 am]

BILLING CODE: 4110-03-M

Health Care Financing Administration

Medicare Program; Schedules of Guidelines for Respiratory Therapy Services

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice.

SUMMARY: This notice establishes schedules of salary equivalency guidelines for Medicare program reimbursement for the reasonable costs of respiratory therapy services furnished under an arrangement with a hospital or other institution. These schedules update the schedule of guidelines that was published in the **Federal Register** on October 6, 1978 (43 FR 46378) with respect to registered therapists and certified therapists. These schedules also include, for the first time, salary equivalency amounts calculated for respiratory therapists who are neither registered nor certified. These schedules are to be used by the Medicare program's fiscal intermediaries to determine the maximum hourly amount that the Medicare program will pay to a hospital or other institution for covered respiratory therapy services furnished under an arrangement. In addition, these guidelines would also apply, where appropriate, to reimbursement under the Medicaid program as specified in 42 CFR 447.250 et seq. of the regulations.

EFFECTIVE DATE: The guideline amounts for certified therapists are applicable for respiratory therapy services furnished on or after October 1, 1979. The guideline amounts for registered therapists in the States of Arkansas, Connecticut, Georgia, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, Texas, and Vermont are applicable for services furnished on or after August 1, 1980. The guideline amounts for registered therapists in all other States will be effective for respiratory therapy services furnished on or after October 1, 1979. The guideline amounts for nonregistered and noncertified therapists are applicable for services furnished on or after August 1, 1980.

FOR FURTHER INFORMATION CONTACT: William Goeller, (301) 597–1802.

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(5) of the Social Security Act requires that HCFA establish criteria for determining the reasonable cost of services furnished by a therapist or supplier organization under an arrangement with a provider of services, a clinic, a rehabilitation agency, or a public health agency. These services include physical therapy, occupational therapy, speech therapy and other therapy services and services of other health specialists (other than physicians). The requirements of the statute are implemented by regulations at 42 CFR 405.432.

Under an arrangement, payment for covered services is made to the hospital or other institution (rather than to the therapist or supplier organization), and no financial liability falls on the patient or any other person. Medicare program reimbursement for these services may not exceed an amount equal to the prevailing salary that the hospital or other institution would normally incur in furnishing these services if it provided them directly, plus an allowance for fringe benefits and other expenses. Additional allowances for travel, equipment, supplies, and administrative responsibilities are also included as provided in 42 CFR 405.432.

The regulation provides that HCFA will issue guidelines setting maximum hourly amounts for therapy services furnished to Medicare beneficiaries under arrangements. These guidelines, with updates as necessary, apply only to the amount of reimbursement the Medicare program will make to a provider for respiratory therapy services obtained under an arrangement, and do not affect any agreements made between the provider and the therapist. Nor do they apply to services furnished by employees of a hospital or other institution. The cost of services furnished by such employees will continue to be evaluated under the Medicare program's reasonable cost provisions. (See 42 CFR 405.451)

The initial schedule of guidelines for respiratory therapy services was published in the **Federal Register** on October 6, 1978, and was effective for respiratory therapy services furnished by registered respiratory therapists and certified respiratory therapists (also known as certified respiratory therapy technicians) on or after December 1, 1978. The schedules of guidelines contained in this notice update the initial guidelines for registered and certified therapists, and include an initial schedule of guidelines for nonregistered and noncertified therapists.

Since publication of the initial schedule of guidelines for registered and certified therapists, we have recalculated the fringe benefit and expense factor elements of the schedules to increase the accuracy of the factor. The computation of the fringe benefit and expense factor, previously rounded to 50 percent of the prevailing salary amount, is not rounded now and is based on the most recent data available from the Bureau of Labor Statistics (BLS). We have updated this data through September 1979.

The October 6, 1978, guidelines included a delayed effective date, not to exceed one year from the date of publication, for those institutions that had entered into binding contracts prior to that date with respiratory therapists or respiratory therapy contracting organizations. (The majority of all providers that furnish respiratory therapy services under arrangements qualified for this exception.) Those institutions would have been subject to

the October 1978 guidelines beginning October 7, 1979. In order to give those institutions the benefit of the updated guidelines, these guidelines for services of certified therapists, and for services of registered therapists in most States, will be effective for services furnished on or after October 1, 1979. Those providers not subject to binding contract exceptions, or whose exceptions did not cover the full year period, should contact their intermediaries if they have been adversely affected by the inaccuracies in the October 1978 guidelines. Adjustments will be made on a case-by-case basis, where appropriate, by recomputing the amount of the fringe benefit and expense factor included in the guidelines.

Regardless of the effect of the binding contract exception, HCFA believes that it is more appropriate to make the updated guidelines for registered respiratory therapy services in the States of Arkansas, Connecticut, Georgia, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, Texas and Vermont effective for services furnished on or after August 1, 1980. This is because, as discussed below, certain of the guideline amounts for these services, based on updated 1978 Bureau of Labor Statistics (BLS) data, are lower than the amounts published in the **Federal Register** on October 6, 1978. For the period of time between December 1, 1978 and the effective date of those revised guidelines, payments for respiratory therapy services in these 13 States are subject to the guidlelines published in October 6, 1978.

Guidelines for Nonregistered and Noncertified Therapists

No schedule of guidelines pertaining to respiratory therapy services furnished by therapists other than registered and certified therapists was included in the guidelines that were published on October 6, 1978, because HCFA lacked information concerning other therapists. However, after the October 6 guidelines were published, we were advised by members of the respiratory therapy profession that there are many therapists who perform the same or similar tasks as those performed by registered and certified personnel, and that they bear similar professional responsibilities, although they have not been registered or certified. (For example, some may have applied for and are awaiting registration or certification, while others may not have taken the action necessary to achieve or retain credentialed status.) Therefore, we are now including a schedule of guidelines for therapists who are not registered or certified but who perform the same duties as those who are. These guidelines apply only to therapists and not to trainees or to aides.

The same methodology used to develop the guidelines for registered and certified therapists has been used to develop the guidelines for the nonregistered and noncertified therapists. These initial guidelines will apply prospectively. They will be effective for services furnished on or after August 1, 1980. Prior to this date, the cost of services furnished by nonregistered and noncertified therapists will continue to be evaluated under 42 CFR 405.432(c)(5). Under this provision, costs may not exceed what a prudent and cost-conscious buyer would pay for the services.

Binding Contract Exception

A hospital or other institution that has contracted with a therapist or other supplier organization to furnish therapy services may be granted an exception, as specified in 42 CFR 405.432(f)(1), from the application of the guidelines for nonregistered and noncertified therapists. This exception may be granted if the hospital or other institution has a binding contract in writing with the therapist or supplier organization which was entered into prior to the date the guidelines are published. The exception may be granted for the contract period, but not longer than one year from this date. During any binding contract exception period which may be granted, the cost of services furnished by nonregistered and noncertified therapists will be evaluated under 42 CFR 405.432(c)(5). Therapists under the guidelines published October 6, 1978, will be extended or renewed as a result of publication of this update.

Methodology for Determining Hourly Salary Equivalency and Standard Travel Allowance Amounts

1. *Data.* The guidelines are based on salary data of hospital personnel from the latest BLS triennial hospital wage survey, which was conducted in September, 1978. HCFA designated 10 geographic regions for grouping the data and developed a guideline amount for each State by using either the salary data directly from that State or by using a regional average.

The geographic regions are established in order that guidelines may be developed for States in which BLS does not conduct a survey. If BLS does not have wage surveys for a particular State, a regional average is determined. For example, one region is composed of Florida, Georgia, South Carolina, Alabama, and Mississippi. BLS has survey data from Miami and Atlanta. The guideline amount for Florida is based on data from the Miami survey, and the amount for Georgia is based on data from the Atlanta survey. For South Carolina, Alabama, and Mississippi, we apply a regional average, which is an average of the prevailing salaries in Miami and Atlanta.

Where data from more than one Standard Metropolitan Statistical Area (SMSA) is available in a State, a State average is determined. For example, the State averages in New York for certified therapists and for nonregistered and noncertified therapists were determined by using data compiled in Buffalo and New York City.

The salary data have been updated to account for inflation by using the most recently available figure for overall hospital wages as determined by BLS (BLS Employment and Earnings Bulletin line SIC–806 for September 1979). This figure was compared with the comparable figure for the month of the BLS triennial hospital wage survey (September 1978) to obtain an overall percentage increase. This percentage was then applied to the September 1978 respiratory therapy salary data. Using the updated 1978 data has resulted in certain of the guideline amounts for registered respiratory therapists being lower than the amounts which were published in the **Federal Register** on October 6, 1978. This is because the factor used to update the 1975 BLS data, which formed the basis of in certain of the guideline amounts for registered respiratory therapists being lower than the amounts which were published in the **Federal Register** on October 6, 1978. This is because the factor used to update the 1975 BLS data, which formed the basis of the initial guidelines for respiratory therapists, overestimated the rate of increase between 1975 and 1978.

2. *Prevailing salary.* The prevailing salary component of the guidelines is based on the 75th percentile of salary ranges paid to respiratory therapists employed full time by hospitals in each SMSA surveyed.

3. *Fringe benefit and expense factor.* The fringe benefit and expense factor is an amount which is added to the basic salary amounts obtained from the BLS data in order to take account of fringe benefits which are generally received by an employee therapist, such as vacation pay, insurance premiums, pension payments, etc., as well as overhead expenses that an individual not working as an employee might incur in furnishing services under arrangements.

The fringe benefit component of this factor was derived from an analysis of

BLS studies included in the series, "Employee Compensation in the Private Nonfarm Economy". BLS fringe benefit data has been used because of the large sample size on which the BLS studies are based, as well as the explicit direction of the Congress to use BLS data where feasible (p. 251, S. Rept. 92–1230). The last year for which BLS data on fringe benefits is available is 1976. In order to update the fringe benefit component, we applied the rate of increase in fringe benefits that occurred between 1972 and 1976, as indicated by the BLS data, to determine the amount of fringe benefits expressed as a percentage of basic wages and salaries for September 1979.

The expense component of the factor was developed from an analysis of data derived from trade journals and business organizations on the costs of maintaining an office. This data, expressed as a monthly amount for expenses, was updated through September 1979 and then converted to an hourly figure. This hourly figure was then divided by an overall average of respiratory therapist prevailing salaries at the 75th percentile to arrive at a percentage factor for expenses. Provider overhead expenses such as space, heat, light, etc., are not included in this factor since these costs are generally absorbed by the provider, even when therapy services are provided under arrangements.

Based on an analysis of the most recent data available, we calculated a fringe benefit and expense factor equal to 66.82 percent of the BLS salary amounts. This percentage figure is multiplied by the updated salary data for each State to arrive at a dollar figure, which is then added to the updated salary amounts.

4. *Standard travel allowance.* The guidelines include a standard travel allowance that compensates the therapist for his time in reaching the provider site. In each State, this allowance has been computed as one-half of the adjusted hourly salary equivalency amount, based on an estimated average travel time of one-half hour.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements.

Adjusted Hourly Salary Equivalency Amounts and Standards Travel Allowances for Registered Respiratory Therapists (Full Time, Regular Part Time).[1]

Effective for Services Furnished on or After October 1, 1979, except for those States marked with *. In those States, the effective date will be August 1, 1980.

(This schedule is not to be used for respiratory therapy aides or trainees.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$11.60	$5.80
Alaska [1]	16.90	8.45
Arizona	13.60	6.80
*Arkansas	10.40	5.20
California	13.60	6.80
Colorado	11.90	5.95
*Connecticut	11.40	5.70
Delaware	13.10	6.55
District of Columbia	12.20	6.10
Florida	12.40	6.20
*Georgia	10.70	5.35
Hawaii [2]	15.60	7.80
Idaho	12.40	6.20
Illinois	11.70	5.85
Indiana	12.10	6.05
Iowa	11.90	5.95
Kansas	11.90	5.95
Kentucky	12.20	6.10
*Louisiana	10.40	5.20
*Maine	11.40	5.70
Maryland	12.20	6.10
*Massachusetts	11.40	5.70
Michigan	12.60	6.30
Minnesota	11.70	5.85
Mississippi	11.60	5.80
Missouri	12.10	6.05
Montana	11.90	5.95
Nebraska	11.90	5.95
Nevada	13.60	6.80
*New Hampshire	11.40	5.70
New Jersey	13.10	6.55
*Mew Mexico	10.40	5.20
*New York	13.70	6.85
North Carolina	12.20	6.10
North Dakota	11.90	5.95
Ohio	12.20	6.10
*Oklahoma	10.40	5.20
Oregon	12.40	6.20
Pennsylvania	12.40	6.20
*Rhode Island	11.40	5.70
South Carolina	11.60	5.80
South Dakota	11.90	5.95
Tennessee	12.20	6.10
*Texas	10.40	5.20
Utah	11.90	5.95
*Vermont	11.40	5.70
Virginia	12.20	6.10
Washington	12.40	6.20
West Virginia	12.20	6.10
Wisconsin	11.90	5.95
Wyoming	11.90	5.95

[1] Adjusted for 25 percent salary differential.
[2] Adjusted for 15 percent salary differential.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements.

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Certified Respiratory Therapists (Full Time, Regular Part Time). [1]

Effective for Services Furnished on or After October 1, 1979.

(This schedule is not to be used for respiratory therapy aides or trainees.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$10.10	$5.05
Alaska [1]	16.20	8.10
Arizona	12.90	6.45
Arkansas	9.60	4.80
California	12.90	6.45
Colorado	10.20	5.10
Connecticut	10.70	5.35
Delaware	12.20	6.10
District of Columbia	11.40	5.70
Florida	11.20	5.60
Georgia	9.10	4.55
Hawaii [2]	14.90	7.45
Idaho	11.40	5.70
Illinois	11.40	5.70
Indiana	11.40	5.70
Iowa	10.40	5.20
Kansas	10.40	5.20
Kentucky	11.20	5.60
Louisiana	9.60	4.80
Maine	10.70	5.35
Maryland	11.10	5.55
Massachusetts	10.70	5.35
Michigan	11.60	5.80
Minnesota	10.20	5.10
Mississippi	10.10	5.05
Missouri	10.60	5.30
Montana	10.20	5.10
Nebraska	10.40	5.20
Nevada	12.90	6.45
New Hampshire	10.70	5.35
New Jersey	12.20	6.10
New Mexico	9.60	4.80
New York	12.60	6.30
North Carolina	11.20	5.60
North Dakota	10.20	5.10
Ohio	11.40	5.70
Oklahoma	9.60	4.80
Oregon	11.60	5.80
Pennsylvania	11.70	5.85
Rhode Island	10.70	5.35
South Carolina	10.10	5.05
South Dakota	10.20	5.10
Tennessee	11.20	5.60
Texas	9.60	4.80
Utah	10.20	5.10
Vermont	10.70	5.35
Virginia	11.20	5.60
Washington	11.10	5.55
West Virginia	11.20	5.60
Wisconsin	11.60	5.80
Wyoming	10.20	5.10

[1] Adjusted for 25 percent salary differential.
[2] Adjusted for 15 percent salary differential.

Schedule of Guidelines for Respiratory Therapy Services Furnished Under Arrangements.

Adjusted Hourly Salary Equivalency Amounts and Standard Travel Allowances for Nonregistered and Noncertified Respiratory Therapists (Full Time, Regular Part Time).[1]

Effective for Services Furnished on or after August 1, 1980.

(This schedule is not to be used for respiratory therapy aides or trainees.)

	Adjusted hourly salary equivalency amount	Standard travel allowance
Alabama	$8.90	$4.45
Alaska [1]	16.20	8.10

[1] A provider is considered to require services on a full-time or regular part-time basis if the total hours of service average 15 or more per week.

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[1] A provider is considered to require services on a full-time or regular part-time basis if the total hours of service average 15 or more per week.

	Adjusted hourly salary equivalency amount	Standard travel allowance
Arizona	12.90	6.45
Arkansas	8.10	4.05
California	12.90	6.45
Colorado	10.90	5.45
Connecticut	9.70	4.85
Delaware	10.90	5.45
District of Columbia	10.20	5.10
Florida	9.10	4.55
Georgia	8.70	4.35
Hawaii [2]	14.90	7.45
Idaho	10.40	5.20
Illinois	10.70	5.35
Indiana	10.60	5.30
Iowa	9.10	4.55
Kansas	9.10	4.55
Kentucky	10.20	5.10
Louisiana	8.10	4.05
Maine	9.70	4.85
Maryland	10.20	5.10
Massachusetts	9.70	4.85
Michigan	11.40	5.70
Minnesota	9.10	4.55
Mississippi	8.90	4.45
Missouri	9.10	4.55
Montana	10.90	5.45
Nebraska	9.10	4.55
Nevada	12.90	6.45
New Hampshire	9.70	4.85
New Jersey	10.90	5.45
New Mexico	8.10	4.05
New York	11.10	5.55
North Carolina	10.20	5.10
North Dakota	10.90	5.45
Ohio	10.10	5.05
Oklahoma	8.10	4.05
Oregon	11.10	5.55
Pennsylvania	10.60	5.30
Rhode Island	9.70	4.85
South Carolina	8.90	4.45
South Dakota	10.90	5.45
Tennessee	10.20	5.10
Texas	8.10	4.05
Utah	10.90	5.45
Vermont	9.70	4.85
Virginia	10.20	5.10
Washington	9.70	4.85
West Virginia	10.20	5.10
Wisconsin	10.10	5.05
Wyoming	10.90	5.45

[1] Adjusted for 25 percent salary differential.
[2] Adjusted for 15 percent salary differential.

(Sections 1102, 1814(b), 1833(a), 1861(v)(5), 1871 of the Social Security Act, 42 U.S.C. 1302, 1395f(b), 1395(a), 1395x(v)(5), 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance, and 13.774, Medicare-Supplementary Medical Insurance)

Dated: April 30, 1980.

Leonard D. Schaeffer,

Administrator, Health Care Financing Administration.

[FR Doc. 80-16811 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-35-M

Office of Human Development Services

[Program Announcement No. 13.647-ODV-803]

Advocacy Model Program Demonstration Projects

AGENCY: Office of Human Development Services/DHHS.

SUBJECT: Announcement of Availability of Grant Funds for Advocacy Model Program Demonstration Grants.

SUMMARY: The Administration for Children, Youth and Families, Office on Domestic Violence announces that applications are being accepted for grants under Section 1110 of the Social Security Act for Advocacy Model Program Demonstration Grants.

DATES: Closing date for receipt of applications is August 4, 1980.

Scope of Program Announcement

This program announcement covers the Advocacy Model Program Demonstration Grants to be funded in Fiscal Year 1980. Competition for grant awards in other Office on Domestic Violence demonstration projects has been announced separately in the **Federal Register.**

Program Purpose

The purpose of the demonstration projects is to develop model advocacy programs to assist battered women who are victims of domestic violence and their families in gaining access to services and support, and to demonstrate the effectiveness of this method of obtaining needed services for battered women.

Program Goals and Objectives

The goal of the projects is to demonstrate that advocacy program models can provide a mechanism by which existing resources can be more effectively used to address the needs of victims of domestic violence, and through which battered women can receive assistance and support in evaluating their short and long-term needs. The projects are aimed at demonstrating a method for obtaining needed services and support for battered women who do not seek or choose a shelter program, as part of an aftercare program for women who have left shelter programs, or for women and families in communities where shelter programs do not exist. The advocates will not deliver services per se, but will evaluate the specific needs of the battered woman and her children, and help them to obtain the assistance and services they require. Advocates will take referrals from agencies and other service organizations, as well as individual requests for assistance. These advocacy projects will be designed to demonstrate methods for facilitating provision of services, and it is understood that the Federal funds used for this project will not supplant existing funds presently used for similar purposes. Applications for projects should indicate that the proposed project is capable of achieving the following program objectives:

- To create a system of advocates who will, upon referral from agencies or service providers or requests from individual battered women, evaluate the needs of the battered woman and her family and assist her in gaining access to existing services and support to meet those needs.
- To work with the health, mental health, legal, police and social service providers and others who may initially see the battered woman or her family to increase their awareness and understanding of the problem and the likelihood of identification of the battered woman.
- To establish a referral protocol so that a battered woman, once identified, will be put in contact with the advocates.
- To work with community agencies and service providers to increase their responsiveness to and delivery of services for battered women and their families.
- To provide follow-up monitoring to determine whether the advocates have assisted the battered woman in meeting the service and support needs of her and her family and whether the service providers and agencies have responded appropriately.

Eligible Applicants

Any public or private non-profit organization may apply for a grant under this program including counties, cities, community action agencies, civic and voluntary organizations, hospitals, community health and mental health agencies, police departments, state and local service agencies and crisis care agencies.

Available Funds

The Office on Domestic Violence will award three new demonstration grants at a funding level of $100,000 each. The project period shall be for two years, assuming availability of second year funding. Continuation funding will be dependent upon satisfactory performance during the first year, as well as availability of funds.

Grantee Share of the Project

This project requires no cost-sharing or matching of federal funds.

The Application Process

Availability of Forms

Applications for a grant under the Advocacy Model Program Demonstration Projects must be submitted on standard forms provided for this purpose. Application kits which

include these forms and other pertinent information may be obtained by writing to: Office of Domestic Violence, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 472–4205.

Application Submission

One signed original and two copies of the grant application, including all attachments, must be submitted to: Department of Health and Human Services, Office of Human Development Services, Grants Management Branch, Room 345 F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, Attn: Mary White.

A-95 Notification Process

Notice to A-95 state and area-wide clearinghouses is *not* required under this grant program.

Application Consideration

The Director of the Office of Planning, Research, and Evaluation determines the final action to be taken with respect to each grant application for this program. Applications which are complete and conform to the requirements of this program announcement will be subjected to a competitive review and evlaution by qualified persons independent of the Administration for Children, Youth, and Families. The results of this review will assist the Director of the Office on Domestic Violence in considering competing applications. Unsuccessful applicants shall be notified in writing of this decision. Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. Eligibility of Applicant Agency (20 points)—
- Understanding of the problem (5).
- Knowledge of the present level of services for battered women and their families in the community served by this project (5).
- Knowledge of and experience with service providers, agencies, and community organizations (5).
- Adequacy of facilities (5).

2. Staffing and Resources (20 points)—
- Knowledge of and experience with the range of agencies, services, and relevant organizations within the community to be served by this project (10).
- Adequacy of level of staffing and qualifications of proposed staff (5).
- Experience in program development, management, and coordination of services (5).

3. Methodology (40 points)—
- Appropriateness of program objectives for achieving goals and objectives of this project as defined in the program announcement (10).
- Thoroughness, soundness, and clarity of proposed methodology (10).
- Realism of approach for making project operational (10).
- Compatibility of work plan with program objectives (10).

4. Budget (10 points)—
- Reasonableness of estimated cost to government (5).
- Compatibility with work plan (5).

5. Evaluation Plan (10 points)—
- Adequacy and appropriateness of proposed evaluation for collecting and analyzing data on project goals and objectives (5).
- Extent to which evaluation tasks are distinguishable from program activites (5).

Closing Dates for Receipt of Applications

The closing date for receipt of applications is August 4, 1980.

Applications may be mailed or hand-delivered. Hand-delivered applications will be accepted during regular working hours of 9 a.m. to 5 p.m. The applications must be taken to Room 345–F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C.

Mailed applications will be considered to be received on time if: (1) the application is *received on or before the closing date* by the DHEW mail room in Washington, D.C., or (2) the application is *mailed* by registered or certified mail *not later than five days before the closing date*, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope or on the original receipt from the U.S. Postal Service, unless the mailed application arrives too late to be considered by the independent review panel. Mailed applications must be addressed to: Department of Health and Human Services, Office of Human Development Services, Hubert H. Humphrey Building, Grants Management Branch, Room 345–F, Attn: Ms. Mary White, 200 Independence Avenue SW., Washington, D.C. 20201.

Applications may be submitted at any time prior to the closing date and applications received after the closing date will be returned to the applicant without being reviewed.

(Catalog of Federal Domestic Assistance Program No. 13.674—Social Services Research and Demonstration)

Dated: May 16, 1980.

R. E. Shute,

Acting Director, Office of Planning, Research and Evaluation.

Approved: May 29, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-16817 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-92-M

National Institutes of Health

Role of Adjuvant Chemotherapy in Breast Cancer; Meeting

Notice is hereby given that the National Cancer Institute, assisted by the Office for Medical Applications of Research, National Institutes of Health, will hold a consensus development conference July 14–16, 1980, at the Masur Auditorium, Bldg. 10, NIH. Topic of the conference is the role of adjuvant chemotherapy in breast cancer. The meeting is open to any interested individuals and groups.

The conference will examine the concepts and results of adjuvant chemotherapy trials in breast cancer. One goal is to determine the role of these trials in current medical practice. Thus, emphasis will be given not only to the scientific validity of adjuvant therapy trials, but also to their impact on general medical practice.

Specific issues to be discussed include: Have clinical trials established the efficacy of adjuvant chemotherapy of breast cancer? Do the benefits of adjuvant chemotherapy clearly outweigh the risks? Should future adjuvant chemotherapy studies include hormonal manipulation? What is the role of adjuvant chemotherapy in Stage I patients? What is the role of adjuvant chemotherapy in postmenopausal patients?

Requests for technical information should be addressed to Dr. Daniel G. Haller, Head, Medicine Section, Clinical Investigations Branch, DCT, National Cancer Institute, Landow Bldg., 8C08, 7910 Woodmont Ave., Bethesda, MD 20205. Requests for administrative information should be sent to Ms. Yvonne Lewis, Prospect Associates, 11325 Seven Locks Rd., Potomac, MD 20854.

Dated: May 27, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-16722 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Amended Meeting

Notice is hereby given to cancel the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, which was published in the **Federal Register** on Tuesday, April 29, 1980 (45 FR 80-12982).

The Committee was to meet June 3, 1980 at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: May 27, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-16721 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-85-M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Toxicology Program Board of Scientific Counselors, U.S. Public Health Service, June 27-28, 1980.

The meeting on June 27 will be held in Room 1331, Switzer Building (formerly HEW South Building), 330 C Street, S.W., Washington, D.C. This meeting will be open to the public from 9 a.m. until adjournment for the purpose of completing external peer review on technical reports of bioassays from the National Cancer Institute (NCI) Carcinogenesis Testing Program. Reviews will be conducted by the Technical Report Review Subcommittee of the Board in conjunction with an *ad hoc* panel of experts. Attendance by the public will be limited to space available.

The meeting on June 28 will be held in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9 a.m. to adjournment for the purpose of discussing and making recommendations on a permanent mechanism for external peer review of National Toxicology Program (NTP) technical reports and for hearing progress reports by the Chemical Nomination and Selection Subcommittee, the Report Review Subcommittee, and the Automated Data Processing Subcommittee. Attendance by the public will be limited to space available.

The NTP Director, Dr. David P. Rall, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541-3201, or FTS 629-3201, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Regarding technical report peer review, reports will be reviewed June 27 on the following chemicals (and routes of administration):

Chemical	*Route*
2,3,7,8-Tetrachlorodibenzo-p-dioxin	Skin paint
2,3,7,8-Tetrachlorodibenzo-p-dioxin	Gavage
Dibromochloropropane (DBCP)	Inhalation
1,2-Dibromoethane (EDB)	Inhalation
Cytembena	Intraperitoneal
Yellow 6	Dosed feed
Orange 10	Dosed feed
Butylbenzyl phthalate	Dosed feed
Di(2-ethylhexyl)adipate	Dosed feed
Caprolactam	Dosed feed

Dated: May 23, 1980.

David P. Rall, M.D., Ph.D.,

Director, National Toxicology Program.

[FR Doc. 80-16723 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

West-Central North Dakota Management Framework Plan; Invitation To Comment

May 19, 1980.

Notice is hereby given that the Dickinson District, Bureau of Land Management (BLM) invites public comments on the land use recommendations contained in the West-Central North Dakota Management Framework Plan (MFP). The comment period extends from June 3, 1980 through July 22, 1980.

Background standards and procedures for MFP preparation and review are contained in **Federal Register** Notice FR Vol. 44, No. 140 pp. 42584-42652 of July 19, 1979; FR Vol. 44, No. 153, pp. 46386-46401 of August 7, 1979 and FR Vol. 44, No. 233, pp. 69374-69378 of December 3, 1979. The standards for this review are also discussed in a final environmental statement describing the Secretary of Interior's preferred coal program and alternatives, which was released in April, 1979.

The subject area is within the Fort Union Coal Region and covers the following North Dakota counties: Stark, Dunn, Mercer, Oliver, and McLean, as well as a small portion of Billings County. The area is adjacent to the Little Missouri National Grasslands and the Fort Berthold Indian Reservation.

There are three types of recommendations contained in the plan. They address (1) the BLM-administered surface lands in the Lost Bridge Management Area, most of which are near or adjacent to the Little Missouri River; (2) the scattered, isolated tracts of BLM surface land in the rest of the planning area; and (3) the federal coal and oil and gas under private or state land or under land administered by another federal agency. In terms of the acres involved and the potential economic impact of the recommendations, coal is the most significant federal resource in the West-Central Planning Area.

The recommendations do not constitute final decisions to lease or not lease coal. Those decisions will be made later in the federal coal management process.

Any federal coal identified as acceptable for further consideration for leasing may be included in the Fort Union Coal Region activity plan and environmental impact statement. The Secretary of Interior has chosen December 1982 as a preliminary target date for leasing federal coal in this region.

The coal recommendations were developed after applying the Secretary's unsuitability criteria and after considering surface owner views and surface resource trade-offs.

The recommendations packet—containing narratives, tables, and maps—will be mailed to all known interested individuals; affected surface owners; industry and concerned citizen groups; and local, state, and federal government agencies on or about June 1, 1980.

The maps in the packet show the federal coal deposits in the planning area with a high to moderate potential for development, the areas within these deposits covered by some type of coal lease, and the areas where surface owners over federal coal (whose land is not covered by a private surface lease for coal mining) are opposed to federal coal leasing. Other maps depict the results of applying the unsuitability criteria as required by Federal Regulations [43 CFR 3461.3-1(a)(2)].

Open-house meetings will be held June 16-19 to give interested people the opportunity to discuss the plan recommendations with members of the BLM Dickinson District Office staff. The schedule for the meetings is as follows: June 16—City Hall, Dunn Center, ND; June 17—City Auditorium, Garrison, ND;

June 18—City Hall, Hazen, ND; and June 19—Stark County Courthouse Auditorium, Dickinson, ND.

All meetings will have two sessions, from 3 to 5 p.m. and 7 to 9 p.m. The open-house, nonstructured approach will be used to allow members of the public to arrive and leave whenever it is most convenient for them. Basic planning maps and other informational material will be brought to the meetings and will be available for public inspection.

A formal public hearing has been set for 7:30 p.m., July 22, 1980, at the city hall in Hazen, ND for the purpose of accepting testimony from persons who feel that they could be adversely affected by the implementation of the recommendations contained in the plan.

The open-house meetings and the hearing will be publicized in the area through paid advertisements and news releases.

Persons wishing to ask questions, submit comments, or request the recommendations packet can contact the District Manager, Bureau of Land Management, 5th Floor of Pulver Hall (Dickinson State College Campus), P.O. Box 1229, Dickinson, North Dakota 58601; (701) 225–9148.

Charles E. Steele,

District Manager.

[FR Doc. 80–16690 Filed 6–2–80; 8:45 am]

BILLING CODE 4310–84–M

Geological Survey

Known Recoverable Coal Resource Area; Hanna and Carbon Basins, Wyo.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and Section 8A of the Mineral Leasing Act of February 25, 1920, as added by Section 7 of the Federal Coal Leasing Amendments Act of 1976 (P.L. 94–377, August 4, 1976, as amended by P.L. 95–554, October 30, 1978), Federal lands within the State of Wyoming have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(50) Wyoming

Revised Hanna and Carbon Basins (Wyoming) Known Recoverable Coal Resource Area; January 25, 1980; 3,920 acres were added. Total area now classified for leasing is 242,577 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colorado 80225.

Dated: May 20, 1980.

H. William Menard,

Director.

[FR Doc. 80–16688 Filed 6–2–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Gulf Oil Corp.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Corporation, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3206, Block 63, Mississippi Canyon Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53785). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 23, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–16711 Filed 6–2–80; 8:45 am]

BILLING CODE 4310–31–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed supplemental development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company, has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1101, Block 117, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 23, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 80–16803 Filed 6–2–80; 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 23, 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, DC 20243. Written comments should be submitted by June 18, 1980.

Sarah G. Oldham,

Acting Chief, Registration Branch.

ALASKA

Anchorage Division

Anchorage vicinity, *Eklutna Power Plant (Anchorage Power and Light Company)* NE of Anchorage.

ARIZONA

Maricopa County

Tempe, *Tempe Hardware Building,* 520 S. Mill Ave.

Pima County

Tucson, *El Conquistador Water Tower,* Broadway and Randolph Way.

CALIFORNIA

Los Angeles County

Pasadena, *Stoutenburgh House,* 255 S. Marengo Ave.

Nevada County

Grass Valley, *Emmanuel Episcopal Church,* 245 S. Church St.
Nevada City, *Sargent, Aaron A., House,* 449 Broad St.

San Diego County

San Diego, *Grand-Horton Hotel,* 328 and 334 F St.

Santa Clara County

Palo Alto, *Pettigrew House.*
Santa Clara, *Lick, James, Mill,* 305 Montague Expwy.

GEORGIA

Whitfield County

Dalton, Blunt, *Ainsworth E., House,* 506 S. Thornton Ave.

ILLINOIS

DuPage County

Westmont, *Gregg, William L., House,* 115 S. Linden St.

KENTUCKY

Butler County

Woodbury, *U.S. Army Corps of Engineers Superintendent's House and Workmen's Office (Federal Hill)* Woodbury Park.

MINNESOTA

Blue Earth County

Blue Earth County Multiple Resource Area (Partial Inventory). This area includes:

Mankato, *North Front Street Commercial District,* 301—415 N. Front St.; Garden City, *First Baptist Church,* U .S. 169; Garden City vicinity, *Gail, James P., Octagon Farmhouse,* U. S. 169; Mankato, *Blue Earth County Courthouse,* Courthouse Sq.; *Brandrup, J. R., House,* 704 Byron; *Chapman, Charles, House,* 418 McCauley; *Cray, Lorin, House,* 603 S. 2nd St.; *Eberhart, Adolph O., House,* 228 Clark St.; *First Presbyterian Church,* Hickory and S. Broad Sts.; *Hubbard, R. D., House,* 606 S. Broad St. (preciously listed in the National Register); *Irving, William, House,* 320 Park Lane; *Jefferson, Adam, House,* Cleveland St.; *Mankato Public Library and Reading Room,* 120 S. Broad; *Old First National Bank of Mankato,* 229 S. Front St. (previously listed in the National Register); *Schmidt, Oscar, House,* 111 Park Lane; *Union Depot,* 112 Pike St.; Mankato vicinity, *Jones-Roberts Farmstead,* MN 68; *Kern Bridge,* SR 190; *Mankato Holstein Farm Barn,* SR 5; *Marsh Concrete Rainbow Arch Bridge,* SR 101; *Seppman Mill,* W of Mankato off MN 68 in Minneopa State Park (preveiously listed in the National Register); Mapleton, *Main Street Commercial Buildings,* Main St.; *Troendle, Lucas, House,* 2nd and Silver Sts.; Mapleton vicinity, *Sterling Church,* SR 151; ST. Clair vicinity, *Winnebago Agency House,* 1 mi. S of St. Clair on CR 138 (previously listed in the National Register).

MISSISSIPPI

Hinds County

Jackson, *Manship House,* 412 E. Fortification St.

OKLAHOMA

Haskell County

McCurtain vicinity, *Mine No. 2,* W of McCurtain.

Latimer County

Yanush vicinity, *Cupco Church, S of Yanush off OK 2.*

PENNSYLVANIA

Chester County

Dowingtown vicinity, *Lionville Historic District,* NE of Downingtown.

SOUTH DAKOTA

Hughes County

Pierre, *Brandhuber Ice Company Barn,* 419 S. Fort St.

TEXAS

Georgian Revival Buildings of Southern Methodist University Thematic Resources. Reference—see individual listings under Dallas County.

Dallas County

Dallas, *Clements Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3200 Dyer St.
Dallas, *Dallas Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* (previously listed in the National Register).
Dallas, *Florence, Fred. Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3330 University Blvd.
Dallas, *Hyer Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 6424 Hill Lane.
Dallas, *McFarlin Memorial Auditorium (Georgian Revival Buildings of Southern Methodist University Thematic resources)* 6405 Hillcrest Rd.
Dallas, *Ownby, Jordan C., Stadium (Georgain Revival Buildings of Southern Methodist University Thematic Resources)* 5900 Ownby Dr.
Dallas, *Patterson, Stanley, Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3128 Dyer St.
Dallas, *Perkins Hall of Administration (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 6425 Hillcrest Rd.
Dallas, *Snider Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3305 Dyer St.
Dallas, *Virginia Hall (Georgian Revival Buildings of Southern Methodist University Thematic Resources)* 3325 Dyer St.

San Jacinto County

Coldspring, *San Jacinto County Jail,* Slade and Loyd Sts.

UTAH

Davis County

Centerville, *Randall, Melvin Harley, House,* 390 E. Porter Lane.

Emery County

Cleveland vicinity, *Denver and Rio Grande Lime Kiln,* SE of Cleveland.
Green River vicinity, *Black Dragon Canyon Pictographs,* SW of Green River.

Grand County

Thompson vicinity, *Thompson Wash Rock Art District,* N of Thompson.

Salt Lake County

Salt Lake City, *Nelson-Beesley House,* 533 11th Ave.
Salt Lake City vicinity, *Mountain Dell Dam,* N of Salt Lake City.
Salt Lake City vicinity, *Wasatch Mountain Club Lodge,* SE of Salt Lake City.

San Juan County

Blanding vicinity, *Oljato Trading Post,* SW of Blanding.

Sevier County

Glenwood, *Wall, Joseph, Gristmill,* 355 S. 250 East St.
Redmond, *Redmond Hotel,* 15 E. Main St.
Richfield, Young Block, 3—17 S. Main St.
Salina, *Salina Hospital,* 330 W. Main St.
Sevier vicinity, *Sevier Ward Church,* E of Sevier off U.S. 89.

Tooele County

Knolls vicinity, *GAPA Launch Site and Blockhouse,* NE of Knolls.

Utah County

Goshen vicinity, *Old Goshen Site,* NW of Goshen.

Washington County

St. George, *Main Building of Dixie College*, 86 S. Main St.

VERMONT

Chittenden County

Jericho vicinity, *Snowflake Bentley House*, SE of Jericho on Nashville Rd.

Rutland County

Tinmouth, *Tinmouth Historic District*, VT 140 and SR 2.

Washington County

East Montpelier, *East Village Meetinghouse, U.S. 2 and U.S. 14.*

East Montpelier, *Union Meetinghouse*, Center Rd.

WISCONSIN

Barron County

Rice Lake, *Rice Lake Carnegie Library*, Main Messenger Sts.

Dane County

Brooklyn vicinity, *Eggleston Farmhouse*, E of Brooklyn on U.S. 14.

Milwaukee County

Greendale, *Trimborn Farm*, 8801 W. Grange Ave.

[FR Doc. 80-16555 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning at 7:30 p.m., EDT, on Thursday, June 19, 1980, at Happy Days Center, located on State Route 303 (Streetsboro Road) one mile west of State Route 8, near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leads to the building on the south side of the highway.

The Commission was established by Pub. L. 93-555, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Robert G. Warren (Chairman)
Mr. Courtney Burton
Mr. Norman A. Godwin
Mr. Donald W. Haskett
Mr. Robert L. Hunker
Mr. James S. Jackson
Mr. Melvin J. Rebholz
Mrs. Roger Rossi
Mrs. George N. Seltzer
Ms. R. Robbie Stillman
Mr. Barry K. Sugden
Mr. Robert W. Teater
Mr. William O. Walker

Matters to be discussed at this meeting include a Committee Report on a proposal for a North American Indian Cultural Center and a discussion of the past and future role of the Advisory Commission.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact William C. Birdsell, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone 216-650-4414.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Cuyahoga Valley National Recreation Area located at 501 West Streetsboro Road (State Route 303), two miles east of Peninsula, Ohio.

Dated: May 20, 1980.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 80-16829 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-70-M

George Washington Memorial Parkway; Reissuance of Notice of Intention To Negotiate a Concessions Permit

On December 14th, 1979, pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969, 16 U.S.C. 20), public notice was given that the Department of the Interior, through the Superintendent, George Washington Memorial Parkway, proposed to negotiate a concessions permit with Belle Haven Marina, Inc., authorizing it to continue to provide marina concessions facilities and services for the public at Belle Haven Marina in the city of Alexandria for a period of four (4) years from the date of execution. Due to inaccuracies in the land assignment and description of the existing concession provided to the public it is necessary to make the corrected information and requirements of the proposed permit available to the public.

Therefore, pursuant to the provisions of Section 5 of the Act of October 9, 1969 (79 Stat. 969, 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, George Washington Memorial Parkway, proposes to negotiate a concession permit with the Belle Haven Marina, Inc., authorizing it to continue to provide marina concession facilities and services for the public at the Belle Haven Marina in the city of Alexandria for a period of four (4) years from the date of execution. An assessment of the environmental impact of this proposed action has been made, and it has been determined that it will not significantly affect the quality of the environment under the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the office of the Superintendent.

The foregoing concessioner has performed his obligations to the satisfaction of the Superintendent under the existing permit and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. This provision, in effect, grants Belle Haven Marina, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive offers for the proposed new permit and a preference in the award of the permit, if the offer of Belle Haven Marina, Inc., is substantially equal to others received.

The Superintendent is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before July 3, 1980.

Interested parties should contact the Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, Virginia 22101, telephone number 703-557-8990, for information as to the requirements of the proposed permit.

Don H. Castleberry,

Superintendent, George Washington Memorial Parkway.

[FR Doc. 80-16828 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-70-M

Indiana Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held on Friday, June 20, 1980, at 10 a.m., CDT, at the Beverly Shores Administration Building, Broadway, Beverly Shores, Indiana.

The Commission was established by Pub. L. 89-761, 80 Stat. 1309, 16 U.S.C. 460u-7, as amended, to meet and consult with the Secretary of the Interior on

matters related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Dr. Albert Sawyer (Chairman)
Lynton K. Caldwell
Anna R. Carlson
Neil P. Frankel
John A. Hillenbrand II
James L. Kintzele
William L. Lieber
Celia Nealon
Gail Pugh
John R. Schnurlein
Norman E. Tufford

Matters to be discussed at this meeting include:

1. Status of land acquistion and land acquisition plan.

2. Discussion of current plans to combat shoreline erosion at Mt. Baldy and Beverly Shores.

3. Continuation of discussions on evacuation measures necessary in the event of a toxic chemical or radioactive spill within the Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana 46304, telephone 219–926–7561.

Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at 1100 North Mineral Springs Road, Porter, Indiana.

Dated: May 20, 1980.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 80-16830 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Upper Delaware Citizens Advisory Council will be held at 7:00 P.M., June 27, 1980, at the Arlington Hotel, Narrowsburg, New York. The Advisory Council was established by Pub. L. 95–625, Section 704(f) to encourage maximum public involvement in the development and implementation of plans and programs authorized by the Act and section noted above. The Council is to meet and report to the Delaware River Basin Commission, to the Secretary of the Interior and to the Governors of New York and Pennsylvania on the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region.

This matters to be discussed at this meeting include:

1. Implementation of Section 704 of the National Parks and Recreation Act of 1978.

2. New Business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning the matters to be discussed. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, NY 12764.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact John T. Hutzky, Area Manager, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, NY 12674, phone 914–253–3947.

Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River in Narrowsburg, NY.

Dated: May 23, 1980.

James W. Coleman, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 80-16831 Filed 6-2-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29311]

Missouri Pacific Railroad Co.—Purchase (Portion)—Chicago, Rock Island & Pacific Railway Co., Debtor William M. Gibbons, Trustee) Between Haskell via Butterfield and Hot Springs, Ark., and Between Malvern and Butterfield, Ark.

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of the application of Missouri Pacific Railway Company (MOPAC) to purchase certain branch lines of Chicago, Rock Island and Pacific Railway Company, Debtor (William M. Gibbons, Trustee) (Rock Island). The application was filed pursuant to the Milwaukee Railroad Restructuring Act and Order No. 235 of the United States District Court for the northern District of Illinois, Eastern Division (Bankruptcy Court).

SUMMARY: The commission is accepting the application MOPAC filed to purchase certain branch lines of the Rock Island located in Arkansas. The Commission is also adopting an expedited procedure so that its report can be issued within 60 days as required by the Court.

DATES: This decision shall be effective on the date served by the Commission.

FOR FURTHER INFORMATION CONTACT: Richard Kelly, Interstate Commerce Commission, Section of Finance, Room 5417, 12th Constitution Ave., NW, Washington, D.C. 20423, (202) 275–7245.

SUPPLEMENTARY INFORMATION: MOPAC filed an application on May 19, 1980, under section 17 of the Milwaukee Railroad Restructuring Act, Pub. L. No. 96–101, 93 Stat. 736 (1979) for authority to purchase certain properties of Rock Island located in Arkansas. The application will be handled under the rules adopted in Ex Parte 282 (Sub-No. 4), *Aquisition Procedures For Lines of Railways In Reorganization,* 360 I.C.C. 623 (1980), 45 *Fed. Reg.* 6107 (1980), 49 CFR 1111.20 *et seq.*

The Commission's April 23, 1980, decision determined that MOPAC's acquisition would not constitute a major market extension. This application is filed pursuant to Order No. 235 of the Bankruptcy Court dated May 8, 1980.

The railroad branch lines together with the underlying land and right-of-way in Arkansas sought to be acquired extend from:

(1) Haskell in Saline County via Butterfield in Hot Springs County to Hot Springs in Garland County; and

(2) Malvern in Hot Springs County north to a connection with the line of railroad described in (1) at Butterfield in Hot Springs County.

The application is complete and is in compliance with the rules in Ex Parte No. 282 (Sub-No. 4). It is accepted. The Bankruptcy Court has directed the Commission to act on the application within 60 days following its filing. The application was filed on May 19, 1980, and a report must be submitted to the Bankruptcy Court by July 18, 1980. As a result of this requirement, the following time framess will apply to the proceeding.

May 19, 1980: Application filed.

June 13, 1980: Comments of interested parties complying with 49 CFR § 1111.25(c).

June 23, 1980: Replies complying with 49 CFR § 1111.25(d).

July 18, 1980: Transmittal of a report to the Bankruptcy Court.

Applicants' representatives, on whom pleadings should be served, are:

Mark M. Hennelly, 210 North 13th Street, St. Louis, MO 63103, (314) 622–0123.

Martin L. Cassell, 332 S. Michigan Avenue, Chicago, IL 60604, (312) 435–7916.

It is ordered:

1. The application in Finance Docket No. 29311 is accepted.

2. The parties shall comply with all provisions stated above.

3. This decision is effective on the date served.

Decided: May 23, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioner Stafford, Clapp, Trantum, Alexis and Gilliam. Vice Chairman Gresham not participating. Commissioners Trantum and Alexis absent and not participating

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-16717 Filed 6-2-80; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protest (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the indentity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, resolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 11207 (Sub-534F), filed March 17, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *glass, paper,* and *paper products,* between Selma, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE,

KS, OK, and TX. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 26396 (Sub-348F), filed March 11, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Barbara S. George (same address as applicant). Transporting (1) *chemicals* (except in bulk), and (2) *additives* used in petroleum and gas exploration (except in bulk), between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities used by Van Waters and Rogers. (Hearing site: Denver, CO, or Billings, MT.)

MC 41116 (Sub-79F), filed March 17, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. *Contract carrier,* transporting (1) *paper and paper products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Olinkraft, Inc., at Monroe and West Monroe, LA, on the one hand, and, on the other, points in TX, under continuing contract(s) with Olinkraft, Inc. (Hearing site: Baton Rouge or New Orleans, LA.)

Note.—Dual operations may be involved.

MC 41406 (Sub-160F), filed March 17, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting (1) *refractories,* and (2) *materials and supplies* used in the installation of refractories, and (3) *magnesite and magnesite products,* from Maple Grove and Bettsville, OH, to points in IL, IN, PA, NY, MI, NJ, NE, VA, WV, and MD. (Hearing site: Chicago, IL, or Cleveland, OH.)

MC 41406 (Sub-161F), filed March 17, 1980. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Dr., Merrillville, IN 46410. Representative: Wade H. Bourdon (same address as applicant). Transporting *oil well tubing,* from the facilities of Babcock & Wilcox Company, at or near Bryan, TX, to Harvey, LA. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 51146 (Sub-831F), filed March 14, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *fertilizer* (except in bulk), from Knox, IN, to points in CO, IL, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of fertilizer, in the reverse direction. (Hearing site: Chicago, IL.)

MC 51146 (Sub-832F), filed March 14, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of furniture, between Green Bay, WI, and Tupelo, MS, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Green Bay or Milwaukee, WI.)

MC 51146 (Sub-836F), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) appliances, (b) kitchen utensils, and (c) housewares, (except commodities in bulk), between West Bend, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 63417 (Sub-274F), filed March 19, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Transporting *new furniture and furniture parts,* from Galax, VA, to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Washington, DC.)

MC 95876 (Sub-343F), filed March 17, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). Transporting (1) *turbines, heat exchangers, feed water heaters, generators, engines, steam condensers, pumps, and electrical equipment,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above (except commodities in bulk), between the facilities of Westinghouse Electric Corporation (a) at or near Charlotte, NC, and Philadelphia, PA, and (b) in PA, on the one hand, and, on the other, points in MI, IN, IL, WI, MN, ND, SD, IA, NE, KS, MO, OK, TX, WY, MT, ID, OR, and WA. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 100666 (Sub-528F), filed March 14, 1980. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *composition board,* from the facilities of Abitibi Corporation in Wilkes County, NC, to those points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Charlotte, NC.)

MC 110686 (Sub-63F), filed March 14, 1980. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherlund, 1150 Connecticut Ave. NW., Suite 400, Washington, DC 20036. Transporting (1) *water heaters, hot water storage tanks, household heating boilers, and solar collector equipment,* from Kankakee, IL, to points in CT, DE, MD, MA, NC, NJ, NY, PA, RI, SC, TN, VA, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 111037 (Sub-4F), filed February 28, 1980. Applicant: WARREN CITY LINES, INC., 34 Pennsylvania Ave., East Warren, PA 16365. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., 1511 K St. NW., Washington, DC 20005. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip tours, in charter and special operations, beginning and ending at points in Erie, Venango, Crawford, Forest, McKean, Elk, and Warren Counties, PA, and extending to points in the United States (including AK, but excluding HI). (Hearing site: PA.)

MC 114486 (Sub-3F), filed March 17, 1980. Applicant: A. F. JAMES d.b.a. A. F. JAMES TRUCK LINE, 107 Lelia St., Texarkana, TX 75501. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. *Contract carrier,* transporting (1) *loud speakers and electrical amplification systems,* (2) *component parts* for the commodities in (1) above, and (3) *materials* used in the distribution of the commodities in (1) above, between the facilities of Peavy Electronics Corporation at Meridian MS, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KY, LA, MS, NC, SC, TN, and TX, under continuing contract(s) with Peavy Electronics Corporation, of Meridian, MS. (Hearing site: Jackson, MS or New Orleans, LA.)

MC 114606 (Sub-14F), filed March 17, 1980. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 SW. First St., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting

sugar, in packages, from East Grand Forks, Crookston, and Moorhead, MN, to Manawa, WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 116446 (Sub-9F), filed March 17, 1980. Applicant: J & R SCHUGEL TRUCKING, INC., 130 N. Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract carrier*, transporting *flour and flour products* (except commodities in bulk), from the facilities of International Multifoods Corporation at or near New Prague and New Ulm, MN, to points in AR, IL, IN, KS, MI, MO, NE, OH, OK and WI, under continuing contract(s) with International Multifoods Corporation of Minneapolis, MN. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 119777 (Sub-463F), filed March 14, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *boards* and *wood products*, from Holly Hill, SC, to points in the United States (except AK and HI). (Hearing site: Columbia or Charleston, SC.)

MC 123056 (Sub-11F), filed March 11, 1980. Applicant: FREDONIA TRUCK LINE, INC., Hwy 96 and Jackson St., Fredonia, KS 66736. Representative: Laurel D. McClellan, 401 North Sixth, P.O. Box 478, Fredonia, KS 66736. *Contract carrier*, transporting (1)(a) *rice mill feed and cottonseed meal*, and (b) *rice bran* and *rice hulls* otherwise exempt from economic regulation pursuant to 49 U.S.C. § 10526(a)(6), in mixed loads with the commodities in (1)(a), from Parson, KS, to points in AR, MO (except St. Louis), OK, and TX (except Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties), (2) *hominy*, from Atchinson, Bonner Springs, and Parsons, KS, Cedar Rapids, IA, Kansas City, MO, and Crete and Lincoln, NE, to the destinations in (1) above, and (3) *cottonseed meal*, from Little Rock, AR, Sikeston and Kennett, MO, Altus, Clinton, and Oklahoma City, OK, and Lubbock, Sweetwater, Abilene, Quanah, Plain View, and Ft. Worth, TX, to Parsons, KS, under continuing contract(s) in (1), (2), and (3) with ConAgra, Inc., of Omaha, NE. (Hearing site: Wichita, KS, or Springfield, MO.)

Note.—Dual operations may be involved.

MC 128007 (Sub-120F), filed March 14, 1980. Applicant: HOFER, INC., 20th & 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *trace minerals* from points in Fremont County, CO, to points in KS, MO, and OK. (Hearing site: Denver, CO, or Kansas City, MO.)

MC 134387 (Sub-82F), filed January 2, 1980. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 1800 United California Bank Bldg., 707 Wilshire Blvd., Los Angeles, CA 90017. Transporting *household applicances*, and *materials and supplies* used in the manufacture and distribution of household appliances, from points in Davis County, UT, to points in AZ. (Hearing site: Los Angeles, CA.)

MC 140086 (Sub-8F), filed March 6, 1980. Applicant: DeLARIA TRANSPORT, INC., 327 Eighth Ave. Northwest, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MIN 55402. Transporting *liquid sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Minneapolis, MN, to points in IA, MN, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

MC 140186 (Sub-44F), filed March 17, 1980. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: Davie A. Sutherland, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036. Transporting *iron and steel articles*, from Milwaukee, WI, to points in CA, OR, and WA. (Hearing site: Portland, OR.)

MC 144827 (Sub-53F), filed March 17, 1980. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, 2877 Farrisview, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). Transporting (1) *wearing apparel, and materials* used in the manufacture of wearing apparel, (a) from Memphis, TN, to Burlington, NJ, and points in CA, (b) from Burlington, NJ, to Hamilton, AL, and Memphis, TN, (c) from Hamilton, AL, to Memphis, TN, and (d) between Memphis, TN, Arkadelphia, AR, and Paris, TX, and (2) *corrugated boxes*, from Garland, TX, to Memphis, TN, restricted in (1) and (2) to traffic originating at or destined to the facilities of Vassarette, a Division of Munsingwear. (Hearing site: Memphis, TN.)

MC 144927 (Sub-28F), filed March 11, 1980. Applicant: REMINGTON FREIGHT LINES, INC.,Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 320 N. Meridian St., Indianapolis, IN 46204. Transporting *phonograph records, sound recorded tapes, and tape recorders*, from Ancora, Linden, and Westville, NJ, Indianapolis, IN, and Los Angeles, CA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145636 (Sub-15F), filed March 17, 1980. Applicant: BOB BRINK, INCORPORATED, 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, 128½ East Third St., Winona, MN 55987. Transporting *lighting fixtures*, from Winona, MN, to points in AZ, CA, CO, ID, IA, KS, MO, NE, NY, MN, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Winona or Minneapolis, MN.)

MC 145636 (Sub-16F), filed March 17, 1980. Applicant: BOB BRINK, INCORPORATED, 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, P.O. Box 676, 128½ East Third St., Winona, MN 55987. Transporting *confectionery*, from Winona, MN, to points in CA. (Hearing site: Minneapolis or Winona, MN.)

MC 146616 (Sub-13F), filed March 11, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st St., Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103. *Contract carrier*, transporting *gas engine coolers* and *parts and accessories* for gas engine coolers, between the facilities of Air-X-Changers at (a) Houston and Longview, TX, and (b) Port of Catoosa and Tulsa, OK, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Air-X-Changers, of Tulsa, OK. (Hearing site: Tulsa, OK.)

MC 146646 (Sub-83F), filed March 5, 1980. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *metal shelving, tables, checkout counters, and display racks*, from the facilities of Maytex Manufacturing Company, at or near Terrell, TX, to points in IA, IL, MN, MI, MT, NC, MN, NY, OH, PA, and WY. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Dallas, TX, or Birmingham, AL.)

MC 147717 (Sub-2F), filed March 17, 1980. Applicant: S.M.D. INDUSTRIES, a Massachusetts corporation, 46 Skiff St., Hamden, CT 06517. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. Transporting (a) *electrical battery storage assemblies, batteries, battery parts, and chargers*,

between the facilities of Gould, Inc., at or near (a) Kankakee and Bradley, IL, and (b) King of Prussia, PA, on the one hand, and, on the other, points in NJ, NY, CT, RI, MA, NH, VT, and ME, restricted to traffic originating at or destined to the named facilities, and (b) *circuit breakers and switches*, between the facilities of Echlin Mfg. Co., at or near Branford, CT, on the one hand, and, on the other, points in NY and PA, restricted to traffic originating at or destined to the named facilities. Condition: Carrier shall conduct its for-hire motor carrier activities and its other business activities independently and shall maintain separate records for each. (Hearing site: Boston, MA, or Hartford, CT.)

MC 147717 (Sub-3F), filed March 17, 1980. Applicant: S.M.D. INDUSTRIES, INC., 46 Skiff St., Hamden, CT 06517. Representative: Walter L. Weart, 548 Anita St., Des Plaines, IL 60016. Transporting *such commodities* as are dealt in by retail food and grocery houses (except commodities in bulk), from points in NY, NJ, PA, OH, IN, IL, MN, and WI, to the facilities of Purity Supreme Co., at or near N. Billerica, MA, restricted to traffic destined to the named facilities. Conditions: Carrier shall conduct its for-hire motor carrier activities and its other business activities independently and shall maintain separate records for each. (Hearing site: Boston, MA, or Hartford, CT.)

MC 149237 (Sub-2F), filed March 14, 1980. Applicant: WATSON TRUCKING CO., a corporation, 8412 Lou Court, Louisville, KY 40219. Representative: William P. Whitney, Jr., P.O. Box 19097, Louisville, KY 40219. *Contract carrier*, transporting *carpet*, from points in SC and GA, to points in KY and IN, under continuing contract(s) with Kinnaird & Francke Interiors, Inc., of Louisville, KY; Thoroughbred Carpet Distributors, Inc., d/b/a Kinnaird & Francke, of Lexington, KY; Kanco, Inc., d/b/a Kinnaird & Francke, of Bowling Green, KY; and Louisville Floor Covering Corp., Inc., d/b/a Stevens Floor Covering Co., of Louisville, KY. (Hearing site: Louisville, KY.)

MC 149386 (Sub-1F), filed January 20, 1980. Applicant: LIQUID SUGAR TRANSPORTATION CORPORATION, 1265 66th St., Oakland, CA 94609. Representative: Walter H. Walker III, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract carrier*, transporting (1) *liquid food grade sweeteners*, in bulk, and (2) *dry granulated food grade sweeteners*, between points in CA, OR, WA, ID, MT, UT, NV, AZ, NM, WY, CO, and TX, under continuing contract(s) with Liquid Sugars, Inc., of Oakland, CA. (Hearing site: San Francisco, CA.)

MC 150246 (Sub-1F), filed March 7, 1980. Applicant: BENTON TRUCKING SERVICE, INC., 13331 Inkster Rd., Livonia, MI 48150. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. Transporting (1) *frozen meats*, and (2) *frozen seafood* otherwise exempt from economic regulation pursuant to 49 U.S.C. § 10526(a)(6), in mixed loads with frozen meats, from Dublin, CA, to points in the Untied States (except AK, HI, and CA). (Hearing site: San Francisco, CA.)

MC 150267F, filed February 26, 1980. Applicant: McARDLE TRANSPORTATION, INC., Rt. 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc., at or near (a) Joslin, IL, and (b) Davenport, IA, to points in AZ, CA, and NV. (Hearing site: Chicago, IL.)

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Decided: April 18, 1980.

By the Commission Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 11207 (Sub-533F), filed March 12, 1980. Applicant: DEATON INC., 317 Ave. W., Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *plumbing fixtures*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Kohler Co. at or near Spartanburg, SC, on the one hand, and, on the other, those points in the US in and east of MI, IN, KY, TN, and MS. (Hearing site: Greenville, SC, or Washington, AL.)

MC 21866 (Sub-150F), filed March 11, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Barry D. Kleban, 1430 Land Title bldg., Philadelphia, PA 19110. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in the US (except AK and HI), to those points in PA in and south of Monroe, Carbon and Schuylkill Counties, PA, and in and east of Schuylkill, Berks and Chester Counties, PA, those in NJ, and New York, NY. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 26396 (Sub-347F), filed February 26, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *starch*, (except in bulk), from Keokuk, IA to points in the US and east of ND, SD, NE, MO, AR and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of starch (except commodities in bulk), in the reverse direction. (Hearing site: Des Moines, IA, or Billings, MT.)

MC 59856 (Sub-877F), filed March 12, 1980. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601. Representative: John R. Davidson, Rm 805, 1st Bank Bldg., Billings, MT 59101. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Casper, WY and St. Paul, MN from Casper over Interstate Hwy 25 and U.S. Hwy 87 to junction WY Hwy 387, then over WY Hwy 387 to junction WY Hwy 59, then over WY Hwy 59 to junction Interstate Hwy 90 at or near Gillette, WY, then over Interstate Hwy 90 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Interstate Hwy 35W, then over Interstate Hwy 35W to Minneapolis, then over Interstate Hwy 35E to St. Paul, and return over the same route, serving the intermediate points of Gillette, WY and Rapid City, SD. (Hearing site: Minneapolis, MN, or Casper, WY.)

Note.—Applicant states it intends to tack this authority with its existing authority at Casper, WY, Gillette, WY and Rapid City, SD.

MC 105007 (Sub-70F), filed March 14, 1980. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles*, (1) from Chicago, IL, Middletown, OH and Pittsburgh, PA, to Grinnell, IA, Nicholasville, KY, Chillicothe, MO, St. Paul, MN and Milwaukee, WI, (2) from Middletown, OH, and Pittsburgh, PA, to Chicago and Dixon, IL, Frankfort, IN, Cresco and Oelwein, IA, and Kirksville, MO, (3) from Chicago, IL, to Frankfort, IN and Kirksville, MO, and (4) from Milwaukee,

WI to Dixon, IL, Frankfort, IN, and Kirksville, MO. (Hearing site: Minneapolis, MN.)

MC 107576 (Sub-30F), filed March 11, 1980. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 SE. Water Ave., Portland, OR 97214. Representative: Ben D. Browning (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, and those requiring special equipment), between Seattle, WA, and Medford, OR over Interstate Hwy 5, serving the intermediate points of Tacoma, WA and Eugene, OR, and serving points in Jackson and Josephine Counties, OR as off-route points. (Hearing site: Portland, OR, or Seattle, WA.)

MC 110686 (Sub-64F), filed March 14, 1980. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherlund, 1150 Connecticut Ave. NW., Suite 400, Washington, DC 20036. Transporting (1) *water heaters, hot water storage tanks, and household heating boilers,* from McBee, SC, to those points in the US in and east of MN, IA, MO, AR, and LA, and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1), in the reverse direction. (Hearing site: Milwaukee, WI.)

MC 113106 (Sub-91F), filed March 14, 1980. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. Transporting *glass containers,* from Millville, NJ, to points in VA. (Hearing site: Washington, DC.)

MC 116947 (Sub-82F), filed March 10, 1980. Applicant: SCOTT TRANSFER CO., INC., 1190 Sylvan Rd., Atlanta, GA 30310. Representative: William Addams, Suite 212, 5299 Roswell Rd. NE., Atlanta, GA 30342. Contract carrier, transporting *industrial cleaners, deodorizers, weed-killers, insecticides* and *materials and supplies,* used in the distribution of the named commodities, between points in DeKalb County, GA, on the one hand, and, on the other, points in OH, PA, IN, and IL, under continuing contract(s) with Oxford Chemicals, Inc., of Atlanta, GA. (Hearing site: Atlanta, GA.)

Note.—Dual Operations may be involved.

MC 118846 (Sub-20F), filed March 14, 1980. Applicant: DALE JESSUP, INC., RR 1, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. Contract carrier, transporting *steel chain,* from the facilities of Diamond Chain Co., a division of Amsted Industries, at Indianapolis, IN, to points in GA, TX, CA, and AL, under continuing contract(s) with Diamond Chain Company, of Indianapolis, IN. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 118846 (Sub-21F), filed March 12, 1980. Applicant: DALE JESSUP, INC. RR #1, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, IN 46204. *Contract carrier,* transporting *animal and poultry feed* (except in bulk), from Decatur, IL, to points in AZ, CA, ID, MT, NV, OR, UT, and WA, under continuing contract(s) with A. E. Staley Mfg., Co., of Decatur, IL. (Hearing site: Indianapolis, IN or Washington, DC.)

MC 119777 (Sub-464F), filed March 14, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *paper and paper products,* from points in Camden County, GA, to points in the United States (except AK and HI). (Hearing site: Jacksonville, FL.)

MC 119777 (Sub-465F), filed March 12, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85, East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *insulated copper wire,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of insulated copper wire, between Houston, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 126276 (Sub-216F), filed January 25, 1980, previously noticed in the **Federal Register** issue of April 8, 1980. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *Contract carrier,* transporting *containers, container closures, containers components and scrap material; and equipment and supplies used in the manufacture and distribution of containers* (except commodities in bulk and those commodities which because of size and weight require the use of special equipment), between points in the U.S. in and east of MT, WY, UT and NM, under continuing contract(s) with W. H. Hutchinson and National Can Corporation, Both of Chicago, IL, and Foster Forbes Glass, or Marion, IN. (Hearing site: Chicago, IL.)

Note.—The purpose of this republication is to notice all of the contracting shippers.

MC 136077 (Sub-18F), filed September 10, 1979. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Sheri B. Friedman, 1600 Land Title Bldg., 100 So. Broad St., Philadelphia, PA 19110. Transporting *fly ash,* in bulk, in pneumatic tank vehicles, between the facilities of National Mineral Corporation, at Westmoreland, Indiana, and Berks Counties, PA, and points in NY, CT, RI, and MA. (Hearing site: Philadelphia, PA.)

MC 136786 (Sub-216F), filed March 12, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *frozen fruits and frozen vegetables,* between the facilities used by Curtice-Burns, Inc., at or near Brockport and Holley, NY, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 136786 (Sub-217F), filed March 12, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd St., Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *foodstuffs,* (except in bulk, in tank vehicles), from the facilities of Aunt Jane's Foods, Inc. at or near Croswell, MI to points in CT, VT, DE, IA, KS, MA, MD, ME, MO, NE, NH, NJ, NY, OK, PA, RI, TX, and DC. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 136877 (Sub-6F), filed March 13, 1980. Applicant: P & G MOTOR EXPRESS, INC., 601 Collinsville Ave., P.O. Box 485, East St. Louis, IL 62201. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1)(a) *household cleaning, scouring, and washing compounds,* and (b) *containers* for the commodities in (1)(a), above, from the facilities of Purex Corporation, at St. Louis, MO, to points in IL; and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1)(a) and (1)(b) above, in the reverse direction. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 138157 (Sub-229F), filed March 14, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37412.

Representative: Patrick E. Quinn (same address as applicant). Transporting (1) *paperboard products* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paperboard products, (except commodities in bulk), between Chattanooga, TN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Southern Champion Tray Co. (Hearing site: Atlanta, GA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-231F), filed March 17, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn P.O. Box 9596, Chattanooga, TN 37412. Transporting *such commodities* as are dealt in by paint, hardware, and home improvement center stores, between Bridgeview, IL, and Oakland, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 138157 (Sub-232F), filed March 17, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn P.O. Box 9596, Chattanooga, TN 37412. Transporting *plastic articles,* (except in bulk), from Indianapolis, IN, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of W. R. Grace & Co. (Hearing site: Philadelphia, PA.)

Note.—Dual operations may be involved.

MC 139457 (Sub-23F), filed February 25, 1980. Applicant: G. L. SKIDMORE d.b.a. SKIDMORE TRUCKING COMPANY, P.O. Box 38, Paris, TX 75460. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Contract carrier,* transporting (1) *canned and preserved foodstuffs* and *canned and packaged animal food,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from the facilities of German Village Products, Inc., at or near Wauseon, OH, to Dallas and Paris, TX, under continuing contract(s) with German Village Products, Inc., of Napoleon, OH. (Hearing site: Dallas, TX, or Washington, DC.)

MC 143857 (Sub-1F), filed March 17, 1980. Applicant: VAN DE HOGEN CARTAGE LIMITED, 2590 Dougall Ave., Windsor, Ontario, Canada M8X 1T7. Representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, NY 14202. Transporting (1) *building materials,* (2) *sand,* and (3) *lumber and lumber products,* between points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Detroit, MI, or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 144117 (Sub-64F), filed March 10, 1980. Applicant: T. L. C. LINES, INC., P.O. Box 1090, 1666 Fabrick Dr., Fenton, MO 63026. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *plastic articles, and rubber articles,* from the facilities of Entek Corporation of America, at Irving, TX, to points in AZ, CA, CO, FL, ID, IL, IN, KY, MI, MO, MT, NV, NJ, NM, NY, OH, OR, PA, UT, WA, WV, and WY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas, TX.)

MC 146616 (Sub-10F), filed March 4, 1980. Applicant: B & H MOTOR FREIGHT, INC., 3314 East 51st St., Suite B, Tulsa, OK 74135. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East 4th St., Tulsa, OK 74103. *Contract carrier,* transporting (1) *structural steel,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of structural steel, between the facilities of Muskogee Iron Works, Inc., at Muskogee, OK, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Muskogee Iron Works, Inc., of Muskogee, OK. (Hearing site: Tulsa, OK.)

MC 146646 (Sub-84F), filed March 17, 1980. Applicant: BRISTOW TRUCKING COMPANY, a corporation, P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *containers and container ends,* from Salisbury, NC, and Bristol, VA, to the facilities of Shasta Beverages, at or near Birmingham, AL. Condition: Person or persons who appears to be engaged in common control between applicant and other regulated carrier must either file an application under 49 U.S.C. 11343(a) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Birmingham or Montgomery, AL.)

MC 146646 (Sub-85F), filed March 14, 1980. Applicant: BRISTOW TRUCKING COMPANY, a Corporation, P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *metal and metal articles* between points in the United States (except AK and HI), restricted to traffic originating at or destined to the facilities of Jim Walter Metals. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 US.C. 11343(A) of the Interstate Commerce Act,or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Tampa, FL, or Birmingham, AL.)

MC 147536 (Sub-21F), filed March 12, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) *containers, container ends and closures,* (2) *such commodities* as are made or used by manufacturers and distributors of containers, when moving in mixed loads with containers, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (except commodities in bulk, in tank vehicles), between Ada and Muskogee, OK, and points in AZ, CA, CO, ID, MT, NV, MN, OR, UT, WA, and WY. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 147547 (Sub-2F), filed July 30, 1979. Applicant: R & D TRUCKING CO., INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting (1) *paper* and *paper products* and (2) *materials, equipment* and *supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk) between points in and east of ND, SD, NC, KS, OK and TX, restricted to the transportation of traffic originating at or destined to facilities of Champion International Corporation. (Hearing site: Cincinnati, OH, or Washington, D.C.)

Note.—Dual operations may be involved.

MC 148457 (Sub-2F), filed March 17, 1980. Applicant: INTERIOR TRANSPORT, LTD., Box 7, Group 200, R.R. 2, Winnipeg, Manitoba, Canada R3C 2E6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Contract carrier, transporting *stone products,* from ports of entry on the international boundary line between the United States and Canada in MN and ND to points in MN and ND, under continuing contract(s) with Steel Brothers of Canada, Ltd., of Winnipeg, Manitoba, Canada. (Hearing site: Minneapolis or St. Paul, MN.)

MC 148966 (Sub-1F), filed March 13, 1980. Applicant: DROTZMANN, INC., P.O. Box 10187, Yakima, WA 98909. Representative: James M. Hodge, 1980

Financial Center, Des Moines, IA 50309. Transporting *frozen bagels*, from the facilities of Abels Bagels, Inc., at Buffalo, NY, to points in CA, CO, IA, NE, NV, OR, UT and WA. (Hearing site: Buffalo, NY.)

MC 150307 (Sub-1F), filed March 4, 1980. Applicant: TIP TOP SERVICE, INC., 14412 State Rd. #530 NE., Arlington, WA 98223. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Transporting (1) *building materials*, and (2) *lumber and lumber products*, between points in WA, OR, ID, and MT. (Hearing site: Seattle, WA.)

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Decided: April 29, 1980.

By the Commission, Review Board No. 2, members Liberman, Eaton and Jensen.

MC 3246 (Sub-22F), filed March 17, 1980. Applicant: MATERSON TRANSFER CO., INC., 3000 Pennsylvania Avenue West, Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. Transporting (1) *plastic articles and wire*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution on the commodities in (1) above (except commodities in bulk), between the facilities of G.T.E. Products Corporation, at Warren, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI and points in Chautauqua, Cattaraugus and Erie Counties, NY). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 11207 (Sub-537F), filed March 19, 1980. Applicant: DEATON, INC., 317 Avenue W., Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between West Blockton, AL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN, and TX, and (2) between Brent, AL, on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—(Hearing site: Birmingham, AL or Washington, DC.)

MC 51146 (Sub-833F), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *materials, equipment, and supplies* used in the manufacture and assembly of motor vehicles, between the facilities of General Motors Corporation, at Janesville, WI, and points in IL, IN, MI, MO, NY, and OH. (Hearing site: Detroit, MI or Chicago, IL.)

MC 51146 (Sub-834F), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *such commodities* as are dealt in, or used by, manufacturers of porcelain products (except commodities in bulk), from Robbins, NC, Gleason, TN, Monticello, GA, Wedron, IL, Zanesville, OH, Custer, SD, and Edgar, FL, to the facilities of Wisconsin Porcelain Company, at or near Sun Prairie, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 95876 (Sub-342F), filed February 25, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). Transporting (1) *roofing and sheeting*, and (2) *materials and supplies* used in the installation of the commodities in (1) above (except commodities in bulk), from Connersville, IN, Batavia, OH and Ambridge, PA, to those points in the US in and west of WI, IL, MO, AR, and LA (except AK and HI). (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 99136 (Sub-5F), filed March 7, 1980. Applicant: CHARLES C. TOWNE & SONS, INC., 25 Hampshire Road, P.O. Box 245, Methuen, MA 01844. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting (1) *book pages*, from Westford, MA, to Brattleboro, VT; (2) *pallets and skids*, from Brattleboro, VT, to Westford, MA; and (3) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in MA. Condition: Coincidental cancellation at carrier's written request, of its certificate of registration in MC–99136 (Sub-2). (Hearing site: Boston MA.)

MC 107006 (Sub-8F), filed March 19, 1980. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, Springfield, OH 45501. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. *Contract carrier*, transporting (1) *fabricated reinforcing steel and welded wire mesh*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of fabricated steel (except commodities in bulk), between the facilities of Wolverine Re-Steel Fabricators, Inc., at or near New Hudson, MI, on the one hand, and, on the other, points in OH, IN, and KY, under continuing contract(s) with Wolverine Re-Steel Fabricators, Inc., of New Hudson, MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 115826 (Sub-582F), filed March 13, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, those which, because of size and weight, require special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities used by W. W. Grainger, Inc. (Hearing site: Chicago, IL.)

MC 119777 (Sub-469F), filed March 12, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85-East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *pre-fabricated log homes*, and (2) *parts and accessories* used in the installation of pre-fabricated log homes, from points in Sevier County, TN, to points in the US (except AK and HI). (Hearing site: Knoxville, TN, or Atlanta, GA.)

MC 121377 (Sub-4F), filed March 13, 1980. Applicant: L D S TRUCK LINES, 2211 Wood St., Oakland, CA 94607. Representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, CA 90212. Transporting *general commodities* (except classes A and B explosives, automobiles, household goods as defined by the Commission and commodities in bulk), between points in CA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of certificate of registration MC–121377 Sub 3. (Hearing site: San Francisco, CA.)

MC 121496 (Sub-45F), filed March 19, 1980. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Building, Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Transporting *chemicals*, in bulk, in tank vehicles, between the facilities of Virginia Chemicals Inc., at LeMoyne, AL, on the one hand, and, on the other, points in TX and LA. (Hearing site: Washington, DC.)

MC 128356 (Sub-14F), filed August 30, 1979, previously noticed in the FR issue of March 11, 1980. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., Boot Rd and Chestnut St., Downington, PA 19335.

Representative: David N. Hofstein, 3 Parkway, 20th Floor, Philadelphia, PA 19102. Transporting (1) *commercial trailers* (except office trailers), trailer chassis, and containers in truckway service, and (2) *Parts*, including reusable shipping devices, for the commodities in (1) above, between the facilities of authorized Trailer Division of the Budd Company, including its authorized dealers and representatives, and points in the U.S. (except AK and HI). (Hearing site: Philadelphia, PA.)

Note.—The purpose of this republication is to correct the territorial and commodity descriptions.

MC 133656 (Sub-5F), filed October 1, 1979. Applicant: TOMBRO TRUCKING LIMITED, P.O. Box 757, Streetsville, Ontario, Canada L5M 202. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. In foreign commerce only, transporting *lumber and composition board*, between ports of entry on the international boundary line between the United States and Canada, at points in ME, VT, NY and MI, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, OH, PA, VT, VA, WV, and WI. Condition: Coincidental cancellation at applicant's written request of its certificate in MC-133656 Sub 4. (Hearing site: Buffalo, NY.)

MC 134286 (Sub-165F), filed March 13, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting *foodstuffs* (except in bulk), from the facilities of Freezer Queen Foods, Inc., at or near Buffalo, NY, to points in VA, GA, NC, TX and WV. (Hearing site: Denver, CO, or Sioux City, IA.)

MC 134806 (Sub-61F), filed September 26, 1979, previously noticed in the FR issue of March 25, 1980. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, DC 20014. *Contract carrier*, transporting *parts, supplies, and equipment* used in the manufacture of aircraft and aircraft sub-assemblies, and assemblies, from points in CA to points in CT, under continuing contract(s) with Sikorsky Aircraft Division, United Technologies Corporation, of Stratford, CT. (Hearing site: Boston, MA., or Washington, DC.)

Note.—The purpose of this republication is to correct the commodity description.

MC 135797 (Sub-321F), filed March 12, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and garden care products, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of Lakeshore Equipment & Supply Co. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 135797 (Sub-322F), filed March 12, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). Transporting *wood shavings* (except in bulk), from Laramie, WY, to points in the U.S. (except AK and HI). (Hearing site: Sioux City, IA, or Washington, DC.)

MC 139006 (Sub-16F), filed March 19, 1980. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. Transporting *glass containers*, from Lincoln, IL, to points in IA, IN, KY, MI, MO, and OH. (Hearing site: Louisville, KY.)

MC 139697 (Sub-7F), filed March 10, 1980. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 56680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier*, transporting *trucks and vans*, in secondary movements, from the facilities of Pathfinder Equipment Company, at Warren, OH, to points in the US (except AK and HI), under continuing contract(s) with Pathfinder Equipment Company, of Warren, OH. (Hearing site: Los Angeles, CA.)

MC 140247 (Sub-6F), filed March 19, 1980. Applicant: ALLSTATE CHARTER LINES, INC., P.O. Box 9022, Fresno, CA 93790. Representative: John Paul Fischer, 256 Montgomery St., 5th Fl., San Francisco, CA 94104. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, between Visalia, Dinuba, Tulare, Goshen, and Hanford, CA, on the one hand, and, on the other, points in the U.S. (except AK, but excluding HI). (Hearing site: San Francisco, CA.)

MC 143866 (Sub-2F), filed March 13, 1980. Applicant: SOONER COACH LINES, INC., 11119–D East 56th St., Tulsa, OK 74145. Representative: Terrel B. DoRemus, 711 Thurston National Bldg., Tulsa, OK 74103. Transporting passengers and their baggage, in special or charter operations, between Tulsa, OK, on the one hand, and, on the other, points in CO and NM. (Hearing site: Oklahoma, TX.)

MC 144927 (Sub-29F), filed March 19, 1980. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, US 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting (1) *pulpboard*, from Piermont, NY, to Eaton, IN, (2) *printing paper* (except newsprint), from West Carrollton, OH, to points in CT, IL, IN, MD, MO, NJ, NY, PA, and VA, (2) *printed matter and paper* used in the manufacture of printed matter from Chicago, Elk Grove Village, Broadview, Itasca, Melrose Park, Peoria, Elgin, and Wood Dale, IL, Berne, IN, Rockville, MD, Kansas City, MO, Saddlebrook, NJ, and Berlin, New Berling, and Milwaukee, WI, to points in CA, WA, OR, and AZ, and those points in the U.S. in and east of MN, IA, MO, AR, and LA, (4) *finished books*, between points in NJ, NY, MA, and PA, (5) *printed matter, paper and paper products, and materials, equipment and supplies* used in the manufacture and distribution of the above-named commodities, between Chicago, Dwight and Mattoon, IL, Crawfordsville, and Warsaw, IN, Willard, OH, Lancaster, PA, Old Saybrook, CT, Spartanburg, SC, Harrisonburg, VA, Glasgow, KY, and Gallatin, TN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, and (6) such commodities as are dealt in by or used by printers, between Corinth, MS, Dresden, TN, Evans, GA, and Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 146927 (Sub-10F), filed March 18, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products (except commodities in bulk), between Palatka, FL, on the one hand, and, on the other, points in LA, MS, TX, AR, TN, AL, GA, and FL. (Hearing site: Washington, DC.)

MC 147227 (Sub-8F), filed March 11, 1980. Applicant: ATLANTIC MARKETING CARRIERS, INC., P.O. Box 493, Kingsburg, CA 93631. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and

those requiring special equipment), moving on bills of lading of shipper's associations as defined in 49 U.S.C. § 10526(5)(a) between Arlington, TX, on the one hand, and, on the other, points in CA, MA, FL, GA, MO, MI, IL, NY, and NJ, and (b) from points in Clinton and Essex Counties, NY, and points in MA and VT, to points in SD, WY, UT, WA, OR, NV, ID, NE, IA, AZ, NM, OK, NC, and SC. (Hearing site: Boston, MA.)

MC 147927 (Sub-2F), filed March 18, 1980. Applicant: GENE MYATT, d.b.a. GENE MYATT TRUCKING, Route 2, Lumberton, MS 39455. Representative: Kent F. Hudson, 202 Main St., P.O. Box 696, Purvis, MS 39475. Transporting *wood sugar molasses*, from the facilities of Masonite Corporation, at Laurel, MS, to points in LA, AL, FL, TN, AR, MO, and GA. (Hearing site: Hattiesburg or Biloxi, MS.)

MC 150176 (Sub-1F), filed March 17, 1980. Applicant: DE MASE TRUCKING CO., INC., 151 North Island Ave., Ramsey, NJ 07446. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *adhesives, waxes, and starch binders* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above (except commodities in bulk), between the facilities of Malcolm Nichol & Co., Inc., at or near Lyndhurst, NJ, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

MC 150356F, filed March 13, 1980. Applicant: J. E. HERRING MOTOR COMPANY, R.D. 6, P.O. Box 232, Somerset, PA 15501. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting (1) *wrecked, disabled and repossessed motor vehicles* (except trailers designed to be drawn by passenger automobiles), and (2) *replacement vehicles* for the commodities in (1) above, between points in Somerset County, PA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, ME, MD, MI, MO, MS, NJ, NY, NC, OH, OK, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Pittsburgh, PA, or Washington, DC.)

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Decided: April 25, 1980.

By the Commission, Review Board No. 3, Members Parker, Fortier and Hill.

MC 11207 (Sub-536F), filed March 19, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *pipe, fittings, valves, and hydrants;* (2) *parts, attachments, and accessories* for the commodities in (1) above; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1) and (2) above (except commodities in bulk), between Coshocton, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL or washington, DC.)

MC 21866 (Sub-153F), filed March 20, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, DC 20036. Transporting (1) *boilers, boiler parts, furnaces, furnace parts, radiators, radiator parts, air coolers, air cooler parts, and iron and steel castings*, and (2) *materials and supplies* used or useful in the manufacture and distribution of the commodities in (1) above between the facilities of Burnham Corporation and its subsidiaries in Lancaster County, PA, on the one hand, and, on the other, points in the US. (excluding AK and HI), restricted to traffic originating at or destined to the facilities of Burnham Corporation or its subsidiaries. (Hearing site: Washington, DC or Philadelphia, PA.)

MC 21866 (Sub-154F), filed March 27, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Barry D. Kleban, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *paper and paper products, plastic and plastic products, aluminium and aluminium products*, and *materials, equipment and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk), between Dallas, TX, Painesville, OH, Cucamonga, CA, Peachtree City, GA, Quakertown, PA, and Niles, IL, on the one hand, and, on the other, points in the US. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Fasson Division of Avery International. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 27817 (Sub-166F), filed March 17, 1980. Applicant: H. C. GABLER, INC., R.D. #3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17201. Transporting *such commodities as are dealt in by grocery and food business houses* (except commodities in bulk), from points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, to the facilities of Belt's Wharf Warehouses, Inc., in Baltimore, MD. (Hearing site: Washington, DC or Harrisburg, PA.)

MC 30837 (Sub-492F), filed December 20, 1979, and previously noticed in the **Federal Register** issue of March 27, 1980. Applicant: KENOSHA AUTO TRANSPORT CORP., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting over irregular routes, in foreign commerce only, *automobiles and trucks* in secondary movements, in truckaway service, from points of entry at Baltimore, MD, and Port Newark, NJ, to points in IL, CT, DE, IN, KY, MD, MA, MI, MN, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Washington, DC.)

Note.—This republication is to correctly reflect the territorial description.

MC 45736 (Sub-61F), filed March 20, 1980. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, NC 28213. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. Transporting raw sugar, in bulk, from points in FL to Port Wentworth, GA. (Hearing site: Savannah, GA.)

MC 51146 (Sub-835F), filed March 17, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting (1) *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to the transportation of traffic originating at or destined to the facilities of the Drackett Company. (Hearing site: Cincinnati, OH, or Chicago, IL.)

MC 95876 (Sub-344F), filed March 20, 1980. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: William L. Libby, (same address as applicant). Transporting (1) *prefabricated metal building, knocked down, and parts for* the foregoing commodities, and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of commodities in (1) above, between Evansville, WI, on the one hand, and, on the other, points in the U.S. (except AK, HI, MN, ND, SD, IA,

OH, PA, NY, MA, CT, RI, NH, VT and ME). (Hearing site: Milwaukee, WI or Chicago, IL.)

MC 105566 (Sub-205F), filed August 10, 1979, and previously noticed in the **Federal Register** issue of March 5, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. Transporting (1) *printed matter,* and (2) *materials, equipment and supplies* (except commodities in bulk), used by printing companies, between Evans, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

Note.—This republication is to correctly reflect the territorial description.

MC 115496 (Sub-130F), filed March 21, 1980. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Hwy 23 South, Cochran, GA 31014. Representative: Ken Simons (address same as applicant). Transporting *roofing and roofing materials,* from Peachtree City, GA, to points in AL, AR, FL, KY, LA, MS and TN. (Hearing site: Atlanta, GA or Macon, GA.)

MC 115826 (Sub-583F), filed March 21, 1980. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting *general commodities* (except foodstuffs and commodities in bulk), between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to facilities used by Hexcel Corporation. (Hearing site: Denver, CO.)

MC 117786 (Sub-101F), filed March 24, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *such commodities as are used or dealt in by wholesale and retail grocery outlets,* from the facilities of Associated Grocers at Phoenix, AZ to points in NM. (Hearing site: Phoenix, AZ.)

MC 119777 (Sub-380F), filed June 5, 1979, previously noticed in the **Federal Register** issue of March 27, 1980, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L" Madisonville, KY 42431. Transporting (1) *construction forms, and construction form material,* and (2) *scaffolding, and scaffolding material,* between points in the U.S. (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities and jobsites of the Ceco Corporation, at Chicago, IL. (Hearing site: Chicago, IL.)

Note.—The purpose of this republication is to correctly state the restriction.

MC 119777 (Sub-405F), filed August 7, 1979, previously noticed in the **Federal Register** issue of March 5, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Box Drawer "L" Madisonville, KY 42431. Transporting (1) *lift trucks forklifts, materials handling equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. in and east of MN, IA, MO, KS, OK, and TX, restricted to the transportation of traffic originating at the facilities or suppliers of Levee Lift, Inc. (Hearing site: Evansville, IN, or Louisville, KY.)

Note.—This republication is to correctly reflect the above restriction.

MC 128577 (Sub-2F), filed March 20, 1980. Applicant: CLYDE'S CHARTER BUS SERVICE, INC., 301 Furnace Branch Rd., Glen Burnie, MD 21061. Representative: Jeremy Kahn, 1511 K St. NW., Suite 733 Investment Bldg., Washington, DC 20005. Transporting *passengers and their baggage,* in round trip charter and special operations, in sightseeing and pleasure tours, beginning and ending at Baltimore and Annapolis, MD, and points in that part of Anne Arundel County, MD, on and north of U.S. Hwy 50, and in that part of Howard County, MD, bounded in Interstate Hwy 95 from the Prince George's County-Howard County line to its intersection with MD Hwy 175, then over MD Hwy 175 to its intersection with U.S. Hwy 29, then over U.S. Hwy 29 to its intersection with Interstate Hwy 70, then over Interstate Hwy 70 to the Howard County-Baltimore County line, including all points on the described highways, and extending to points in the United States (including AK but excluding HI). (Hearing site: Baltimore, MD.)

MC 136647 (Sub-22F), filed September 13, 1979. Applicant: GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, NY 12201. Representative: Gordon L. Sands (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Swift and Co., at Bradley, Chicago, Rochelle, and St. Charles, IL, Glenwood, Marshalltown, and Sioux City, IA, Cactus, TX, and Green Bay, WI, to points in CT, FL, GA, ME, MA, NJ, NY, PA, RI, and VT. (Hearing site: Albany, NY, or Washington, DC.)

MC 138157 (Sub-234F), filed March 20, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Transporting *yarn, and materials, equipment and supplies* used in the manufacture, sale and distribution of yarn, between the facilities of Mid America Yarn Mills, Inc., at or near Yuma, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI). (Hearing site: Oklahoma City, OK and Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 138826 (Sub-7F), filed July 20, 1979, and previously noticed in the FR issue of March 7, 1980. Applicant: JERALD HEDRICK d.b.a. HEDRICK & SON TRUCKING, Rural Route No. 1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *animal and poultry feed and feed ingredients,* between Lafayette, IN, on the one hand, and, on the other, points in MI, NY, OH, and PA. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—This republication is to correctly reflect the requested authority.

MC 138826 (Sub-8F), filed July 24, 1979, and previously noticed in the FR issue of March 18, 1980. Applicant: JERALD HEDRICK d.b.a. HEDRICK & SON TRUCKING, Rural Route No. 1, Warren, IN 46792. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *dry animal and poultry feed, feed ingredients and supplies,* (except in bulk and in tank vehicles), between Portland, IN, on the one hand, and, on the other, points in AR, AL, CT, DE, FL, GA, IL, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Indianapolis, IN, or Chicago, IL.)

Note.—This republication is to correctly reflect the requested authority.

MC 139587 (Sub-23F), filed October 15, 1979, and previously noticed in the FR issue of March 14, 1980. Applicant: BROWN REFRIGERATED EXPRESS, INC., 21st and Sidney, P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *malt beverages,* from St.

Louis, MO to Frontenac, Arkansas City and Ft. Scott, KS. (Hearing site: Kansas City, MO.)

Note.—This republication is to correctly reflect the commodity description. Dual operations may be involved.

MC 140416 (Sub-2F), filed March 3, 1980. Applicant: BOOCHER TRUCKING, INC., R.R. #2, North Manchester, IN 46962. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier*, transporting *feed and feed ingredients*, (a) between the facilities of Ralston Purina Company at or near Milford, IN, on the one hand, and, on the other, points in OH and MI, Bloomington and Mt. Pulaski, IL, and Louisville, KY, and (b) between the facilities of Ralston Purina Company at Lansing, MI, and Circleville, OH, on the one hand, and, on the other, points in IN, under continuing contract(s) with Ralston Purina Company of St. Louis, MO. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 143267 (Sub-101F), filed January 4, 1980, previously noticed in the FR issue of April 8, 1980, and republished this issue. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St., N.W., Washington, DC 20006. Transporting (1) *metal buildings, prefabricated building parts*, and (2) *materials and accessories* used in the installation of the commodities in (1) above, from Cedartown and LaGrange, GA, Broadview, IL, Terre Haute, IN, Chetopa, KS, Oklahoma City, OK, Homer City, Milton and West Middlesex, PA, Houston, TX, and Waukesha, WI, to those points in the United States in and east of MI, WI, IA, MO, KS, OK, and TX. (Hearing site: Cleveland, OH, or Washington, DC.)

Note.—The purpose of this republication is to correctly state the territorial description.

MC 143267 (Sub-107F), filed March 20, 1980. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esquire, 1156 15th St. N.W., Washington, DC 20005. Transporting *iron and steel articles*, from the facilities of The Madison River Terminal, Inc., at Madison, IN, to points in IL, IN, KY, MI and OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 147886 (Sub-9F), filed March 20, 1980. Applicant: A M & M, Inc., P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting *air conditioners, hot air furnaces, and air conditioning and hot air furance equipment, materials and supplies*, from Ft. Smith, AR, Milledgeville, GA, Garland, TX, Orlando, FL, and Jackson, Jonesville and Addison, MI, to points in the U.S. (except AK and HI). (Hearing site: Memphis, TN or Atlanta, GA.)

MC 148987 (Sub-2F), filed March 20, 1980. Applicant: W. C. CARRIERS, INC., P.O. Box 519, Bethany, OK 73008. Representative: Earl M. Walker (same address as applicant). *Contract* carrier, transporting *drilling fluid, drilling fluid additives and chemicals* used in the exploration, development and completion of oil and gas wells, (except commodities in bulk, in tank vehicles), between points in AR, AZ, CA, CO, KS, LA, MT, NE, ND, NM, NV, SD, TX, UT, WY, OK, WA, OR and ID, under continuing contract(s) with Moon Petro-Chem, Inc., of Oklahoma City, OK. (Hearing site: Oklahoma City and Tulsa, OK.)

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Decided: May 14, 1980.

By the Commission, Review Board No. 2, members Eaton, Liberman, and Jensen.

MC 1824 (Sub-120F), filed March 12, 1980. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., 918 Sixteenth St. NW., Washington, DC 20006. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Hwy 24 and U.S. Hwy 23, and Wooster, OH, from junction U.S. Hwys 24 and 23 over U.S. Hwy 23 to junction OH Hwy 25, then over OH Hwy 25 to junction Interstate Hwy 75, then over Interstate Hwy 75 to junction OH Hwy 15, then over OH Hwy 15 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Wooster, and return over the same route, serving all intermediate points, and serving all off-route points in Wood, Hancock, Seneca, Wyandot, Crawford, Richland, and Ashland Counties, OH. (Hearing site: Washington, DC.)

MC 14215 (Sub-85F), filed March 10, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting *used carbon blocks and carbon dust*, in dump vehicles, from the facilities of Eastalco Aluminum Company, at or near Buckeystown, MD, to points in OH. (Hearing site: Washington, DC.)

MC 21694 (Sub-4F), filed March 17, 1980. Applicant: GERARD EXPRESS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *plastic granules*, from North Bergen, NJ, to Baltimore and Federalsburg, MD, Carbondale, PA, Winchester, VA, and points in Fairfield County, CT, and Berkshire County, MA. (Hearing site: New York, NY.)

MC 35334 (Sub-90F), filed March 17, 1980. Applicant: COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago, IL, and Louisville, KY: From Chicago over Interstate Hwy 55 to junction Interstate Hwy 294 at or near Chicago, IL, then over Interstate Hwy 294 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Louisville, and return over the same route, serving no intermediate points, and serving the junctions of Interstate Hwys 65 and 74, and Interstate Hwy 294 and U.S. Hwy 30 for purposes of joinder only, (2) between junction Interstate Hwy 65 and Interstate Hwy 74, and Cincinnati, OH, over Interstate Hwy 74, serving no intermediate points, and serving the junction of Interstate Hwys 65 and 74 for purposes of joinder only, and (3) between junction Interstate Hwy 294 and U.S. Hwy 30, and Columbus, OH: From junction Interstate Hwy 294 and U.S. Hwy 30 over U.S. Hwy 30 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Columbus, and return over the same route, serving no intermediate points, and serving the junction of Interstate Hwy 294 and U.S. Hwy 30 for purposes of joinder only. (Hearing site: New York, NY, or Washington DC.)

Note.—(1) Applicant states it is currently authorized to serve the above points via the circuitous gateway of Sharon, PA. This application is intended to eliminate this gateway. (2) Applicant intends to tack this authority with its existing authority.

MC 61825 (Sub-128F), filed March 6, 1980. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Transporting (1) *film and sheeting*, from the facilities of E. I. du Pont de Nemours & Co., at or near Clinton, IA, to points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, OH, PA, RI, SC, VA, WV, and DC; and (2) *plastics* (except liquid), from the facilities of

Chemplex Company, at or near Clinton, IA, to the destinations described in (1) above, restricted in (1) and (2) to traffic originating at the named facilities. (Hearing site: Washington, DC.)

MC 95084 (Sub-162F), filed March 10, 1980. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *water treatment equipment*, from Ames, IA, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and operation of the commodities in (1) above, between points in the U.S. (except AK and HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 107295 (Sub-972F), filed March 10, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting (1) *prefabricated building parts* and *prefabricated building panels*, and (2) *accessories* for the commodities named in (1) above, from Bristol, CT, to points in the U.S. (except AK and HI). (Hearing site: Boston, MA.)

MC 107295 (Sub-976F), filed March 17, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Todd A. Peterman (same address as applicant). Transporting *insulation materials*, from Sedalia, MO, to points in NE, KS, OK, TX, LA, MS, AL, FL, GA, SC, PA, and MN. (Hearing site: Kansas City, Mo.)

MC 109064 (Sub-43F), filed March 13, 1980. Applicant: TEX-O-KAN TRANSPORTATION CO., INC., 3301 E. Loop 820 South, P.O. Box 8367, Fort Worth, TX 76112. Representative: George C. Jackson (same address as applicant). Transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire Co., at Sterling and Rocky Falls, IL, to points in AR, CO, IA, KS, LA, MO, NE, OK, TX, ND, and SD. (Hearing site: Fort Worth, TX, or Davenport, IA.)

MC 109865 (Sub-16F), filed February 6, 1980, previously noticed in the **Federal Regester** issue of April 22, 1980.

Applicant: VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483. Representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Transporting (1) *passengers* and *their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Hartford and New Haven, CT, and at points in Fairfield County, CT, and extending to points in FL, restricted to passengers having an immediately prior movement in a passenger automobile tendered to carrier for transportation or separate automobile transporters under the authority set forth in part (2), and (2) *passengers' automobiles*, in secondary movements, in truckaway service, between the points set forth in (1) above, restricted to automobiles tendered to carrier by those passengers moving under the authority set out in part (1) above. (Hearing site: Stamford, or Greenwich, CT.)

Note.—This republication indicates the correct territorial description.

MC 110325 (Sub-140F), filed March 11, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Shelby, Tuscaloosa, Jefferson, St. Clair, Blount, Walker, Cullman and Bibb Counties, AL, Bartow, Rockdale, Coweta, Fayette, Spalding, Heard, Cherokee, Burke, Jefferson, Hall, Forsyth, Fulton, Gwinnett, DeKalb, Cobb, Paulding, Haralson, Carroll, Douglas, Clayton, Henry, Columbia, McDuffie, Warren, Glascock and Richmond Counties, GA, and Anson, Union and Rockingham Counties, NC, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Atlanta, GA, or Birmingham, AL.)

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 110325 (Sub-141F), filed March 12, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Oneida, Oswego, Niagara, Erie, Cattaraugus, Orleans, Wyoming, Genesee, Chautauqua, Wayne, Ontario, Livingston, Tompkins, Seneca, Yates, and Monroe Counties, NY, as off-route points in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Buffalo or Syracuse, NY.)

MC 110325 (Sub-142F), filed March 14, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Sheboygan, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Walworth, Racine, and Kenosha Counties, WI, Whiteside, Lee, Rock Island, Henry, Bureau, Knox, Logan, Champaign, Vermillion, Monroe, St. Clair, Douglas, Edgar, Coles, Madison, and Clinton Counties, IL, Newton, Benton, Warren, Fountain, Putnam, Tippecanoe, Montgomery, Parke, and Vermillion Counties, IN, St. Charles, St. Louis, Franklin, Jefferson and Ste. Genevieve Counties, MO, Boone, Story, Marshall, Dallas, Polk, Jasper, Harrison, Shelby, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page Counties, IA, Burt, Dodge, Washington, Butler, Saunders, Douglas, Sarpy, Cass, Lancaster, Seward, Saline, and Otoe Counties, NE, and Sedgwick, Reno, and Harvey Counties, KS as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Danville, IL, Milwaukee, WI, Omaha, NE, and St. Louis, MO.)

MC 110325 (Sub-143F), filed March 17, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105 Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Grants and Milan, NM, as off-route points in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Albuquerque, NM.)

Note.—Applicant intends to tack this with unit its existing regular route authority.

MC 111045 (Sub-184F), filed March 17, 1980. Applicant: REDWING CARRIERS, INC., 8515 Palm River Rd., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *chemicals*, in bulk, (1) between LeMoyne, AL, and Portsmouth, VA, and (2) from points in TX and LA, to LeMoyne, AL. (Hearing site: Mobile, AL.)

MC 111545 (Sub-301F), filed March 13, 1980. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May

(same address as above.) Transporting (1) *trailers* designed to be drawn by passenger automobiles, and (2) *buildings*, in sections, mounted on wheeled undercarriages, from Louisville, KY, to points in the U.S. (except AK and HI). (Hearing site: Louisville, KY.)

MC 114604 (Sub-113F), filed March 10, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Transporting *malt beverages* (except in bulk), from Detroit, MI, to the facilities of Thomas Beverage Company, in Carroll, Clayton, Cobb, DeKalb, Douglas, Fulton,, Haralson, and Rockdale Counties, GA, restricted to traffic destined to the facilities of Thomas Beverage Company. (Hearing site: Atlanta, GA.)

MC 117165 (Sub-61F), filed March 11, 1980. Applicant: ST. LOUIS FREIGHT LINES, INC., P.O. Box 2140, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *lumber, fiberboard panelling*, and *composition board*, from Grand Rapids, MI to Indianapolis, IN. (Hearing site: Chicago, IL.)

MC 119315 (Sub-30F), filed March 10, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting (1) *cleaning products, scouring products, washing compounds, cloths, fabric sizing, textile softeners, and steel wool*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Salem and Roanoke, VA, Bristol and Cornwell Heights, PA, New Castle, DE, Paterson, South Kearney, and Hackensack, NJ, and Etowah, TN, on the one hand, and, on the other, Toledo, London, and Columbus, OH, and Chicago, IL, restricted to traffic originating at or destined to the facilities of Purex Corporation. (Hearing site: Columbus, OH.)

MC 121664 (Sub-115F), filed March 13, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *coil steel*, from Fairfield, AL, to St. Gabriel, LA, Bladenboro, NC, and Memphis, TN. (Hearing site: Birmingham, AL.)

MC 121664 (Sub-116F), filed March 13, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *steel tubing*, from Union, MO, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: St. Louis, MO, or Birmingham, AL.)

MC 129645 (Sub-79F), filed January 14, 1980, previously noticed in the FR on April 8, 1980. Applicant: SMEESTER BROS., INC., 1330 South Jackson St., Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting, *construction materials*, and *materials* and *supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), (1) between the facilities of The Celotex Corporation, at or near L'Anse, MI, on the one hand, and, on the other, points, in AZ, CA, CO, ID, MT, NV, ND, NM, OR, SD, TX, UT, WA, and WY, (2) between the facilities of The Celotex Corporation, at or near Texarkana, AR, on the one hand, and, on the other, points, in IA, KS, MI, MN, MO, NE, ND, OK, SD, and WI, and (3) between the facilities of The Celotex Corporation, at or near Fort Dodge, IA, on the one hand, and, on the other, points in MN, and WI. (Hearing site: Tampa, FL, or Little Rock, AR.)

Note.—This republication corrects part (3) in the destinations to show points in MN and WI, instead of MI and WI.

MC 129994 (Sub-42F), filed March 17, 1980. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Ave., Salt Lake City, UT 84107. Representative: Marilyn McNeil (same address as applicant). Transporting *lime* (except in bulk), from Dolomite, UT, to points in AZ, CA, CO, and NV. (Hearing site: Salt Lake City, UT, or Los Angeles, CA.)

MC 134134 (Sub-68F), filed March 13, 1980. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. Transporting *alcoholic beverages* and *wines*, (except in bulk, in tank vehicles), from the facilities of Heublein, Inc., at or near Hartford, CT, to points in MI, IN, KY, TN, WI, IL, MN, IA, MO, AR, ND, SD, NE, KS, OK, WY, and CO. (Hearing site: Hartford, CT, or Boston, MA.)

MC 134235 (Sub-28F), filed March 13, 1980. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. Transporting (1) parts for unit drainage systems, and (2) *materials* used in the manufacture of unit drainage systems, from points in the U.S. (except AK and HI), to the facilities of Aco Drain, Incorporated, at or near Chardon, OH. (Hearing site: Cleveland, OH.)

Note.—Dual operations may be involved.

MC 134404 (Sub-64F), filed March 8, 1980. applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, transporting (1) *cleaning products, toilet preparations*, and *foods* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MT, WY, CO, and NM, under continuing contract(s) with The Drackett Products Company, division of Bristol Meyers Company, of Cincinnati, OH. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 135524 (Sub-116F), filed March 7, 1980. Applicant: G.F. TRUCKING CO., a corporation, P.O. box 229, 1028 West Rayen Ave., Youngston, OH 44501. Representative: George Fedorisin, 914 Salts Springs Rd. Youngstown, OH 44509. Transporting *cleaning, washing, buffing*, and *polishing compounds, textile softeners, lubricants, hypochloride solutions, deodorants, disinfectants*, and *paints* (except in bulk), between the facilities of Economics Laboratory, Inc., at Avenel, NJ, Joiliet, IL, Dallas, TX, San Jose and Los Angeles, CA, on the one hand and, on the other, points in the U.S. (except AK and HI). (Hearing site: Columbus, OH, or Minneapolis, MN.)

MC 136315 (Sub-114F), filed March 6, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) (a) *air polution equipment*, and *metal fabrications* and (b) *accessories* for the commodities in (1)(a) above, from the facilities of Young Sales Corporation, St. Louis Blow Pipe Division, in Lauderdale County, MS, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture, fabrication, and distribution of the commodities named in (1) above (except commodities in bulk, in tank vehicles), in the reverse direction, restricted to traffic originating at or destined to the named facilities. (Hearing site: Jackson, MS, or Washington, DC.)

Note.—Dual operations may be involved.

MC 136315 (Sub-116F), filed March 11, 1980. Applicant: OLEN BURRAGE

TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, 236 East Capital St., Jackson, MS 39205. Transporting *building materials* (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities used by Steel & Roof Structures Corporation. (Hearing site: Memphis, TN or Washington, DC.)

Note.—Dual operations may be involved.

MC 136635 (Sub-35F), filed March 13, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *metals,* and *equipment and supplies* used in the manufacture of metals (except commodities in bulk), between the facilities of Metal Service & Supply Co., at or near (a) Indianapolis, IN, and (b) Louisville, KY, on the one hand, and, on the other, Steubenville, Pittsburgh, and Allenport, PA, and points in IL, IN, KY, MI, and OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 138844 (Sub-16F), filed March 17, 1980. Applicant: TRANSGAS, INC., 95 East Merrimack St., Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226. In foreign commerce only, transporting *liquid ethylene,* in bulk, in tank vehicles, from ports of entry on the international boundary line between the U.S. and Canada in MI and NY, to points in MI, NY, IA, IL, IN, OH, KY, PA, WV, DE, and NJ. (Hearing site: Detroit, MI, or Boston, MA.)

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 139495 (Sub-531F), filed March 12, 1980. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of McCroy Stores. (Hearing site: Washington, DC.)

MC 140024 (Sub-182F), filed March 10, 1980. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *bananas,* from Albany and New York, NY, Boston, MA, Newark, NJ, Philadelphia, PA, Wilmington, DE, Baltimore, MD, Norfolk, VA, and Charleston, SC to points in CO, NE, KS, MO, MN, IL, WI, MI, IN, OH, and PA. (Hearing site: Washington, D.C., or Philadelphia, PA.)

MC 140645 (Sub-16F), filed March 17, 1980. Applicant: UNITED TRUCKING, INC., 100 Stoffel Dr., Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier,* transporting (1) *containers,* and *container ends,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Arden, NC, on the one hand, and, on the other, points in AL, FL, GA, IN, IL, LA, MI, MD, MS, NJ, NY, OH, PA, SC, VA, and WV, under continuing contract(s) with Southern Can Company, of Tallapoosa, GA. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 140665 (Sub-100F), filed February 22, 1980. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. Transporting *meats, meat products* and *meat by-products,* and *articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in IA, KS, MO, and NE, to points in CA and NV. (Hearing site: San Francisco, CA, or Washington, DC.)

MC 141804 (Sub-382F), filed February 26, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and frozen foods), between points in the U.S. (except AK and HI), restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8). (Hearing site: Los Angeles, CA.)

MC 141804 (Sub-391F), filed March 13, 1980. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *footwear,* from points in King County, WA, to points in IN and GA. (Hearing site: Los Angeles, CA.)

MC 143775 (Sub-146F), filed March 10, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in KY and TN, to points in AZ, CA, ID, NV, OR, UT, and WA, restricted to traffic originating at or destined to the facilities used by Mid-South Shippers Association. (Hearing site: Nashville, TN, or Phoenix, AZ.)

Note.—Dual operations may be involved.

MC 143775 (Sub-147F), filed March 11, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *metal wire and cable,* from Shrewsbury, MA, to points in CO, FL, OR, GA, and WA. (Hearing site: Boston, MA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 145305 (Sub-2F), filed March 13, 1980. Applicant: BEVTRANS, INC., P.O. Box 778, Hartford, CT 06101. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. *Contract carrier,* transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages and wines, between the facilities of Heublein, Inc., at or near Hartford, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Heublein, Inc., of Hartford, CT. (Hearing site: New York, NY, or Washington, DC.)

MC 145305 (Sub-3F), filed March 13, 1980. Applicant: BEVTRANS, INC., P.O. Box 778, Hartford, CT 06101. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. *Contract carrier,* transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages and wines between the facilities of Heublein, Inc., at or near Detroit, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Heublein, Inc., of Hartford, CT. (Hearing site: New York, NY, or Washington, DC.)

MC 145305 (Sub-4F), filed March 13, 1980. Applicant: BEVTRANS, INC., P.O. Box 778, Hartford, CT 06101. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. *Contract carrier,* transporting *such commodities* as are dealt in or used by producers and distributors of alcoholic beverages and wines, between the facilities of Heublein, Inc., in San Mateo and San Francisco Counties, CA, on the one hand, and, on the other,

points in the U.S. (except AK and HI), under continuing contract(s) with Heublein, Inc., of Hartford, CT. (Hearing site: New York, NY, or Washington, DC.)

MC 147074 (Sub-13F), filed March 6, 1980. Applicant: E Z FREIGHT LINES, a corporation, Gould & E. 46th St., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *cast iron bars*, and *bronze bars*, between Newark, NJ, on the one hand, and, on the other, points in CT, IL, IN, MA, MI, NY, NC, OH, PA, SC, VA, and WV. (Hearing site: Newark, NJ.)

Note.—Dual operations may be involved.

MC 147474 (Sub-4F), filed March 13, 1980. Applicant: SOUTHWIRE COMPANY, a corporation, 126 Fertilla St., Carrollton, GA 30117. Representative: Theordore M. Forbes, Jr., 4000 First National Bank Tower, Atlanta, GA 30303. Transporting *plastic articles, copper rod, wire,* and *paint*, from Abingdon and Roanoke, VA, Houston and El Paso, TX, Cape Girardeau and St. Louis, MO, Forest City, NC, Frankfort and Ft. Wayne, IN, and Schenectady and Chatham, NY, to points in GA. (Hearing site: Atlanta, GA.)

MC 147524 (Sub-3F), filed March 11, 1980. Applicant: SINED LEASING, INC., 108 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, 17th Floor, 1234 Market St., Philadelphia, PA 19107. *Contract carrier*, transporting *corn products*, from Clinton, IA, Lexington, NC, Frazier, PA, Chicago, IL, Montezuma, NY, to points in WI, IL, MI, IN, OH, PA, NY, NJ, CT, RI, MA, NH, VT, DE, MD, VA, WV, NC, SC, GA, KY, FL, TN, and DC, under continuing contract(s) with Clinton Corn Processing Company, of Clinton, IA. (Hearing site: Philadelphia or Harrisburg, PA.)

MC 147975 (Sub-2F), filed January 22, 1980. Applicant: IEGO TRANSPORTING SYSTEMS CORPORATION, 1975 Chariton St., No. 5, Los Angeles, CA 90034. Representative: Greg P. Stefflre, 700 South Flower St., Suite 1724, Los Angeles, CA 90017. *Contract carrier*, transporting (1) *meat, meat byproducts and animal food*, and (2) *materials* used in the manufacture of animal food (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at, near, or in (a) Birmingham, AL, (b) Odgen, UT, (c) Matoon, IL, (d) Columbus, OH, (e) Amarillo, TX, and (f) Los Angeles and Orange Counties, CA, on the one hand, and, on the other points in the U.S. (except AK and HI), under continuing contract(s) with Kal Kan Foods, Inc., of Los Angeles, CA. (Hearing site: Los Angeles, CA.)

MC 148464 (Sub-2F), filed March 6, 1980. Applicant: JACK HATT ENTERPRISES, INC., Fourth Ave. and Second St. East, P.O. Box 2141, Cedar Rapids, IA 52406. Representative: Richard P. Moore, 2720 First Ave. N.E., P.O. Box 1943, Cedar Rapids, IA 52406. *Contract carrier*, transporting *foam automotive parts*, from Iowa City, IA, to Lansing, Wayne, Niles, Detroit, Saline, and Wixom, MI, Norwood, Lorain, and Lordstown, OH, and Kansas City and St. Louis, MO, under continuing contract(s) with Sheller Globe Corporation, of Iowa City, IA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 148985 (Sub-2F), filed March 6, 1980. Applicant: LUNDIN'S DRIVEBACK LIMITED, R.R. #1, Trenton, Ontario, Canada K8V 5P4. Representative: Alex J. Miller, P.O. Box 244, Bloomfield Hills, MI 48013. In foreign commerce only, transporting *buses*, in driveaway service, from ports of entry on the international boundary line between the U.S. and Canada, at Chamberlain and Thousand Island, NY, Detroit, MI, Pembina, ND, and Blaine, WA, to point in the U.S. (except AK and HI). (Hearing site: Detroit, MI, or Chicago, IL.)

MC 149164 (Sub-5F), filed May 7, 1980. Applicant: GENE'S, INC., 6475 Brookville-Salem Rd., Brookville, OH 45309. Representative: John L. Alden, 1396 West Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Transporting (1) *floor coverings*, and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, (except commodities in bulk), between Chicago, IL, Salem, NJ, Dalton and Columbus, GA, and Fort Wayne, IN, on the one hand, and, on the other, Columbus and Cincinnati, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 150174 (Sub-3F), filed December 17, 1979. Applicant: HIVELY TRANSPORTATION, INC., 1100 Lafayette St., York, PA 17405. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. Transporting (1) *building materials* and *insulation materials*, (a) between the facilities of the CertainTeed Corporation, in (i) York County, PA, (ii) Erie County, OH, and (iii) Granville County, NC, and (b) from the facilities of the CertainTeed Corporation, in York County, PA, to points in DE, MD, NJ, NY, NC, OH, VA, WV, and DC, and (2) *materials and supplies* used in the manufacture, installation, and distribution of the commodities in (i) above, in the reverse direction. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 150355F, filed March 17, 1980. Applicant: CLASSIC CITY MOVING AND STORAGE, INC., 120 Oneta St., Athens, GA 30601. Representative: T. James Brannon (same address as applicant). Transporting *used household goods*, between points in Barrow, Clarke, Elbert, Greene, Habersham, Hall, Hart, Jackson, Madison, Morgan, Oconee, Oglethorpe, Stephens and Wilks Counties, GA, on the one hand, and, on the other, points in AL, FL, NC, SC, TN, and VA. (Hearing site: Athens or Atlanta, GA.)

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Decided: May 1, 1980.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

MC 5267 (Sub-20F), filed March 24, 1980. Applicant: ATWOOD TRUCK LINE, INC., 9151 Welby Road, Thornton, CO 80229. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Transporting *fly ash*, from points in Jefferson County, CO, to points in Kimball County, NE. (Hearing site: Denver, CO.)

MC 11207 (Sub-531F), filed March 13, 1980. Applicant: DEATON, INC., 317 Avenue W, Post Office box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting (1) *aluminum and aluminum products* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk, in tank vehicles) between the facilities of Alumax Inc. in Berkeley County, SC, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Charleston, SC or Washington, DC.)

MC 11207 (Sub-532F), filed March 13, 1980. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *iron and steel articles* between Selma, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham, AL, or Washington, DC.)

MC 11207 (Sub-538F), filed March 21, 1980. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting (1) *pipe, fittings, valves, and hydrants*, (2) *parts, attachments, and accessories* for commodities in (1) above, and (3)

materials, equipment, and supplies used in the manufacture and distribution of commodities in (1) and (2) above (except commodities in bulk), between Columbia, MO, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Washington, DC.)

MC 42487 (Sub-984F), filed March 18, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes transporting *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment),* (1) Serving Oconomowoc, WI, as in intermediate point in connection with carrier's present authorized regular route operations over WI Hwy 16, (formerly U.S. Hwy 16) (2) between Waukesha and Oconomowoc, WI, serving no intermediate points: From Waukesha over U.S. Hwy 18 to junction WI Hwy 67, then over WI Hwy 67 to Oconomowoc, and return over the same route. (Hearing site: Milwaukee, WI, or Chicago, IL.)

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will tack with present authority of Applicant at Waukesha, WI in MC 42487 Sub 578. Also, Oconomowoc, WI will be an intermediate point in connection with a present service route found in Docket No. MC 42487 Sub 578. Docket No. MC 42487 Sub 578, in turn, will be joined with other authorities of Applicant at common service points to permit service throughout the United States.

MC 51146 (Sub-837F), filed March 24, 1980. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *automotive parts and accessories,* from points in the U.S. (except AL and HI) to points in WI. (Hearing site: Green Bay, WI.)

MC 66886 (Sub-82F), filed March 20, 1980. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *lumber, lumber mill products, paneling, plywood, and building materials,* from the facilities of Galveston Wharves at or near Galveston, TX, to points in TX, NE, KS, OK and MO. (Hearing site: Dallas, TX.)

MC 111856 (Sub-12F), filed January 25, 1980. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mobile and York, AL: from Mobile over U.S. Hwy 43 to junction AL Hwy 56, at or near Wagarville, AL, then over AL Hwy 56 to junction AL Hwy 17, at or near Chatam, AL, then over AL Hwy 17 to York, AL, and return over the same route, serving all intermediate points and serving as off-route points Bladon Springs, Franksville, Kenton, and St. Stephens, AL, (2) between Mobile and Chatam, AL: from Mobile over U.S. Hwy 45 to junction AL Hwy 17, at or near Deer Park, AL, then over AL Hwy 17 to Chatam, AL, and return over the same route, and (3) between Butler and Meridian, MS: from Butler over AL Hwy 10 to junction MS Hwy 19 at the AL-MS State line, then over MS Hwy 19 to Meridian, and return over the same route, serving all intermediate points, and serving the off-route points of Lisman and Riderwood, AL. Condition: The purpose of this application is to modify applicant's Certificate in MC-111856 by deleting the restriction which reads "Restriction: The service authorized herein is subject to the restriction that said carrier shall not transport traffic moving over the above-described routes between Mobile, AL, on the one hand, and, on the other, Meridian, MS.", therefore issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of Certificate MC-111856. (Hearing site: Mobile or Birmington, AL.)

MC 115496 (Sub-129F), filed March 21, 1980. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Ken L. Simons (same address as applicant). Transporting (1) *asphalt, building, and roofing materials, and (2) materials, equipment and supplies* used in the manufacture and distribution of the above named commodities (except iron and steel and commodities in bulk), between the facilities of CertainTeed Corp., at or near Savannah, GA, on the one hand, and, on the other, points in AL, FL, SC, and TN. (Hearing site: Atlanta or Macon, GA.)

MC 117786 (Sub-104F), filed March 13, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 850014. Transporting *alcoholic beverages* (except in bulk in tank vehicles), from points in CA, IL and AR to the facilities of McKesson Wine & Spirits Company in Denver, CO. (Hearing site: Phoenix, AZ.)

MC 121107 (Sub-23F), filed March 24, 1980. Applicant: PITT COUNTY TRANSPORTATION, INC., P.O. Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, 1000 16th St., NW., Washington, DC 20036. Transporting (1) *newsprint,* from points in Laurens County, GA, to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WV, and DC, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of newsprint, (except commodities in bulk), in the reverse direction. (Hearing site: Atlanta, GA, or Washington DC.)

MC 124887 (Sub-114F), filed March 13, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *iron and steel articles and pipe,* and (2) *material, equipment and supplies* used in the production of iron and steel articles and pipe, between Bay County, FL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 128016 (Sub-10F), filed March 24, 1980. Applicant: BRUCE G. BESH, d.b.a. BRUCE G. BESH TRUCKING, 4101 Center Street, Cedar Falls, IA 50613. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. *Contract carrier,* transporting *iron and steel articles and nonferrous articles* from Northbrook, IL, to points in IA, under continuing contract(s) with Fullerton Metals Company, of Northbrook, IL. (Hearing site: Waterloo, IL.)

MC 134197 (Sub-10F), filed March 21, 1980. Applicant: JACKSON AND JOHNSON, INC., Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 25 Curtice Park, Webster, NY 14580. Transporting *foodstuffs* (except in bulk), and *materials, supplies, and equipment* used in the distribution of the foregoing commodities, between the facilities of Lincoln Foods, Inc., at Lawrence, MA, on the one hand, and, on the other, points in NY. (Hearing site: Rochester or Buffalo, NY.)

Note.—Dual operations may be involved.

MC 134286 (Sub-166F), filed March 19, 1980. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). Transporting *ferrous sulfate, fertilizer, and feed grade* (except commodities in bulk), in vehicles

equipped with mechanical refridgeration, from the facilities of Quality Chemicals, Ltd., at or near Baltimore, MD, to points in the U.S. (except AK, HI, IL, IA, MI, NE, KS, and OH). (Hearing site: Baltimore, MD, or Denver, CO.)

MC 134477 (Sub-408F), filed March 24, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *chemicals and tanning extracts* (except commodities in bulk), from points in CT, DE, ME, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and WV to Milwaukee, WI. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-409F), filed March 24, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Transporting *printing paper*, from Benton Harbor, MI to points in IL, IA, MN, MO, NE, ND, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135007 (Sub-82F), filed March 24, 1980. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Contract carrier transporting *chemicals* (1) from points in the U.S. (except AK and HI) to the facilities of Thompson-Hayward Chemical Company at Omaha, NE, and (2) from points in TX to the facilities of Thompson-Hayward Chemical Company at Kansas City, KS, under continuing contract(s) with Thompson-Hayward Chemical Company of Kansas City, KS. (Hearing site: Kansas City, MO.)

MC 136786 (Sub-218F), filed March 24, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. Transporting *foodstuffs* (except in bulk), from the facilities of M & M/Mars Snack-master Division in Albany, GA, to points in AZ, CA, CO, FL, GA, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, OR, PA, TN, TX, and UT. (Hearing site: Minneapolis, MN, or Chicago, IL.)

MC 138157 (Sub-236F), filed March 24, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in Los Angeles and San Diego Counties, CA, to points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at the facilities of Bostrum-Warren, Inc. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 150397F, filed March 14, 1980. Applicant: UNITED COACHES, INC., 4650 Market St., Philadelphia, PA 19139. Representative: Charles J. Williams, 1815 Front St., Schtch Plains, NJ 07076. Transporting *passengers and their baggage*, in charter operations, beginning and ending at Camden, NJ, Philadelphia, PA, and points in Delaware County, PA, and extending to points in the United States, (including AK but excluding HI). (Hearing site: Philadelphia, PA.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-16561 Filed 6-2-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures or Recovery of Fuel Costs; Decision

Decided: May 28, 1980.

In our decisions of May 13 and 20, 1980, a 13-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 13.0 percent. Accordingly, we are authorizing that the 13-percent surcharge for this traffic remain in effect. All owner-operators are to receive compensation at this level. In addition, no change will be authorized in the 2.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, in the 4.9-percent surcharge for the bus carriers, or the 1.3-percent surcharge for United Parcel Service.

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 or 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 30, 1980.

By the Commission. Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis and Gilliam. Commissioner Gilliam absent and not participating.

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 27, 1980 ..... 112.5¢

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue

(1)	(2)	(3)	(4)
From transportation performed by owner-operators.	Other.	Bus carriers ...	UPS
(Apply to all truckload rated traffic).	(Including less-than-truckload traffic).		
16.9%	2.9% .	6.3%	3.3%

Percent Surcharge Developed

13.0%	2.2% .	4.9%	[1]2.1%

Percent Surcharge Allowed

13.0%	2.2% .	4.9%	[2]1.3%

[1] The percentage surcharge developed for UPS 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).

[2] The developed surcharge figure is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 80-16718 Filed 6-2-80; 8:45 am]

BILLING CODE 7035-01-M

[Notice No. 36]

Motor Carrier Temporary Authority Applications

May 28, 1980.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use

in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MC 147681 (Sub-9TA), (republication), filed December 19, 1979, previously notice in the FR issue of February 11, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, 2310 Grant Bldg., Pittsburgh, PA 15219. Common carrier: *Aluminum and zinc alloy ingots*, between Maple Heights, OH on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA and TN, for 180 days. An uderlying ETA seeks 90 days authority.

Note.—The purpose of this republication is to reflect the type of carriage sought.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-16714 Filed 6-2-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 346 (Sub-4)]

Petition for Exemption From Regulation—Union Pacific Railroad Co. & Washington Public Power Supply System—Transportation of Nuclear Reactor Parts Over Grays Harbor Branch Line

AGENCY: Interstate Commerce Commission

ACTION: Notice of petition seeking exemption

SUMMARY: Petitioners, Union Pacific Railroad Company and the Washington Public Power Supply System, seek an exemption under 49 U.S.C. 10505 from all provisions of Subtitle IV of Title 49 of the United States Code, except the accounting and reporting requirements, for the transportation of six nuclear reactor components. Comments are sought especially on the appropriateness of using the exemption provisions of the statute if the same result may be obtained by contract between the parties.

DATES: Comments are due on or before July 3, 1980.

ADDRESS: Comments should be sent to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder (202) 275–7693.

SUPPLEMENTARY INFORMATION: Union Pacific is a class I railroad operating in the State of Washington, among other States. Washington Public Power, a public utility providing electricity in the Pacific Northwest, is planning to construct a nuclear power plant at Satsop, WA. The reactors would be manufactured in Tennessee and will move by water through the Panama Canal to the State of Washington. They will be transferred to the railroad at a dock owned by the utility on the Chehalis River, for the final part of the movement over the Union Pacific's 2.5-mile Grays Harbor branch line to the power plant.

The Grays Harbor branch is a light density line adequate for the normal needs of shippers located on it. The car weight limitation is 263,000 pounds. A stability study showed that the line would need to be improved to support the heavier shipments of nuclear reactor parts, which would range from 95 to 790 tons. This would be accomplished by reinforcing the subgrade earth on which the tracks rest, by laying new rail along the entire length of the branch line, and by replacing wooden ties where needed. The subgrade reinforcement would take 2 months and must be completed by September 15, 1980, based on a deadline established by the U.S. Army Corps of Engineers to protect spawning fish in the nearby river. The remainder of the project would require six months to complete, so that the shipments could move as scheduled in June and July 1981. It is estimated that the above-described improvements would cost between $2 and $3 million, which would be borne by the shipper. The railroad would continue to provide service to other shippers on the branch line.

Railroads subject to Subtitle IV of Title 49 of the United States Code must meet their common carrier obligations by providing non-discriminatory service upon reasonable demand, at just and reasonable rates. Nevertheless, by section 10505 of that subtitle, the Commission is given authority to exempt rail carrier transportation from those requirements, if the service involved is of limited scope. Furthermore, application of the exempted provisions of the above subtitle must not be necessary to carry out the national transportation policy, and must be found to cause an unreasonable burden and serve no useful purpose.

Petitioners point out that the transaction is of limited scope, involving only six specified movements for a single shipper. Petitioners allege that it will not contravene the national transportation policy because municipal corporations are already exempted from the proscription against discriminatory rates, and the shipper here is a municipal corporation in the State of Washington. As such, it has obtained rail transportation at free or reduced rates. Therefore, application of Subtitle IV to the instant situation is not required to carry out the Congressional mandate against discrimination.

Without an exemption, petitioners contend that this transaction would unreasonably burden them and serve no useful purpose. As a common carrier, the railroad arguably could not provide the specialized service required by this shipper. Petitioners state that common carriers are not under any duty to upgrade their tracks to handle shipments of extra size or weight. The expenditures necessary to improve the branch line would benefit only this particular shipper. Therefore, unless this transportation, including track improvement, can be negotiated contractually between the parties, the shipper will allegedly be forced to seek and alternative means of transportation to the disadvantage of both parties.

Furthermore, the value of the nuclear reactor shipments is estimated to be approximately $40 million, not including the special equipment which is required for this transportation. Based on 49 U.S.C. 11707 of this subtitle, petitioners contend that they cannot negotiate limitations on the railroad's liability for transporting these shipments, which provisions are for protection of shippers using ordinary rail common carrier service without an exemption.

It appears to us that section 11707 is not a bar to establishing rates based on limited liability, if that were the only matter for which the parties are seeking an exemption. That section states that a common carrier may limit its liability for loss or injury to property transported under 49 U.S.C. 10730. As pertinent, the latter section further provides that railroads under the jurisdiction of this Commission may be authorized to establish rates for the transportation of property, under which the liability of the carrier for the property is limited to a value determined by written agreement with the shipper. Further, contract rates may include provisions which vary

common carrier liability, obviating the need to seek prior approval for released rates.

As required by section 10505, we are instituting a proceeding for consideration of the proposed exemption, by publication of this notice in the Federal Register. Comments should address the matters discussed above, as well as any other relevant matters.

We are also seeking comments on use of the exemption provision here. While petitioners argue that exemption is necessary, it appears that a contract could produce the same results they seek.

Comments should also include discussion of what, if any, significant effect granted the proposed exemption would have on either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505, 5 U.S.C. 553)

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam.

Decided: May 23, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-16716 Filed 6-2-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC-107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission on or before June 23, 1980. A copy must also be served upon applicant or its representative.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT-377-80 (special certificate—Government traffic), filed April 28, 1980. Applicant: TANKSLEY TRANSFER CO., 801 Cowan St., Nashville, TN 37207. Representative: Roy L. Tanksley, President (address same as applicant). Government agency involved: Agencies listed in U.S. Government Manual (1979-80 edition).

GT-378-80 (special certificate—Government traffic), filed April 7, 1980. Applicant: DON LEE SMITH & GILBERT ERNEST SOMERA d.b.a. Somera, SMITH TRANSPORTATION, 1250 South Wilson Way, Stockton, CA 92505. Representative: Gilbert E. Somera (address same as applicant). Government agency involved: Internal Revenue Service, General Services Administration, Department of Defense.

GT-379-80 (special certificate—Government traffic), filed April 28, 1980. Applicant: OZARK MOTOR LINES, 27 West Illinois Ave., Memphis, TN 38106. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis TN 38137. Government agency involved: Department of Defense.

GT-380-80 (special certificate—Government traffic), filed April 25, 1980. Applicant: JOHN BUNNING TRANSFER CO. INC., Box 128, Rock Springs WY 82901. Representative: Truman A. Stockton, Jr. Attorney, 1650 Grant St. Bldg., Denver, CO 80203. Government agency involved: Department of Defense and General Services Administration.

GT-381-80 (special certificate—Government traffic), filed April 25, 1980. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr. Attorney, 1650 Grant St. Bldg., Denver, CO 80203. Government agency involved: Department of Defense, General Services Administration.

GT-382-80 (special certificate—Government traffic), filed May 1, 1980. Applicant: INTERNATIONAL ARMORED SERVICE, INC., (a Rhode Island Corporation), 1828 Westminster St., Providence, RI 02909. Representative: Morris J. Levin, 1050 17th St. NW., Washington, D.C. 20036. Government agency involved: U.S. Mint, Department of Treasury, U.S. Postal Service, General Services Administration, Federal Reserve Board and Federal Reserve Banks, Department of Defense.

GT-383-80 (special certificate—Government traffic), filed May 1, 1980. Applicant: SYSTEM 99, 8201 Edgewater Drive, Oakland, CA 94621. Representative: Ray V. Mitchell (address same as applicant). Government agency involved: Department of Defense, General Services Administration.

GT-384-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Rd., Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., Wick, Vuono & Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Government agency involved: Agencies listed in U.S. Government Manual (1970-80 edition).

GT-385-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: HAYNES TRUCKING COMPANY, Route 2, Box 102, Section, AL 35771. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Government agency involved: Department of Defense, General Services Administration, U.S. Corp. of Engineers.

GT-386-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: MDI, INC., 6202 Concord Blvd. East, Inver Grove Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Government agency involved: Departments of Agriculture, Defense, and General Services Administration.

GT-387-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: TRUCKADYNE, INC., Route 16, Mendon, MA 01756. Representative: Joseph A. Reed, President (address same as applicant). Government agency involved: General Services Administration, Departments of Agriculture, Defense, Transportation, and Energy, Internal Revenue Service and U.S. Postal Service.

GT-388-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Government agency involved: Departments of Defense, Energy, Commerce, Agriculture, and Transportation, U.S. Postal Service, National Aeronautics and Space Administration, General Services Administration.

GT-389-80 (special certificate—Government traffic), filed May 2, 1980. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., P.O. Box 16404, Denver, CO 80216. Representative: Morris G. Cobb, P.O.

Box 9050, Amarillo, TX 78189. Government agency involved: Agencies listed in U.S. Government Manual (1979–80) edition).

GT–390–80 (special certificate—Government traffic), filed May 2, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., Attorney (address same as applicant). Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–391–80 (special certificate—Government traffic), filed May 2, 1980. Applicant: THRASHER TRUCKING CO., P.O. Box 116, Monahans, TX 79756. Representative: James W. Hightower, Hightower, Alexander and Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Government agency involved: Departments of Defense and Agriculture, Commodity Credit Corporation, Federal Aviation Authority, General Services Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Weather Bureau, Atomic Energy Commission.

GT–392–80 (Special certificate—Government traffic), filed May 1, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks, Vice President (address same as applicant). Government agency involved: Departments of Commerce and Agriculture, General Services Administration.

GT–393–80 (Special certificate—Government traffic), filed May 2, 1980. Applicant: ACADEMY VAN & STORAGE CO. INC., 2517 Alabama Ave., Norfolk, VA 23513. Representative: Steven H. Doucette, Vice President (address same as applicant). Government agency involved: Department of Defense.

GT–394–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace St., Elmwood Park, NJ 07407. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Government agency involved: Departments of Navy, Transportation, Army, Defense, Agriculture, and Energy, General Services Administration, National Aeronautics and Space Administration.

GT–395–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: BAY MOTOR EXPRESS, INC., 400 Corporate Drive, Mahwah, NJ 07430. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Government agency involved: Departments of Defense, Agriculture, Energy, Health Education and Welfare, Coast Guard, General Services Administration, National Aeronautics and Space Administration, Veterans Administration, Internal Revenue Service, Government Printing Office.

GT–396–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Government agency involved: Departments of Defense, Agriculture, and General Services Administration.

GT–397–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: INTERMODAL SERVICES, INC., 11650 Courthouse Blvd., Inver Grove Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Government agency involved: Departments of Agriculture and Defense, General Services Administration.

GT–398–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: DIRECT VAN LINES, INC., 14720 Southlawn Lane, Rockville, MD 20850. Representative: Leonard E. Cook, V. President (address same as applicant). Government agency involved: Department of Defense, and General Services Administration.

GT–399–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, 764 North Cypress St., Orange, CA 92667. Representative: Steven K. Kuhlmann, 717 17th St., Suite 2600, Denver, CO 80202. Government agency involved: Departments of Defense, Commerce, and National Aeronautics and Space Administration.

GT–400–80 (Special certificate—Government traffic), filed May 5, 1980. Applicant: SEVERANCE TRUCK LINE, INC., P.O. Box 1630, Lake City, FL 32055. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–401–80 (special certificate—Government traffic), filed May 1, 1980. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Government agency involved: Department of Defense, General Services Administration, and U.S. Corps of Engineers.

GT–402–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: ROBBI D. WOOD, INC., P.O Box 125, Dolomite, AL 35061. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Government agency involved: Department of Defense, General Services Administration, and U.S. Corps of Engineers.

GT–403–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44306. Representative: Paul A. Englehart, Pres., (same address as applicant). Government agency involved: General Services Administration, Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corp., Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service, U.S. Government Printing Office.

GT–404–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: CALORE FREIGHT SYSTEMS, INC., Second Street, High Spire, PA 17034. Representative: Joseph M. Klements, Richardson and Tyler, 84 State St., Boston, MA 02109. Government agency involved: Department of Defense.

GT–405–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: H–K MOVING AND STORAGE CO., 3300 Second St. NW., Albuquerque, NM 87107. Representative: William J. Lucas, President (address same as applicant). Government agency involved: Departments of Defense, Health, Education, and Welfare, Energy, and Interior, General Services Administration, Veterans' Administration, Bureau of Indian Affairs.

GT–406–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Mac R. Reber (same address as applicant). Government agency involved: Agencies listed in U.S., Government Manual (1979–80 edition).

GT–407–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: WARD TRUCKING CORP., Ward Tower Bldg., Altoona, PA 16603. Representative: United States Corp., 70 Pine St., New York, NY 10005. Government agency involved: Departments of Defense, Transportation, Treasury, General Services Administration, Internal Revenue Services, U.S. Government Printing

Office, U.S. Postal Service, U.S. Coast Guard, Veterans Administration.

GT–408–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St. NW., Atlanta, GA 30301. Representative: Virgil H. Smith, Attorney, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Government agency involved: Departments of Defense and Agriculture, General Services Administration.

GT–409–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: VULCAN FREIGHT LINES, INC., P.O. Box 6223–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Attorney, 5506 Crestwood Blvd., Birmingham, AL 35212. Government agency involved: General Services Administration, Departments of Defense and Interior, U.S. Surplus Property Office.

GT–410–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Attorney, 5506 Crestwood Blvd., Birmingham, AL 35212. Government agency involved: General Services Administration, Departments of Interior and Defense, U.S. Surplus Property Office

GT–411–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: Alan R. Wilson (address same as applicant). Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–412–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline St., Bartlesville, OK 74003. Representative: Larry E. Gregg, Jandera and Gregg, P.O. Box 1979, Topeka, KS 66601. Government agency involved: Departments of Defense, Agriculture, Transportation, Energy, and Interior, and General Services Administration.

GT–413–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Attorney, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Government agency involved: Departments of Defense, Agriculture, and General Services Administration.

GT–414–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: BRINKS, INC., Thorndal Circle, Darien, CT 06820. Representative: Chandler L. van Orman, Esq., Wheeler & Wheeler, 1729 H St. NW., Washington, D.C. 20006. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–415–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Rd., Joliet, IL 60436. Government agency involved: Agenices listed in U.S. Government Manual (1979–80 edition).

GT–416–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Gary Huntbatch (address same as applicant). Government agency involved: Departments of Agriculture, Defense, Education, Commodities Credit Corp, and General Services Administration.

GT–417–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner, Esq. (address same as applicant). Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–418–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932. Representative: Michael D. Bromley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Government agency involved: Agenices listed in U.S. Government Manual (1979–80 edition).

GT–419–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–420–80 (special certificate—Government traffic), filed May 5, 1980. Applicant: O–J TRANSPORT COMPANY, 10290 Gratiot Ave., Detroit, MI 48213. Representative: John A. James, President. Government agency involved: General Services Administration, Department of Defense.

GT–421–80 (special certificate—Government traffic), filed May 6, 1980. Applicant: FREDONIA EXPRESS, INC., 10065 Rte. 60, Fredonia N.Y. 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–422–80 (special certificate—Government traffic), filed May 6, 1980. Applicant: QUALITY CARRIERS, INC., 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: Michael V. Kaney, Vice Pres. (address same as applicant). Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–286–80* (special certificate—Government traffic), filed April 18, 1980. Applicant: IMPORT DEALERS SERVICE CORP., P.O. Box 16136, Long Beach, CA 90806. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–287–80 (special certificate—Government traffic), filed April 18, 1980. Applicant: J & D TRUCKING, INC., 2985 Meadow Ave., P.O. Box 1610, Fort Myers, FL 33902. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22201. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

GT–288–80* (special certificate—Government traffic), filed April 18, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22201. Government agency involved: Agencies listed in U.S. Government Manual (1979–80 edition).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–16715 Filed 6–2–80; 8:45 am]

BILLING CODE 7035–01–M

Permanent Authority Decisions; Decision-Notice

Correction

In the issue of Thursday, April 17, 1980, on page 26145, in the first column, a document appeared correcting FR Doc. 80–6988 (*see* FR 14673, March 6, 1980).

In the paragraph designated (1.), in the third line, the number "874F" should be changed to read "847F".

BILLING CODE 1505–01–M

*Republished this issue to reflect Government agency to be served.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 5.20, 38.18, 99.14, and 112.10 (as Amended)]

Regional AID Representative in the South Pacific

Pursuant to the authority delegated to me by A.I.D. Delegations of Authority Nos. 5, 38, and 99, Paragraph 1 of the Redelegation of Authority to the Regional A.I.D. Representative in the South Pacific, dated October 25, 1978, as amended November 22, 1978 is hereby further amended to read as follows:

"1. Authority to negotiate and execute loan and grant agreements and amendments thereto up to One Million United States Dollars ($1,000,000) with respect to Loans and Grants authorized under the Foreign Assistance Act of 1961, as amended (the "Act"), in accordance with the terms of the authorization of such Loan or Grant; grant agreements for purposes of this authority and all other authorities contained in this redelegation shall mean agreements with Foreign Governments, Foreign Government Agencies and International Organizations having membership consisting primarily of Foreign Governments;"

This amendment is effective immediately.

Except as hereby amended, the above cited delegations, as previously amended, remain in full force and effect.

Dated: February 28, 1980.

John H. Sullivan,

Assistant Administrator, Bureau for Asia.

[FR Doc. 80-16751 Filed 6-2-80; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL JOINT COMMISSION

[Docket No. 79]

Lake Erie Ice Boom; Request for Extension of Order of Approval

Notice is hereby given that the Internation Joint Commission will conduct a series of public hearings on Wednesday and Thursday, July 9 and 10, at times and places listed below in the matter of the application of the Power Authority of the State of New York and Ontario Hydro to the Commission for approval of the Extension for an indeterminate period of the provisions of the International Joint Commission Order of Approval date June 9, 1964, as extended May 29, 1968, October 3, 1969, and April 1, 1975.

The Commission's present Order of Approval authorizes the Power Entities to construct and maintain a boom in Lake Erie just upstream from the entrance of the Niagara River. The ice boom, constructed in 1964 with IJC approval, is placed across the entrance to the river at the beginning of the winter and removed in the spring. Its intention is to lessen the possibility of ice blocking the water intakes of the United States and Canadian hydroelectric plants downstream and reduce flood damages to shore property. However, concerns have been expressed that the ice boom may have adverse effects and requests for opportunities to be heard have been received from a number of concerned agencies and others. The Commission's Order of Approval for the Lake Erie Ice Boom expired on May 15, 1980.

The Commission, by Public Notice, advised those interested of receipt of the application from the Power Entities, and Statements in Response from those supporting or opposing the application in whole or in part were forwarded to the Applicants with the request that they address these statements by submitting formal Statement in Reply. The Commission is now in receipt of a number of Statements in Response and a formal Statement of Reply from the Applicants.

At the Hearings, opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. As a guideline, the Commission will limit to ten minutes the time allotted each witness. Written statements are not required. When a written statement is presented, thirty (30) copies should be provided, if possible, for distribution to the news media and for Commission purposes.

Copies of the Power Entities' letters of November 13 and November 14, 1979, the present Order of Approval, as amended, and other relevant documents are available upon request from the Secretaries of the Commission at the addresses listed below. Copies of the Power Entities' Statement Reply is available for inspection at the Buffalo Public Library, Lafayette Square.

Times and places of Hearing:

July 9, 1980—at 9:00 a.m., Council Chambers, City Hall, Niagara Falls, Ontario.

July 9, 1980—at 2:30 p.m., Buffalo & Erie County, Public Library, Lafayette Square, Buffalo, New York.

July 9, 1980—at 7:30 p.m., Buffalo & Erie County, Public Library, Lafayette Square, Buffalo, New York.

July 10, 1980—at 10:00 a.m., Town Hall, Hamburg, New York.

David A. LaRoche, Secretary, United States Section, International Joint Commission, 1717 H Street, N.W., Suite 203, Washington, D.C. 20440, Phone: (202) 632-2142

David G. Chance, Seretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, Ontario K1P 5M1 Phone: (613) 995-2984.

David A. LaRoche,

Secretary, United States Section, International Joint Commission.

May 23, 1980.

[FR Doc. 80-16713 Filed 6-2-80; 8:45 am]

BILLING CODE 4710-14-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-80-46-M]

Rio Blanco Oil Shale Co; Petition for Modification of Application of Mandatory Safety Standard

Rio Blanco Oil Shale Company, Dayton Commons, 9725 E. Hampden Avenue, Denver, Colorado 80231 has filed a petition to modify the application of 30 CFR 57.21-46 (crosscuts intervals) to its Federal Oil Shale Lease Trace C-a 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. Petitioner proposes to drive a single entry ramp to alleviate a spillage cleanup condition related to the skip loading operation. The ramp will be driven downward at sixteen percent grade for a distance of approximately 700 feet as a single heading.

2. High ventilation rates are planned to enable the use of diesel equipment in the face areas, and to maintain an acceptable mine atmosphere.

3. This ventilation plan will be extended to include the proposed ramp with air quantity exceeding the requirements for methane dilution and for diesel operation.

4. The quantity of fresh ventilation air coursed through the last open crosscut will be maintained in accordance with applicable requirements; ventilating air will be provided by an auxiliary fan and rigid steel tubing. Provisions have been made to vent the return air from the ramp heading directly to the mine return air circuit if required.

5. Upon completion of the ramp and subsequent sump and shaft clean out facilities, the ramp will serve as the return for the split of air ventilaitng the skip loading station and the shaft bottom area.

6. Petitioner states that the procedure outlined above will provide the same measure of safety as that afforded by

the standard and requests a modification of application of the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before July 3, 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 20, 1980.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 80-16743 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administation

[V-80-3]

United States Metals Refining Co.; Application for Variance and Interim Order

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

ACTIONS: (1) Notice of application for variance and interim order; (2) Grant of interim order.

SUMMARY: This notice announces the application of United States Metals Refining Co. for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.1018(g)(1)(i) concerning the utilization of engineering and work practice controls for limiting exposure to inorganic arsenic. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is June 3, 1980. The last date for interested persons to submit comments is July 3, 1980. The last date for affected employers and employees to request a hearing on the application is July 3, 1980.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health, Administration, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N3662, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, telephone 202-523-7144.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

U.S. Department of Labor, Occupation Safety and Health Administration, Building T3 Belle Mead GSA Depot, Belle Mead, New Jersey 08502.

Notice of Application

Notice is hereby given that United States Metals Refining Co., 400 Middlesex Avenue, Carteret, New Jersey 17008 has made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594, 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.1018(g)(1)(i) which require that engineering and work practice controls be utilized where feasible, to control exposure to inorganic arsenic.

The address of the place of employment that will be affected by application is as follows:

400 Middlesex Avenue,
Cartaret, New Jersey 07008.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to pettion the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of § 1910.1018(g)(1)(i) by the date required by the standard.

The applicant states that the two segments of his operation that cannot meet the timetable required by the standard, for reasons to be delineated below, are the Sample Finishing Trailer in the Inventory Control Department and the Dore Furnace Charging Area in the Precious Metals Department.

The Sample Finishing Trailer is used for blending, screening, and crushing samples as a control for sampling related to the slimes operation (dust residues containing arsenic). The applicant had originally intended to consolidate all sampling operations but, due to a variety of reasons, has decided against it. Engineering improvements are presently being carried out and will include the installation of a small bag house and accompaning ventilation equipment in the trailer. Completion is set for August 1, 1980.

The applicant states that in the interim, employees will wear appropriate (powered air-purifying) respirators and will continue to utilize protective clothing and remain in the medical surveillance program.

The Dore Furnace is used for treating the slimes to recover any precious metals. The applicant states that the initial dust recovery system which was proposed was not considered adequate for all anticipated needs and, therefore, a new engineering study was initiated. A new dust/fume collecting system consisting of new hoods, additional ducting, and the expansion of an existing baghouse will be installed by October 1, 1980, to control fugitive emissions from the furnaces during charging and tapping. The applicant states that in the interim, the employees will wear appropriate (powered air-purifying) respirators and protective clothing, and continue in the medical surveillance program.

In both instances noted above, the use of powered air-purifying respirators of the type cited in the inorganic arsenic standard as approved for use in the presence of up to 10,000 micrograms of inorganic arsenic (as As) per cubic meter of air (10,000 ug/m^3), provides adequate protection for the employees. The actual exposure of these employees, as determined by the Belle Mead Area Office, was far below the approved level of these respirators.

The OSHA Belle Mead (New Jersey) Area Office is aware of the request made by United States Metals Refining Co. and, based upon their direct knowledge of the company and the situation, is in agreement with the granting of this order and with its terms.

Grant of Interim Order

It appears from the application for a temporary variance and interim order that, as required by section 6(b)(6)(A) of the Act, United States Metals Refining Co. is unable to comply with the requirements of 29 CFR 1910.1018(g)(1)(i) by the date required by the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that United States Metals

Refining Co. be, and it is hereby, authorized to conduct its sampling and recovery operations prior to coming into compliance with the requirements of 29 CFR 1910.1018(g)(1)(i), by complying with the following:

1. Each employee in the Sample Finishing Trailer and in the Dore Furnace Charging Area shall be provided with, and required to wear, powered air-purifying respirators approved for use in atmospheres containing not more than 10,000 micrograms of inorganic arsenic per cubic meter of air (10,000 ug/m^3).

2. Each of the above noted employees will also continue to be provided with appropriate protective equipment and to be included in the medical surveillance program.

United States Metals Refining Co. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This Interim Order shall remain in effect as follows:

For the Sample Finishing Trailer until August 1, 1980; and for the Dore Furnace Charging Area until October 1, 1980; or until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 29th day of May 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-16809 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-26-M

Work Injury Report Surveys

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

ACTION: Notice of work injury survey.

SUMMARY: OSHA has requested the Bureau of Labor Statistics to conduct four surveys in 1980. They are as follows: (1) Occupational injuries involving exposure to moving machinery or equipment and electrical current or hazardous materials while performing nonproduction activities, such as maintenance, repairing, etc.; (2) Occupational injuries due to overexertion; (3) Occupational injuries resulting in amputations; and (4) Use of personal protection involving hand injuries. Injured workers will be queried for causal factors associated with these injuries. The results of the surveys will assist OSHA in developing more effective safety standards, compliance programs and training activities to reduce injuries.

These are one-time surveys and will be initiated this summer and fall. About 3,000 responses are estimated and will require a total of approximately 500 hours to complete.

Copies of the proposed questionnaires will be sent to interested persons as they become available. BLS is requesting views and comments on the questionnaires and methodology. Please specify the survey questionnaire(s) you wish to review.

DATE: Written comments must be received within 30 days after receipt of questionnaire.

ADDRESS: Views and comments requested in this notice should be submitted to Office of Occupational Safety and Health Statistics, Attention: WIR Surveys, Bureau of Labor Statistics, U.S. Department of Labor, Room C4311, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Helen McDonald, Office of Occupational Safety and Health Statistics, Bureau of Labor Statistics, U.S. Department of Labor, Room C4311, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202-523-9286).

Signed at Washington, D.C., this 28th day of May 1980.

Eula Bingham,

Assistant Secretary of Labor.

[FR Doc. 80-16810 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

[TA-W-6369]

A & W Products Co., Inc.; Negative Determination on Reconsideration

On March 28, 1980, the Department made an Affirmative Determination regarding Application for Reconsideration for workers and former workers of A & W Products Company, Inc., Port Jervis, New York. This determination was published in the **Federal Register** on April 11, 1980, (45 FR 24932).

The petitioners argue in their request for reconsideration that the initial survey conducted by the Department of the customers of A & W Products Company, Inc., was inadequate to support the determination that increases of imports of articles like or directly competitive with the school and office supplies produced at A & W Products Company had not contributed importantly to the separation of workers and to the decline in sales and production at the firm. On reconsideration, the Department conducted a second survey of the customers of A & W Products Company drawn from a list submitted by the petitioners. Of the customers surveyed, only one reported decreased purchases from A & W Products Company and increased purchases of imported articles like or directly competitive with the articles produced at A & W Products Company. This customer also increased purchases of such articles from other domestic suppliers by substantially greater amount.

As noted in the initial negative determination, and not disputed here by the petitioners, company imports were not a significant factor in the separation of workers and in the decline in sales and production at A & W Products Company.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with the school and office supplies produced at A & W Products Company, Inc., did not contribute importantly to the separation of workers and to the decline in sales at that firm. The denial of eligibility to apply for adjustment assistance of the workers and former workers of A & W Products Company, Inc., Port Jervis, New York, therefore, it is affirmed.

Signed at Washington, D.C., this 27th day of May 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-16744 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8013]

Berkshire Maid Garment Manufacturing Co.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 19, 1980, in response to a worker petition received on May 1, 1980, which was filed on behalf of workers and former workers at Berkshire Maid Garment Manufacturing Corporation, Springfield, Massachusetts. The workers produce ladies' blouses, tops and skirts.

On April 15, 1980, a petition was filed on behalf of the same group of workers and an investigation was initiated on April 28, 1980 (TA-W-7794).

Since the identical group of workers is the subject of the ongoing investigation TA-W-7794, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 27th day of May 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80-16745 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6820]

Goodyear Tire & Rubber Co.; Negative Determination Regarding Application for Reconsideration

By an application dated May 7, 1980, the United Rubber Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Workers Adjustment Assistance in the case of workers and former workers of the Goodyear Tire and Rubber Company in Jackson, Michigan. The determination was published in the **Federal Register** on April 15, 1980, (45 FR 25552).

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 United Rubber Workers claims that the Department placed excessive reliance on its customer survey without adequate recognition of the changing nature of the industry and market caused by their response to the import challenge. The union further claims that Goodyear Tire and Rubber Company imports a substantial amount of tires from its foreign subsidiaries and notes that in TA-W-5889, Goodyear Tire and Rubber Company, Los Angeles, California, the Department indicated that company imports of truck tires doubled in the first half of 1979 compared to the same period in 1978 and that company imports of truck tires as a percent of company production also increased in the first half of 1979 compared to the same period in 1978. The union claims that these relationships may have held for the entire year of 1979. The union does not contest that part of the determination relating to tires manufactured as original equipment for domestically-produced cars and trucks.

The Department's review indicated that the workers of Goodyear Tire and Rubber Company's Jackson, Michigan, plant were denied eligibility because they did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of customers which represented nearly half of the subjects firm's sales decline in 1979 showed that most customers either did not import or decreased their purchases of imported passenger car tires in 1979 compared to 1978. The survey further showed that most passenger car tire customers of Goodyear in the replacement market either increased their purchases of passenger car tires from Goodyear in 1979 compared to 1978 or if they had declining purchases from Goodyear, they either did not import or had declining import purchases. The few customers which had declining purchases from Goodyear and increased import purchases represented an insignificant percentage of the Jackson, Michigan, plant's 1979 production of passenger car tires.

The Department's survey of major truck tire customers indicated that most customers either did not import truck tires or increased their purchases from Goodyear. The Department's survey showed that most truck tire customers in the replacement market actually increased their purchases from Goodyear in the first nine months of 1979 compared to the same period in 1978. The few customers who purchased truck tires in the replacement market and decreased their purchases from Goodyear either did not import or decreased their import purchases.

In order for a worker group to be certified eligible by the Department for trade adjustment assistance, it must meet all three statutory criteria for group eligibility under Section 222 of the Trade Act including the "contributed importantly" test. Merely meeting the employment, production or sales, and increased import criteria without meeting the "contributed importantly" test are not enough for the Department to grant a worker group certification. The Department's survey of customers determines the "contributed importantly" test. The changing nature of the industry and market brought about, in part, by the import challenge is not enough by it self, to provide a basis for certification of the Jackson, Michigan, plant.

With respect to Goodyear Tire and Rubber Company's Los Angeles, California, plant, TA-W-5889, the Department found on reconsideration that company imports of truck tires nearly doubled in the first half of 1979 compared to the like period in 1978 and that company imports of truck tires as a percent of production increased in the first half of 1979 compared to the like period in 1978. However, during the investigation of Goodyear's Jackson, Michigan, plant, the Department found (1) that the subject plant produced mainly passenger car ties, (2) that the trend of company imports of truck tires over the last six months of 1979 was decreasing, not increasing, and (3) that the trend in company imports of truck tires as a percent of production over the last six months of 1979 was decreasing, not increasing. With respect to passenger car tires, company imports were significantly down in the last six months of 1979. The Department further found that truck tire production at the Jackson, Michigan, plant actually increased in 1979 compared to 1978 despite a production decline in the last six months of 1979 which is attributable to the large decline in the original equipment market for trucks, especially in the second half of 1979.

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 23d day of May 1980.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 80-16746 Filed 6-2-80; 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 June 13, 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 June 13, 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 27th day of May 1980.

Marvin M. Fooks,

Director, Office of Trade Ajustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.No.	Articles produced
Harmon Colors (OCAW)	Haledon, N.J	5/13/80	5/7/80	TA-W-8,153	Paint pigment for auto industry.
General Electric Co., Precision Parts Division (IUE).	Springfield, N.J	5/13/80	5/7/80	TA-W-8,154	Cathode ray tubes and other electrical components.
Georgia Pacific Corp., Chip & Saw Division (workers).	Woodland, Maine	5/7/80	5/1/80	TA-W-8,155	Build studs, wood chips, partial board materials.
Eisenberg & Eisenberg (workers)	New York, N.Y	5/7/80	4/30/80	TA-W-8,156	Men's suits, sport coats, and slacks.
Dorby Casuals, Inc. (workers)	New York, N.Y	5/7/80	5/2/80	TA-W-8,157	Ladies' leather outerwear.
Domino Juniors, Inc. (workers)	New York, N.Y	5/7/80	4/30/80	TA-W-8,158	Men's and women's wool and rain coats.
Lattimore & Tessmer, Inc. (company)	Southfield, Mich	5/15/80	5/9/80	TA-W-8,159	Sheet metal prototype parts and low volume stampings.
GF Business Equipment, Crenlo, Division (UAW).	Rochester, Minn	5/6/80	4/29/80	TA-W-8,160	Cabs for agricultural equipment, metal cabinets for electrical equipment.
L & K Company, Inc. (company)	Shelby, N.C	5/7/80	4/30/80	TA-W-8,161	Ladies' sportswear.
Xylographics (company)	Shelby, N.C	5/7/80	4/30/80	TA-W-8,162	Ladies' sportswear.
L & K Sewing, Inc. (company)	Hickory, N.C	5/7/80	4/30/80	TA-W-8,163	Ladies' sportswear.
Gaftan Sportswear, Inc. (company)	Gaffney, S.C	5/7/80	4/30/80	TA-W-8,164	Ladies' sportswear.
Jonesville Manufacturing (company)	Jonesville, S.C	5/7/80	4/30/80	TA-W-8,165	Ladies' sportswear.
Mack Pattern Works, Inc. (Pattern Makers Association).	Detroit, Mich	5/8/80	5/5/80	TA-W-8,166	Pattern, metal and wood.
Collins & Aikman Corp. (workers)	Old Fort, N.C	5/13/80	5/9/80	TA-W-8,167	Auto carpets.
Collins & Aikman Corp., Albermarle Plant (workers).	Albermarle, N.C	5/13/80	5/9/80	TA-W-8,168	Textiles carpet fabrics and related items for automobiles.
Chatham Dress Co. (ILGWU)	Bridgeton, N.J	5/13/80	5/8/80	TA-W-8,169	Sportswear and dresses.
Chatham Dress Co. (ILGWU)	Salem, N.J	5/13/80	5/8/80	TA-W-8,170	Sportswear and dresses.
Chatham Dress Co. (ILGWU)	Elmer, N.J	5/13/80	5/8/80	TA-W-8,171	Sportswear and dresses.
L & I Sportswear, Inc. (workers)	New York, N.Y	5/9/80	5/1/80	TA-W-8,172	Leather jackets and sportswear.
Anwelt Corporation (workers)	Fitchburg, Mass	5/9/80	5/5/80	TA-W-8,173	Work shoes and boots.
S & W Milling & Salvage Company (workers)	Forks, Wash	5/1/80	4/11/80	TA-W-8,174	Cedar shakes.
Ex-Cello Corp., Manistee Operations (AIW)	Manistee, Mich	5/15/80	5/5/80	TA-W-8,175	Machinery used to manufacture auto parts.
Continental Plastics (General Industrial Employees Union).	Fraser, Mich	5/15/80	5/7/80	TA-W-8,176	Automotive parts.
Dana Corp., Materials Supply Division—Atlas Forge Plant (UAW).	Lansing, Mich	5/13/80	5/8/80	TA-W-8,177	Truck forgings.
Bethlehem Mines Corp., Cambria Division, (Mine No. 38) (UMWA).	Ebensburg, Pa	5/13/80	4/29/80	TA-W-8,178	Metallurgical coal.
Chemical Sealing Corporation (workers)	Kansas, City, Mo	5/6/80	4/29/80	TA-W-8,179	Sealants and adhesives.
Bethlehem Mines Corp., Cambria Division, (Mine No. 31 (UMWA).	Ebensburg, Pa	5/13/80	4/29/80	TA-W-8,180	Metallurgical coal.
Special Engineering Service, Inc. (workers)	Dearborn, Mich	5/6/80	4/30/80	TA-W-8,181	Engineering and design work of auto engines and other components.
Standard Dyeing and Finishing Co. (ACTWU)	Paterson, N.J	5/6/80	5/1/80	TA-W-8,182	Dyeing and finishing broadwoven textiles.
Uniroyal, Inc., Maryville Industrial Plant (company).	Maryville, Mo	5/6/80	5/2/80	TA-W-8,183	Auto hoses.
Uniroyal, Inc., Kennett Industrial Plant (company).	Kennett, Mo	5/6/80	5/1/80	TA-W-8,184	Freon hoses, power steering, return hoses, air brake hoses, and textile wire textile truck hoses.
Uniroyal, Inc., Red Oak Industrial Plant (company).	Red Oak, Iowa	5/6/80	5/1/80	TA-W-8,185	Freon hoses, steam hoses, hydraulic hoses.
Emhart Corporation, Baily Division (UAW)	Hopkinsville, Ky	5/6/80	4/28/80	TA-W-8,186	Reaction injection molding.
Inmont Corporation (ACTWU)	Toledo, Ohio	5/6/80	5/1/80	TA-W-8,187	Vinyl coated auto products.
Textile Trim, Inc. (workers)	Fraser, Mich	5/6/80	4/30/80	TA-W-8,188	Processing of leather steering wheel covers.
Metal-Cote, Inc. (company)	Mount Clemens, Mich	5/15/80	5/13/80	TA-W-8,189	Metal stamping.
Allegheney Ludlum Steel Corp., Wallingford Strip Operations Plant (USWA).	Wallingford, Conn	5/15/80	5/9/80	TA-W-8,190	Stainless steel strip products.
Allegheney Ludlum Steel Corp., Wallingford Tubular Products Division (USWA).	Wallingford, Conn	5/15/80	5/9/80	TA-W-8,191	Stainless pipe and tubing.
H. M. Gammon Manufacturing Corp. (workers).	New York, N.Y	5/15/80	5/9/80	TA-W-8,192	Men's jackets.
Borg Warner Corp., Warner Gear Division (workers).	Muncie, Ind	5/6/80	5/2/80	TA-W-8,193	Marine industrial, truck, and automotive transmission.
Robert R. Campbell, Inc. (workers)	Lansing, Mich	5/16/80	5/13/80	TA-W-8,194	Industrial press repair for the forging and metal stamping industry.
Kramer Jewelry (company)	New York, N.Y. (389 5th Ave.).	5/19/80	5/12/80	TA-W-8,195	Costume jewelry.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.No.	Articles produced
Kramer Jewelry (company)	New York, N.Y. (393 5th Ave.).	5/19/80	5/12/80	TA-W-8,196	Costume jewelry.
Ford Aerospace & Communications Corp. (IEU).	Connersville, Ind	5/13/80	5/9/80	TA-W-8,197	Air-conditioner components including compressors, truck radiators.
Pea Ridge Iron Ore Co., Inc. (company)	Sullivan, Mo	5/19/80	5/13/80	TA-W-8,198	Pelletized beneficiated iron ore.
Bendix Corporation (UAW)	Green Island, N.Y	5/6/80	4/29/80	TA-W-8,199	Brakes and brake linings for cars.
Lake Creek Enterprises (workers)	Forks, Wash	5/6/80	4/29/80	TA-W-8,200	Cedar shakes.
Caprice Footwear, Inc. (United Food & Commercial Workers).	Bridgeport, Conn	5/6/80	5/1/80	TA-W-8,201	Ladies' shoes and boots.
Mallory Times Co. (workers)	Camden, Tenn	5/6/80	5/1/80	TA-W-8,202	Solid state controls for dishwashers and other "white goods."
Motor Wheel Corp. (UAW)	Mendota, Ill	5/6/80	4/28/80	TA-W-8,203	Passenger car wheels, agriculture wheels.
Wallace Expanding Machine, Inc. (IAMAW)	Indianapolis, Ind	5/15/80	4/29/80	TA-W-8,204	Metal stamping of auto parts.
Braun Engineering Co. (workers)	Detroit, Mich	5/6/80	5/1/80	TA-W-8,205	Auto parts.
Cadillac Rubber & Plastics, Inc. (company)	Cadillac, Mich	5/8/80	5/2/80	TA-W-8,206	Synthetic rubber parts.
Manton Industries, Inc. (company)	Manton, Mich	5/8/80	5/2/80	TA-W-8,207	Light assembly for synthetic rubber parts.
Newbern Rubber, Inc. (company)	Newbern, Tenn	5/8/80	5/2/80	TA-W-8,208	Rubber and also light assembly.
Metal Fabricating Corp. (UAW)	Lawrenceburg, Tenn	5/8/80	5/1/80	TA-W-8,209	Rear sliding windows for trucks, etc.
B & H Shake Co., Inc. (workers)	Forks, Wash	5/8/80	8/5/80	TA-W-8,210	Cedar shakes.
Selmer Company (UAW)	Elkhart, Ind	5/8/80	5/1/80	TA-W-8,211	Band instruments.
Mitchell Corporation (workers)	Benzonia, Mich	5/8/80	5/5/80	TA-W-8,212	Interior auto trim.
Loehr Die & Mold Co. (workers)	Warren, Mich	5/8/80	5/29/80	TA-W-8,213	Die cast and plastic injection molds for auto industry.
General Plating Co. (USWA)	Detroit, Mich	5/8/80	5/5/80	TA-W-8,214	Nickel and chrome plating of auto parts.
General Die Casting Co., Die Cast Plant (UAW).	Oak Park, Mich	5/8/80	5/6/80	TA-W-8,215	Zinc die castings.
Ford Motor Company, General Offices, Automotive Assembly Division (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,216	Support facility.
Ford Motor Company, General Offices, Casting Division (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,217	Support facility.
Ford Motor Company, General Offices, Electrical and Electronics Division (company).	Rawsonville, Mich	5/20/80	5/15/80	TA-W-8,218	Support facility.
Ford Motor Company, General Offices, Engine Division (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,219	Support facility.
Ford Motor Company, General Offices, Metal Stamping Division (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,220	Support facility.
Ford Motor Company, General Offices, Plastics, Paint and Vinyl Division (company).	Mt. Clemens, Mich	5/20/80	5/15/80	TA-W-8,221	Support facility.
Ford Motor Company, General Offices, Transmission and Chassis Division (company).	Livonia, Mich	5/20/80	5/15/80	TA-W-8,222	Support facility.
Ford Motor Company, General Offices, Truck Operations (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,223	Support facility.
Ford Motor Company, General Offices, North American Automotive Operations Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,224	Support facility.
Ford Motor Company, Engineering, Product Design Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,225	Support facility.
Ford Motor Company, Engineering, Car Engineering Office (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,226	Support facility.
Ford Motor Company, Engineering, Overseas Product Engineering Office (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,227	Support facility.
Ford Motor Company, Engineering, Body and Electrical Product Engineering Office (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,228	Support facility.
Ford Motor Company, Engineering, Powertrain and Chassis Product Engineering Office (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,229	Support facility.
Ford Motor Company, Purchasing, Body and Assembly Purchasing (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,230	Support facility.
Ford Motor Company, Purchasing, Powertrain and Chassis Purchasing (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,231	Support facility.
Ford Motor Company, Public Affairs Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,232	Support facility.
Ford Motor Company, Corporate Staff, Personnel and Organization (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,233	Support facility.
Ford Motor Company, Engineering and Research Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,234	Support facility.
Ford Motor Company, Manufacturing Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,235	Support facility.
Ford Motor Company, Marketing Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,236	Support facility.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.No.	Articles produced
Ford Motor Company, Purchasing and Supply Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,237	Support facility.
Ford Motor Company, Environmental, Safety and Industry Affairs Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,238	Support facility.
Ford Motor Company, Finance Staff (company.	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,239	Support facility.
Ford Motor Company, Labor Relations Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,240	Support facility.
Ford Motor Company, Corporate Strategy and Analysis Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,241	Support facility.
Ford Motor Company, Personnel and Organization Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,242	Support facility.
Ford Motor Company, Sales, Operation Staff (company).	Detroit, Mich	5/20/80	5/15/80	TA-W-8,243	Support facility.
Ford Motor Company, Sales, Ford Division (company).	Detroit, Mich	5/20/80	5/15/80	TA-W-8,244	Support facility.
Ford Motor Company, Sales, Lincoln-Mercury, Divison (company).	Detroit, Mich	5/20/80	5/15/80	TA-W-8,245	Support facility.
Ford Motor Company, Sales, Ford Parts and Service Division (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,246	Support facility.
Ford Motor Company, Sales, Latin American Automotive Operations Staff (company).	Dearborn, Mich	5/20/80	5/15/80	TA-W-8,247	Support facility.
Ford Motor Company, Sales, Latin American Automotive Operations Export Division (company).	Newark, N.J	5/20/80	5/15/80	TA-W-8,248	Support facility.
Chemetron Corp., Tube Turns Division (IAMAW).	Louisville, Ky	5/14/80	5/8/80	TA-W-8,249	Carbon steel tubes, flange, pipe.
Apollo Clothes (ACTWU)	Philadelphia, Pa	5/14/80	5/12/80	TA-W-8,250	Men's clothing.
Mustang Clothes (ACTWU)	Philadelphia, Pa	5/14/80	5/12/80	TA-W-8,251	Men's suits and sport coats.
McGraw Edison, Air Comfort Division (workers).	Albion, Mich	5/15/80	5/1/80	TA-W-8,252	Room air conditioners, humidifiers, dehumidifiers.
M.N.P. Manufacturing Corp. (workers)	Utica, Mich	5/13/80	5/5/80	TA-W-8,253	Automotive fasteners.
Steel & Wire Corp. (workers)	Utica, Mich	5/13/80	5/5/80	TA-W-8,254	Automotive fasteners.
Steel & Wire Fabricating (workers)	Utica, Mich	5/13/80	5/5/80	TA-W-8,255	Automotive fasteners.
Utica Washers, Inc. (workers)	Utica, Mich	5/13/80	5/5/80	TA-W-8,256	Automotive fasteners.
Highland Bolt & Nut Company (workers)	Utica, Mich	5/13/80	5/5/80	TA-W-8,257	Automotive fasteners.
Michigan Nut Products (company)	Utica, Mich	5/13/80	5/5/80	TA-W-8,258	Automotive fasteners.
A.P. Parts Company (Allied Workers of America).	Grand Haven, Mich	5/19/80	5/12/80	TA-W-8,259	Auto mufflers.
B. F. Goodrich Co (URW)	Woodburn, Ind	5/14/80	5/12/80	TA-W-8,260	Auto tires.
B. F. Goodrich Co (URW)	Miami, Okla	5/14/80	5/12/80	TA-W-8,261	Auto tires.
B. F. Goodrich Co (URW)	Oaks, Pa	5/14/80	5/12/80	TA-W-8,262	Auto tires.
B. F. Goodrich Co (URW)	Marion, Ohio	5/14/80	5/12/80	TA-W-8,263	Auto tires.
Stevens Paper Mill, Inc. (workers)	Windsor, Conn	4/23/80	4/16/80	TA-W-8,264	Capacitor paper and electrical board.
Chrysler Corporation Service and Parts Division (company).	Center Line, Mich	5/13/80	5/6/80	TA-W-8,265	Administration of support programs.
Modern Manufacturing Company (UAW)	Columbiaville, Mich	5/13/80	5/8/80	TA-W-8,266	Auto stampings and trim.
Kaiser Steel Corp., Fabricated Products Group (Boilermaker-Blacksmith).	Napa, Calif	5/14/80	5/14/80	TA-W-8,267	Fabricated steel structures.
Kaiser Steel Corp. (Boilermaker-Blacksmith)	Vallejo, Calif	5/14/80	5/14/80	TA-W-8,268	Fabricated steel products.
General Motors Corp., General Motors Parts Division (UAW).	Edina, Minn	5/13/80	4/29/80	TA-W-8,269	Distribution of service parts.
Borg & Beck (workers)	Sterling Heights, Mich	5/8/80	4/26/80	TA-W-8,270	Clutches, tar converters, damper units, slack adjusters, lock-ups, also clutch components.
Corduroy Rubber Company (company)	Grand Rapids, Mich	5/8/80	5/1/80	TA-W-8,271	Primary molded rubber parts for autos.
Quonset Shake (workers)	Port Angeles, Wash	5/8/80	4/25/80	TA-W-8,272	Shakes.
Southwestern Rail Products, Inc. (workers)	Wellington, Tex	5/8/80	5/5/80	TA-W-8,273	Railroad spikes.
Neapco (USWA)	Pottstown, Pa	5/8/80	4/29/80	TA-W-8,274	Replacement parts and new parts for autos.
Liberty Footwear, Inc. (workers)	Bedford, Pa	5/8/80	4/21/80	TA-W-8,275	Shoes.
Island Creek Coal Company, Donegan 10-A Mine (workers).	Craigsville, W. Va	5/8/80	4/21/80	TA-W-8,276	Metallurgical coal.
Arrow Metal Products Corp. (UAW)	Detroit, Mich	5/8/80	5/6/80	TA-W-8,277	Automotive parts and first operation blanks.
Revere Sugar Corp. (United Food & Commercial Workers).	Charlestown, Mass	4/28/80	4/21/80	TA-W-8,278	Cane sugar, refined sugar.
Revere Sugar Corp. (Teamsters)	Chicago, Ill	4/28/80	4/21/80	TA-W-8,279	Cane sugar, refined sugar.
Carter Automotive Products Corp. (UAW)	Lafayette, Tenn	5/8/80	4/30/80	TA-W-8,280	Automotive fuel pumps, automotive by-pass valves, heater control valves, electric fuel pumps.
Manufacturer's Products Company (UAW)	Troy, Mich	5/8/80	5/6/80	TA-W-8,281	Gear shif selectors, muffler shields, accelerator pedals, form and weld gas tank straps, final assembly of parts.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.No.	Articles produced
Manufacturer's Products Company (UAW)	Ferndale, Mich	5/8/80	5/6/80	TA-W-8,282	Gear shift selectors, muffler shields, accelerator pedals, form and weld gas tank straps, final assembly of parts.
United Wire & Supply Corp. (IAMAW)	Cranston, R.I.	5/8/80	5/2/80	TA-W-8,283	Non-ferrous tube, wire and braising alloys.
Keystone Resourses, Aluminum Division (workers).	Greensboro, Ga	5/8/80	5/5/80	TA-W-8,284	Secondary aluminum for automotive industry.
Lear Siegler, Inc. (UAW)	Morristown, Tenn	5/15/80	5/6/80	TA-W-8,285	Seat frames for cars and trucks.
Norse Industries, McIntosh Division (UAW)	Detroit, Mich	5/15/80	5/14/80	TA-W-8,286	Metal stampings for trucks and autos.
Drake Molding Corp. (workers)	Greenville, Mich	5/19/80	5/9/80	TA-W-8,287	Injection molded parts for auto industry.
Eagle-Picher, Ohio Rubber Division (URW)	Willoughby, Ohio	5/19/80	5/14/80	TA-W-8,288	Rubber mats for cars and trucks.
Timex Components, Inc. (company)	Somerset, N.J	5/19/80	5/16/80	TA-W-8,289	Liquid crystal displays for wrist watches.
Lynchburg Foundry Co., Lower Basin (workers).	Lynchburg, Va	5/15/80	5/12/80	TA-W-8,290	Cast-iron parts for auto industry.
Globe Union, Inc. (UAW)	Owosso, Mich	5/19/80	5/16/80	TA-W-8,291	Automotive storage batteries.
Sheffield Southern Steel Products, Inc. (USWA).	Lenoir, Tenn	5/19/80	5/14/80	TA-W-8,292	Slits, cut to length and rerolls flat rolled steel.
Darby Cedar Products (workers)	McCleary, Wash	5/13/80	5/9/80	TA-W-8,293	Cedar shakes and shingles.
Kean Manufacturing Company (UAW)	Dearborn Heights, Mich	5/14/80	5/8/80	TA-W-8,294	Nuts and bolts.
Co-Li Sportswear, Inc. (ILGWU)	Brooklyn, N.Y	4/28/80	4/23/80	TA-W-8,295	Ladies' slacks.
Bowling & Hildebrand Trucking (UMWA)	Raleigh County, W. Va	4/22/80	4/16/80	TA-W-8,296	Metallurgical coal.
Starboard Ind., Inc., Plant No. 1 (workers)	East Tawas, Mich	5/19/80	5/12/80	TA-W-8,297	Automotive trim components.
Starboard Ind., Inc., Plant No. 2 (workers)	Tawas City, Mich	5/19/80	5/12/80	TA-W-8,298	Assembly of trim components for autos.
Spartan Motors, Inc. (workers)	Charlotte, Mich	5/7/80	4/28/80	TA-W-8,299	Produces design and further develops existing manufactured components.
Lady Craft Manufacturing Company (ILGWU)	Philadelphia, Pa	5/7/80	5/1/80	TA-W-8,300	Ladies' coats and jackets.
Clifton Heights Sportswear (ILGWU)	Clifton Heights, Pa	5/7/80	5/1/80	TA-W-8,301	Ladies' apparel.
Anaconda, Inc., Wire and Cable Division (IBEW).	Muskegon, Mich	5/1/80	4/25/80	TA-W-8,302	Magnet wire.
Jervis B. Webb Co. (company)	Detroit, Mich	4/23/80	4/16/80	TA-W-8,303	Material handling equipment.
Briston Knitting Mills Incorporated (workers)	Fall River, Mass	5/21/80	5/16/80	TA-W-8,304	Women's sweater, knit dresses and sportswear.
Creek Chub Bait Co. (workers)	Garrett, Ind	4/15/80	4/9/80	TA-W-8,305	Artificial lure, sanding, wood turning.
Trio Sportswear of Dallas, Inc. (company)	Lewisville, Tex	4/23/80	4/16/80	TA-W-8,306	Ladies and women's clothes.
Trio Sportswear of Dallas, Inc. (Company)	Cooper, Tex	4/23/80	4/16/80	TA-W-8,307	Ladies and junior miss pants, shirts, suits, dresses, blouses.
Trio Sportswear of Dallas, Inc. (Company)	Van Alstyne, Tex	4/23/80	4/16/80	TA-W-8,308	Ladies and junior miss clothing.
Trio Sportswear of Dallas, Inc. (Company)	Itasca, Tex	4/23/80	4/16/80	TA-W-8,309	Ladies and junior miss clothing.
Microdot Inc., Elicon Corbin Division (IAM)	Corbin, Ky	4/28/80	4/22/80	TA-W-8,310	Electrical switches for automobiles.
Season Best, New York, N.Y (workers)	New York, N.Y	4/29/80	4/24/80	TA-W-8,311	Ladies coats, suits and rainwear.
H. Kenzer (workers)	New York, N.Y	4/29/80	4/24/80	TA-W-8,312	Ladies coats, suits, and rainwear.
Garie Fashions (workers)	New York, N.Y	4/29/80	4/24/80	TA-W-8,313	Ladies coats, suits, and rainwear.
Katherina Reinert (workers)	Brooklyn, N.Y	5/19/80	5/14/80	TA-W-8,314	Knitwear, sweater, tops, shorts.
True Form Foundations (ILGWU)	Darby, Pa	5/19/80	5/20/80	TA-W-8,315	Brassieres.
Nehalem Bay Shake and Shingle Co. (workers).	Clallam Bay, Wash	5/19/80	5/20/80	TA-W-8,316	Shakes and shingles.
Tra Dean Fashions Inc. (ILGWU)	Newark, N.J	4/29/80	5/12/80	TA-W-8,317	Ladies' and children's dresses.
Jola Enterprises (ILGWU)	Hazelton, Pa	5/19/80	5/6/80	TA-W-8,318	Ladies' dresses, sportswear, blouses.
Hoover Universal Inc. (IAM)	Troy, Mich	5/19/80	5/13/80	TA-W-8,319	Polyurethane foam (automotive seating).
TRW, Valve Division (workers)	Cleveland, Ohio	5/19/80	5/8/80	TA-W-8,320	Forged aluminum piston.
Bedford Products, Inc. (workers)	Mount Clemens, Mich	5/19/80	5/12/80	TA-W-8,321	Hardware for auto sun visor.
Ideal Toy Corporation (workers)	Hollis, N.Y	5/19/80	5/12/80	TA-W-8,322	Toys.
Wilco U.S. Inc. (workers)	Port Salinac, Mich	5/19/80	5/13/80	TA-W-8,323	Brakes and transmission lines.
Joseph Catalano (ILGWU)	Brooklyn, N.Y	5/19/80	5/12/80	TA-W-8,324	Ladies coats and jackets.
Hamlin Steel Products, Incorporated (UAW)	Akron, Ohio	5/19/80	5/8/80	TA-W-8,325	Auto parts stamping.
Uniroyal, Inc., Building 146 (URW)	Port Clinton, Ohio	5/19/80	5/13/80	TA-W-8,326	Vinyl coated fabrics.
Uniroyal, Inc., Building 320 (URW)	Port Clinton, Ohio	5/19/80	5/13/80	TA-W-8,327	Conveyer belting.
*Ganis & Models & Tools	Troy, Mich	5/9/80	5/8/80	TA-W-8,328	Die models and fixtures.
*Mechanical Services Inc	Fraser, Mich	5/9/80	5/8/80	TA-W-8,329	Die models and fixtures.
*Aiform Inc	Inkster, Mich	5/9/80	5/8/80	TA-W-8,330	Die models and fixtures.
*American Model	St. Clair Shores, Mich	5/9/80	5/8/80	TA-W-8,331	Models and patterns.
*Creative Industries	Detroit, Mich	5/9/80	5/8/80	TA-W-8,332	Wood dye models and plastic fixtures.
*Dyna-Quik	Sterling Heights, Mich	5/9/80	5/8/80	TA-W-8,333	Die models and patterns.
*Eifel Pattern & Model	Fraser, Mich	5/9/80	5/8/80	TA-W-8,334	Die models and patterns.
*Fairway Model & Mold	Mount Clemens, Mich	5/9/80	5/8/80	TA-W-8,335	Die models and patterns.
*Flag Pattern	Troy, Mich	5/9/80	5/8/80	TA-W-8,336	Die models and patterns.
*JAY ENN Corp	Troy, Mich	5/9/80	5/8/80	TA-W-8,337	Die models and patterns.
*Johnson Pattern & Model	Warren, Mich	5/9/80	5/8/80	TA-W-8,338	Die models and patterns.
*Pattern Associates	Troy, Mich	5/9/80	5/8/80	TA-W-8,339	Die models and patterns.
*Pattern Guild, Inc	Pontiac, Mich	5/9/80	5/8/80	TA-W-8,340	Die models and patterns.
*Rite Industrial Model	Berkley, Mich	5/9/80	5/8/80	TA-W-8,341	Die models and patterns.
*Trewcraft Corp	Troy, Mich	5/9/80	5/8/80	TA-W-8,342	Wood Die models and wood patterns.
Excel Pattern (PMM)	Dearborn, Mich	5/9/80	5/8/80	TA-W-8,343	Die models and patterns.
Formative Products Co. (PMM)	Troy, Mich	5/9/80	5/8/80	TA-W-8,344	Die models and patterns and molds.
Wolverine Products Inc. (PMM)	Warren, Mich	5/9/80	5/8/80	TA-W-8,345	Die models and patterns.
Visioneering Inc. (PMM)	Fraser, Mich	5/9/80	5/8/80	TA-W-8,346	Models and tooling aids.
Progressive Tool and Industries Inc. (Workers).	Southfield, Mich	5/19/80	5/10/80	TA-W-8,347	Special machinery for automotive industry.
Star Tool & Die Works (workers)	Detroit, Mich	5/15/80	5/12/80	TA-W-8,348	Manufacturing of tools, die and stamping.
Ply Craft Inc. (company)	Lawrence, Mass	5/20/80	5/14/80	TA-W-8,349	Shoe bottoms and heels.

Appendix—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.No.	Articles produced
GEL, Inc. (company)	Livonia, Mich	5/20/80	5/13/80	TA-W-8,350	Turn signal lever assemblies and filt lever.
Essex Group, Inc. (USWA)	Atlanta, Mich	5/6/80	4/30/80	TA-W-8,351	Auto parts (neutral switches, door lock motors, turn signals).
The General Tire and Rubber Company (workers).	Mount Vernon, Ill	5/6/80	5/1/80	TA-W-8,352	Tires.
Plastomer Corp. (UAW)	Livonia, Mich	5/15/80	5/9/80	TA-W-8,353	Urethane foam.
Reeves Brothers, Inc. Curon Division (workers).	Auburn, Ind	5/15/80	5/12/80	TA-W-8,354	Polyurethane foam headliners.
Dana Corporation Perfect Circle Division (union).	Tipton, Ind	5/15/80	5/8/80	TA-W-8,355	Piston rings.
Victor Business Products (workers)	Chicago, Ill	5/15/80	5/9/80	TA-W-8,356	Electronic cash registers and calculations.
Reynolds Metal Co. Reduction Plant (AWIU)	Listerhill, Ala	5/15/80	5/8/80	TA-W-8,357	Aluminum.
Sunshine Contracting Corp. (workers)	Passaic, N.J	5/19/80	5/13/80	TA-W-8,358	Clothing, ladies.
Artemis Shake (workers)	Clearwater, Wash	5/19/80	5/6/80	TA-W-8,359	Shakes.
Flexee, Incorporated (ILGWU)	Pittston, Pa	5/19/80	5/13/80	TA-W-8,360	Bras.
Estan Manufacturing Co. (ironworkers)	Madison Heights, Mich	5/19/80	5/5/80	TA-W-8,361	Oil level indicator for cars.
General Cable Corp. (USWA)	Warrenton, Mo	5/8/80	5/3/80	TA-W-8,362	Copper wire bars.
Peninocula Plywood (workers)	Port Angeles, Wash	5/19/80	5/8/80	TA-W-8,363	Red cedar plywood siding.
Austin-Asta Ltd. (ILGWU)	Middle Village, N.Y	5/19/80	5/6/80	TA-W-8,364	Raincoats, woolen coats, ladies
Dana Corporation Spicer Axle Division (UAW)	Edgerton, Wis	5/19/80	5/7/80	TA-W-8,365	Front driving axles for 4-wheel drive vehicles.
International Shoe Co., Division of INTERCO (ACTWU).	St. Clair, Mo	5/6/80	4/29/80	TA-W-8,366	Heels, inscoles, outsoles.
Detroit Plastic Molding (UAW)	Detroit, Mich	5/6/80	5/2/80	TA-W-8,367	Plastic molded auto parts.
Detroit Plastic Molding (UAW)	Roseville, Mich	5/6/80	5/2/80	TA-W-8,368	Plastic molded auto parts.
Detroit Plastic Molding (UAW)	Sterling Heights, Mich	5/6/80	5/2/80	TA-W-8,369	Plastic molded auto parts.
Capac Manufacturing Co. (workers)	Capac, Mich	5/19/80	5/12/80	TA-W-8,370	Automotive parts.
C. J. Edwards Co., U.S. Plastics Division (company).	Mount Clements, Mich	5/19/80	5/13/80	TA-W-8,371	Plastic injection moldings.
Detroit Retinning Co. (company)	Detroit, Mich	5/19/80	5/8/80	TA-W-8,372	Plating, automotive trim, and fuel system parts.
Ceramic Elements, Inc. (company)	South Plainfield, N.J	5/19/80	5/13/80	TA-W-8,373	Core elements for automobile radios
Belding Tool & Machine Corp. (company)	Belding, Mich	5/20/80	5/19/80	TA-W-8,374	Tooling, dies, fixtures for auto engine bearings.
Timex Corporation, Inc. (company)	Somerset, N.J	5/21/80	5/16/80	TA-W-8,375	Liquid crystal.
Mickeys Clan (company)	New York, N.Y	5/21/80	5/14/80	TA-W-8,376	Knitted sweaters.
Woldman Corp. (company)	Parsippany, N.J	5/21/80	5/15/80	TA-W-8,377	Precision miniature components
Walway Company (company)	Southfield, Mo	5/21/80	5/17/80	TA-W-8,378	Metal stampings and assemblies
Color Custom Compounding, Inc. (company)	Warren, Mich	5/21/80	5/16/80	TA-W-8,379	Plastic automotive injection and extruded parts.
E. I. Dupont Co. Newport plant (company)	Newport, Del	5/21/80	5/16/80	TA-W-8,380	Pigments for auto industries
Englehard Industries (company)	Huntsville, Ala	5/21/80	5/21/80	TA-W-8,381	Catalytic converters.
Turner Manufacturing Co. (company	Traverse City, Mich	5/21/80	5/13/80	TA-W-8,382	Automotive stamping and trim
Bohn Aluminum & Brass Company (company)	Los Angeles, Calif	5/21/80	5/14/80	TA-W-8,383	Air conditioning and refrigeration

* Petitions filed by Pattern and Model Makers' Association.

[FR Doc. 80-16747 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6822]

Keystone Group; Affirmative Determination Regarding Application for Reconsideration

On March 25, 1980, the petitioner applied for administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of the Keystone Group, Bartonville, Illinois. This determination was published in the **Federal Register** on March 18, 1980, (45 FR 17301).

The Department denied the workers of the Bartonville, Illinois, plant of Keystone Group eligibility to apply for adjustment assistance on the basis that increases of imports of carbon steel rods, billets, wire and wire products have not contributed importantly to the separation of workers and to the declines in sales or production at the Bartonville plant. In denying these workers, the Department cited three facts: (1) aggregate imports of carbon steel rods, wire and wire products declined absolutely and relative to domestic shipments during the January-September period of 1979 compared with the January-September period of 1978; (2) sales of steel rods and billets at the Bartonville plant measured in quantitiy and value increased in 1979 compared with 1978; and (3) the Bartonville plant began to recall workers in February, 1980 with workers separated before the recall already eligible to apply for adjustment assistance under a certification issued earlier by the Department (TA-W-2612). However, the petitioner argues in this request for reconsideration that the Department mistakenly considered the Bartonville plant a single production unit though more than one article is produced there. According to the petitioner, the Department should consider separately the workers in the steel mill operations, where production and employment have been stable and the workers in the wire mill, where there have been production and employment losses, in determining whether the group eligibility requirements have been met. The petitioner also submits that the Department should consider the history of the plant and the effect of imports over the long term rather than only the immediate circumstances at the Bartonville plant.

Conclusion

After review of the application, I conclude that this claim of the petitioner is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 15th day of April 1980.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 80-16749 Filed 6-2-80; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-7235]

Pioneer Fuel, Inc., Crab Orchard Tipple; Negative Determintation Regarding Application for Reconsideration

By letter of May 9, 1980, the petitioner 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 producing metallurgical coal at the Crab Orchard Tipple of Pioneer Fuel, Inc., Raleigh County, West Virginia. The determination was published in the **Federal Register** on May 9, 1980. (45 FR 30747).

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 mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner, in its application for reconsideration, claims that Pioneer Fuel, Inc., is affected by imports in the same way that Vecellio and Grogan's Sullivan #1 Mine is affected and that workers of the Sullivan Mine were earlier certified eligible for trade adjustment assistance (TA–W–5139).

The Department's review indicated that the workers at the Crab Orchard Tipple of Pioneer Fuel, Inc., Raleigh County, West Virginia, were denied eligibility because they did not meet the "contributed importantly" test of Section 222 of the Trade Act of 1974. The Department's survey showed that the major portion of the coal was sold in the export market while the remainder was sold to a domestic coal company which supplied metallurgical coal to domestic industrial users. The Department's survey revealed that none of that coal company's customers purchased imported metallurgical coal in 1978 or 1979 and that none of the customers increased their reliance on imported coke in 1979 compared to 1978. In a follow-up to the customer survey, the Department discovered that all of the the coal processed at the Crab Orchard Tipple was exported.

The Department also found that all of the metallurgical coal from Vecellio and Grogan's Sullivan #1 Mine and Sullivan #2 Mine, which closed in May, 1978, was shipped to the export market in 1978 and 1979 through the Crab Orchard Tipple of Pioneer Fuel. The Department further found that all of the metallurgical coal from Vecellio and Grogan's two Whitby Mines, which closed down indefinitely in April, 1979 was shipped to the export market in 1978 and 1979. The Department is, therefore, instituting investigations to determine whether to terminate the certifications issued to workers at Vecellio and Grogan's Whitby Strip Mine, TA–W–5137; Whitby Auger Mine, TA–W–5138; Sullivan #1 Mine, TA–W–5139; Sullivan #2 Mine, TA–W–5140; Mining Division Office, Beckley, West Virginia, TA–W–5140A; and the Mining Division Field Office, Stoco, West Virginia, TA–W–5140B.

The Department sees no validity in the petitioner's claim that because one of the workers, who on further investigation was found to be on Pioneer's payroll, had previously been ruled eligible for TRA benefits under TA–W–5139 that the Tipple workers covered by petition TA–W–7235 should now be considered eligible.

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 23rd day of May 1980.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 80–16748 Filed 6–2–80; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–7814]

WSC Corp., Wisconsin Steel Works; 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 on behalf of workers at WSC Corporation, Wisconsin Steel Works, Chicago, Illionois. Workers at the plant produce steel bars and billets.

On March 28, 1980, a petition was filed on behalf of the same group of workers (TA–W–7526).

Since the identical group of workers is the subject of the ongoing investigation (TA–W–7526), a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 28th day of May 1980.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 80–16750 Filed 6–2–80; 8:45 am]

BILLING CODE 4510–28–M

Steel Tripartite Advisory Committee; Meeting

The Steel Tripartite Advisory Committee was established under the Federal Advisory Committee Act, 5 U.S.C. App. (1976) to advise the Secretary of Labor and Secretary of Commerce on international and domestic issues affecting the U.S. steel industry and labor.

Notice is hereby given that the Steel Tripartite Advisory Committee will meet at 2:00 P.M. on June 18, 1980, in the Secretary's Conference Room S–2508, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210.

To be discussed are the reports of the five working groups established at the last meeting of the Steel Tripartite Advisory Committee on 1) modernization and capital formation, 2) technology research and development, 3) the environment, 4) community and labor adjustment assistance, and 5) international trade.

For additional information contact: Mr. Joseph S. Papovich, Executive Secretary, Steel Tripartite Committee, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210, telephone: (202) 523–6227/6201.

Official records of the meeting will be available for public inspection at S–5315, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C. this 29th day of May 1980.

Dean K. Clowes,

Deputy Under Secretary for International Affairs, U.S. Department of Labor.

[FR Doc. 80–16742 Filed 6–2–80; 8:45 am]

BILLING CODE 4510–28–M

LEGAL SERVICES CORPORATION

Grants and Contracts

May 29, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Assistance of North Dakota, Inc., in Bismarck, North Dakota, to serve Sioux County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill. 60604.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 80-16797 Filed 6-2-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-45)]

NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The Ad Hoc Informal Advisory Subcommittee on Geodynamics and Geology of the NAC-STAAC will meet on June 24-25, 1980, at the NASA Goddard Space Flight Center, Room 205, Building 26, Greenbelt, Maryland 20771. Members of the public will be admitted to the meeting on both days on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for about 40 persons.

This subcommittee, chaired by Dr. Michael Chinnery, is comprised of twelve members of the NAC-STAAC and will review and discuss the status of both the Geodynamics and Non-Renewable Resources Programs including various specific activities within these programs as indicated in the approved agenda below:

June 24, 1980

Time and Topic

9:00 a.m.—Chairperson's Remarks
9:30 a.m.—NASA Response to Subcommittee's Recommendation
10:30 a.m.—Non-Renewable Resources Program Status
11:15 a.m.—Astronaut Photography From Shuttle
1:30 p.m.—Geodynamics Program Status
2:15 p.m.—Southern California Deformation Measurements
2:45 p.m.—transportable Laser Ranging System
3:15 p.m.—Laser Systems Development and Operation
5:15 p.m.—Adjourn

June 25, 1980

Time and Topic

8:30 a.m.—Future Direction and Emphasis for Geodynamics and Geology
1:00 p.m.—Applications Data Service
1:30 p.m.—Subcommittee Discussions on Membership and Subcommittee Plans
3:00 p.m.—Adjourn

For further information regarding the meeting, please contact James P. Murphy, Acting Executive Secretary of the Subcommittee, NASA Headquarters, Washington, DC 20546, (202) 755-3848.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980.

[FR Doc. 80-16703 Filed 6-2-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-46)]

NASA Advisory Council (NAC) Space Systems and Technology Advisory Committee (SSTAC); Meeting

The NAC Space Systems and Technology Advisory Committee will meet June 24-25, 1980, at the Sheraton Inn, 8727 Colesville Road, Silver Spring, Md. The room number will be posted in the lobby of the hotel. The meeting will be open to the public.

The Committee was established to advise NASA senior management through the NAC in the area of space/energy research and technology. The Chairperson is Mr. Robert L. Johnson. There are currently 44 members on the Committee. Following is the approved agenda for the meeting:

Agenda

June 24, 1980

Time and Topics

7:30 am—Registraton
8:00 am—Opening Remarks
8:30 am—Conflict of Interest Discussion
9:00 am—Review of Committee Activities
10:30 am—Overview of the NASA Energy Program Long-Range Plan
11:00 am—Review of the Office of Space Transportation Systems' Space Systems Engineering Long-Range Plan
1:00 pm—Overview of the NASA Space Technology Long-Range Plan
2:00 pm—Subcommittees Consideration of Long-Range Plan Elements and Potential New Initiatives
6:00 pm—Adjourn

June 25, 1980

Time and Topic

8:30 am—Continuation of Subcommittee Consideration of Long-Range Plan elements and Potential New Initiatives
12:30 pm—Reports by Subcommittee Chairpersons of Recommendations and Comments on NASA Space/Energy Long-Range Plan Elements
4:00 pm—Discussion
4:30 pm—Adjourn

For further information, contact Mr. C. Robert Nysmith, Executive Secretary of the Committee, Code R, NASA Headquarters, Washington, DC 20546, telephone 202/755-3238.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980.

[FR Doc. 80-16704 Filed 6-2-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice 80-47]

NASA Advisory Council (NAC) Space Science Advisory Committee; Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on June 25-27, 1980. The meeting will be open to the public. The meeting will take place from 9:00 a.m.-5:30 p.m. on June 25; from 9:00 a.m.-5:00 p.m. on June 26; and from 9:00 a.m.-12:30 p.m. on June 27, 1980. The meeting will be held in Room 5026 (with a seating capacity of 60 persons including the Committee members and participants) in Federal Building 6, 400 Maryland Avenue SW, Washington, DC 20546.

The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a status report and overview of the Space Science programs. The primary theme of the meeting will be the presentations of potential Fiscal Years '82 and '83 Office of Space Science (OSS) new start candidate missions will will take place on June 25 and 26. Included in these discussions will be the Venus Orbiter and Imaging Radar (VOIR), the Comet Halley flyby options, and the Origins of Plasmas in the Earth's Neighborhood (OPEN) missions. The status of the Galileo Mission, the International Solar Polar Mission (ISPM), and the Space Telescope will be discussed on the Morning of June 27.

June 25

9:00 a.m. Introduction and welcome, Hunten
9:30 a.m. Office of Space Science Status, Mutch
10:45 a.m. Solar Terrestrial—Open, Wiskerchen
1:15 p.m. Discussion
1:45 p.m. Advanced Technology and Development (ATD) Issues and Alternates, Martin
Einstein Explorer Gravity Probe-B (GPB), Advanced X-Ray Astronomy Facility (AXAF) Solar Probe, Everitt/Holt, Newton
3:45 p.m. Discussion and Writting Session
5:30 p.m. Adjourn

June 26

9:00 a.m. Planetary Program—VOIR, Mills
11:00 a.m. Discussion
1:00 p.m. Planetary Program—Comet Options, Diaz
3:00 p.m. Discussion and Writing Session
5:00 p.m. Adjourn

June 27

9:00 a.m. Presentation and discussion of written materials
Overviews of New Start Candidates sent out to new members:
10:00 a.m. Galileo Status Report, Guastaferro
10:30 a.m. ISPM Status Report, Bohlin
11:00 a.m. Space Telescope Status Report, Burrowbridge
11:30 a.m. Discussion/Writing Session
12:30 p.m. Adjourn

For further information regarding this meeting, please contact Dr. Adrienne F. Timothy, Executive Secretary, Telephone 202/755–3653, National Aeronautics and Space Administration, Washington, DC 20546.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980

[FR Doc. 80–16705 Filed 6–2–80; 8:45 am]

BILLING CODE 7510–01–M

[Notice 80–48]

NASA Advisory Council (NAC) Aeronautics Advisory Committee; Meeting

The informal Ad Hoc Advisory Subcommittee on Advanced Concept Demonstration Aircraft of the NAC AAC will meet on June 27, 1980 from 8:30 a.m. to 2:30 p.m., in Room 625, Federal Building 10B, NASA Headquarters, Washington, DC. The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including Subcommittee Members and participants).

The Subcommittee was established to evaluate the benefits of an Advanced Concept Demonstration Aircraft to support major improvements in subsonic aircraft for the year 2000 and beyond. The Chairperson is Dr. Robert C. Loewy and there are 9 members of the Subcommittee.

For further information contact Mr. C. Robert Nysmith, Executive Secretary of the AAC, Code R, NASA Headquarters, Washington, DC 20546 (202/755–3238).

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980.

[FR Doc. 80–16706 Filed 6–2–80; 8:45 a.m.]

BILLING CODE 7510–01–M

[Notice 80–44]

NASA Advisory Council (NAC) Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The Ad Hoc Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC will meet on June 23, 1980 from 9:00 a.m. to 4:30 p.m., at NASA Headquarters, Room 226A, Federal Office Building 10B, 600 Independence Avenue, S.W., Washington, DC 20546. The meeting is open to the public. Members of the public will be admitted to the meeting at 9:00 a.m. on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for 35 persons.

This Subcommittee, comprised of twelve members including the Subcommittee Chairperson, Dr. John V. Harrington, will review the NASA Satellite Communications Program and related issues.

The approved agenda for the meeting is as follows:

Time and Topic

9:00 a.m. Introductory Remarks
9:15 a.m. Program Overview
10:00 a.m. Review of the 30/20 Ghz Communications Demonstration System
2:00 p.m. Review of the Experiment Program for the 30/20 GHz System
3:00 p.m. Mechanisms for Government/Industry Collaboration
3:30 p.m. General Discussion
4:30 p.m. Adjourn

For further information regarding the meeting, please contact Dr. S. H. Durrani, Communications Division, OSTA, NASA Headquarters, Washington, DC 20546, (202) 755–3591.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980.

[FR Doc. 80–16707 Filed 6–2–80; 8:45 am]

BILLING CODE 7510–01–M

[Notice 80–43]

NASA Advisory Council (NAC) Space Systems and Technology Advisory Committee (SSTAC); Meeting

The Informal Advisory Subcommittee on Space Electronics of the NAC SSTAC will meet June 23, 1980, at the Sheraton Inn, Colesville Road, Silver Spring, MD. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including Subcommittee members and participants).

The Subcommittee was established to review and make recommendations on NASA research and technology programs in Space Electronics, which includes microelectronic devices, sensors, information systems, automation and guidance and control technology. The Chairperson is Dr. Edward Gerry and there are seven members on the Subcommittee. Following is the approved agenda for the meeting.

Agenda

June 23, 1980

8:30 a.m.—Introductory Remarks
9:30 a.m.—Overview Briefings of Current Programs
Elecronics
Data Systems
Sensor Systems
Communication Systems
Automation
Guidance and Control
2:30 p.m.—Special Report on a Systems Analyses Study of NASA End-to-End Data System (NEEDS)
3:30 p.m.—Subcommittee Discussion
5:00 p.m.—Adjourn

For futher information contact Dr. Herman A. Rediess, Executive Secretary of the Subcommittee, Code RTE–6, NASA Headquarters, Washington, DC 20546. Telephone 202/755–2243.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

May 28, 1980.

[FR Doc. 80–16708 Filed 6–2–80; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, the National Commission on the International Year of the Child, 1979, published in the **Federal Register** (43 FR 23660) notices of the existence of the following systems of records subject to the Privacy Act: IYC–1, Payroll Records; IYC–2, General Financial Records; and IYC–3, General Informal Personnel Files. The Commission terminated operations on April 30, 1980, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

IYC–1

SYSTEM NAME:

Payroll Records—National Commission on the International Year of the Child, 1979: to be retained by the General Services Administration, National Payroll Center, for use in

concluding administrative operations of the Commission as part of GSA system of records, Defunct Agency Records, GSA/OAD–36.

IYC–2

SYSTEM NAME:

General Financial Records—National Commission on the International Year of the Child, 1979: to be retained by the External Services Branch, National Capital Region, for concluding administrative operations of the Commission as part of the GSA system of records, Defunct Agency Records, GSA/OAD–36.

IYC–3

SYSTEM NAME:

General Informal Personnel Files—National Commission on the International Year of the Child, 1979: to be destroyed.

Barbara P. Pomeroy,

Executive Director.

[FR Doc. 80–16709 Filed 6–2–80; 8:45 am]

BILLING CODE 5410–23–M

POSTAL RATE COMMISSION

[Docket No. MC80–1; Order No. 339]

E–COM Forms of Acceptance, 1980; Order Instituting Docket

May 27, 1980.

In our Opinion and Further Recommended Decision in *Electronic Mail Classification Proposal, 1978* (Docket No. MC78–3), issued on April 8, 1980, we responded to a number of issues raised by the Governors of the Postal Service in their Decision returning our original recommended decision for reconsideration. The Governors, in doing so, stated that they accepted the basic structure for electronic mail which we have recommended, but desired a number of modifications of a less fundamental character. Among these matters were two proposals for additional forms of acceptance for E–COM messages: submission of magnetic data tapes directly at the Serving Post Office (SPOs) at which E–COM messages are to be received from telecommunications carriers, processed, and printed; and transmission of E–COM messages into the SPOs through the privately-controlled telecommunications facilities of an E–COM user (rather than over the lines of common carrier).

Our original decision had provided for neither of these options, and had recommended [1] that E–COM messages be transmitted into the SPOs through authorized communications carriers.

We adhered to this requirement on reconsideration, not because we found the Governors' proposals lacking in potential merit, but because the record assembled in Docket MC78–3 contained no evidence which would have permitted us to recommend these additional forms of entry. "Both of these proposals," we said,

> are distinctly worthy of consideration, and it is in order to consider them promptly that we have decided to open the new docket referred to earlier. There is no reason why the "basic" system already recommended and accepted cannot by lauched while this inquiry is progressing. Inquiry is necessary, however, in order to make a recommendation based, as the statute requires, on an evidentiary record.[2]

Consequently, we stated that as to these two questions,

> we will shortly institute a new docket. As soon as the Postal Service is prepared to offer a proposal dealing with them, we will expeditiously enter upon the necessary hearings.[3]

We also observed that the new docket would not be a vehicle for the relitigation of issues raised and decided in Docket No. MC78–3.

This Order will serve to initiate the new docket referred to in our Further Recommended Decision. We recognize that it may be some time before the Postal Service can complete the preparation of the proposal we invited, but we do not believe that this need inhibit the creation of a procedural setting for the consideration of such a proposal. In essence, we are at this time providing official notice to interested parties that these matters will be considered by the Commission at such time as the Service is prepared to make a presentation concerning them.

By emphasizing the concept of a Postal Service proposal, we do not mean to imply that alternative proposals from other interested parties would not be given consideration. The normal Commission practice of considering such alternatives would apply in this case as much as in any other. However, since the idea of alternative forms of entry has originated with the Governors, we think that the proceedings will be more orderly and understandable if the Service initiates the discussion of concrete issues by submitting a proposal of its own. After that occurs, other parties will be accorded the customary opportunity to submit proposals of their own.

The Commission Orders:

(A) A docket is hereby instituted pursuant to 39 U.S.C. 3623(b) to consider the alternative forms of entry of E–COM messages requested by the Governors in their Decision of February 22, 1980, in Docket No. MC78–3.

(B) The scheduling of proceedings in this docket shall await the submission by the Postal Service of a Request for Recommended Decision concerning a change in the Domestic Mail Classification Schedule relative to the above-described alternative forms of entry.

By the Commission, Vice-Chairman Duffy and Commissioner O'Doherty abstaining.

David F. Harris,

Secretary.

[FR Doc. 80–16752 Filed 6–2–80; 8:45 am]

BILLING CODE 7715–01–M

[1] PRC Recommended Decision MC78–3, Attachment A, § 100.052.

[2] PRC Further Recommended Decision, p. 21. Pages 20–26 of our Opinion contain a full discussion of the two alternative forms of entry suggest some of the factual questions on which we found that evidentiary inquiry would be needed before a recommendation could be made.

[3] *Id.* at 3.

POSTAL SERVICE

Plan to Implement a Nine-Digit ZIP Code System

AGENCY: Postal Service.

ACTION: Notice and invitation for comments.

SUMMARY: This notice is designed to describe in detail the Postal Service's plan to expand the existing five-digit ZIP Code system to a nine-digit system in 1981. During this initial phase of the implementation of the nine-digit ZIP Code system, the Postal Service will assign a nine-digit ZIP Code number to every address in the United States and encourage all mailers to begin using these expanded ZIP Codes. During the next several years, the Postal Service plans to purchase and install advanced mechanization equipment which will be able to "read" the nine-digit ZIP Code on mail, identify each mail piece by its nine-digit ZIP Code and direct the mail to the delivery route of the addressee. It is anticipated that this new mechanized sortation system, when fully operational, will assist the Postal Service in continuing to provide good and efficient services at fair and reasonable rates, by allowing mail to be processed with increased economy and accuracy.

As soon as the new nine-digit ZIP Codes are assigned, all postal customers will be encouraged to begin using them on a voluntary basis. Use of the expanded ZIP Code may be required in

the future on some or all of that type mail which presently is required to bear the five-digit ZIP Code.

As part of the nine-digit ZIP Code system, the Postal Service will create a data base which will include the name and address of all business customers that qualify for individual nine-digit ZIP Codes. This data base will be made available to the public. Any affected business customer who does not wish to be included in the public list must so notify the Postal Service at the address shown below within sixty days from the publication of this document.

DATE: Comments must be received on or before July 3, 1980.

ADDRESS: Written comments should be sent or delivered to the Director, Office of ZIP Code Expansion, Room 6624, Research and Technology Group, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 6624, U.S. Postal Service Headquarters, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. E. T. Dewey, (202) 245–5019.

SUPPLEMENTARY INFORMATION: The following statement outlines the purpose of the nine-digit ZIP Code system and how it will work.

Postal Service Plan for a Nine-Digit ZIP Code System

Purpose

The Postal Service currently plans to begin implementation of the nine-digit ZIP Code system in early 1981. This modification of the present coding system will enable the Postal Service to continue to provide good and efficient services at fair and reasonable rates through increased economy and accuracy. The presence of the additional ZIP Code digits in addresses will enable the Postal Service to direct each such piece of mail, quickly and accurately, to the appropriate letter carrier simply by reference to the ZIP Code.

The present five-digit ZIP Code has enabled the Postal Service to realize significant improvements in mail processing by allowing sortation of mail to the appropriate post office, station or branch by reference to the ZIP Code. However, by itself it does not allow sortation to the appropriate letter carrier. Instead, mail must be directed to the proper carrier by clerks who are required to memorize the precise ranges of addresses delivered by each letter carrier. Additional complications are added to the existing system by the need to adjust the routes of carriers. The expanded ZIP Code can provide further economies in mail processing. These economies can be achieved through the acquisition of advanced mechanization which can sort letter mail into small segments for delivery, without the current need of extensive distribution of mail by memory.

Background

The ZIP Code program began in 1963. The cooperation of this country's mailers in the program (approximately 97% of the mail currently processed has a ZIP Code) has enabled the Postal Service to handle ever-increasing amounts of mail with a relatively stable labor force. For instance, during the last eight years, the annual volume of mail has increased from 86 billion to 100 billion pieces while the total workforce has decreased from 740,000 to 665,000 employees. This increase in productivity is the result of many actions. Two major factors have been the increased use of the present five-digit ZIP Code and increased use of mechanization in the mail distribution process.

The theory behind the ZIP Code is relatively simple. The first three digits of the current ZIP Code designate a major post office's total delivery area, while the last two digits designate specific delivery areas or points served by smaller associate post offices or by the stations and branches of the major post office. Thus, while the five-digit ZIP Code has been of great assistance in the processing of mail from the point of entry into the postal system to the office serving the area of the addressee, the present ZIP Code cannot identify geographical units with sufficient precision to direct mail to the letter carrier serving the addressee. This final mail processing task is performed by clerks who are required to memorize the addresses delivery by each letter carrier. Since a post office may have many delivery routes, this task is time-consuming with a potential for error. An added complication for this intricate system is the occasional need to adust the routes of letter carriers (e.g. due to changes in deliveries within the area served by the letter carrier). Such adjustments render prior address memory incorrect and create additional costs and requirements in memory training for those employees who direct mail to the appropriate delivery routes.

During the last ten years the Postal Service has studied the operational limitations of the five-digit ZIP Code, mail coding systems in other countries, and telephone industry approach to coding, and the requirements for an efficient processing system necessary to achieve significant cost benefits. As a result, it was determined that the addition of four numbers to existing ZIP Codes would provide the capability to sort mail into small segments within each delivery area and would eliminate or reduce the need for future geographical code changes or changes in memory knowledge.

In September 1978, a public announcement was issued by the Postal Service stating the intention to expand ZIP Codes to nine digits in 1981.

The first five digits of the expanded ZIP Code will be the same as the present five-digit ZIP Code assignments and will continue to designate delivery areas served by post offices, stations, or branches. The four add-on numbers will be separated from the first five numbers by a hypen, and will divide each of the current five-digit ZIP Code areas into two smaller types of geographical units: sectors and segments. Each existing five-digit area will contain a maximum of 100 sectors and each sector will contain a maximum of 100 segments. The first two numbers (from 00 to 99) of the add-on (the sixth and seventh digits of the nine-digit ZIP Code) will designate the sector number. Segments will be the basic geographical unit in the program.

Technology

The ability to direct mail to the appropriate letter carrier simply by reference to the ZIP Code will make possible additional economy, speed and accuracy in mail processing. These benefits can most readily be maximized through the planned use of advanced mechanization in mail processing. When this advanced mechanization is put into place, an Optical Character Reader (OCR) will read the nine-digit ZIP Code on letter mail, which has a typed or printed address, at the office where such mail first enters the postal system. A printer attached to the OCR will then print a machine readable representation of the ZIP Code, in bar code form, on the lower right hand corner of the envelope and the mail will then be directed to the postal facility serving the addressee. At this facility, the mail can be processed by a Bar Code Reader (BCR), which is a low cost, highly reliable automated distribution system. The BCR will direct the mail to the appropriate delivery route.

The New ZIP Code Configuration

When the decision was made to develop a ZIP Code which would provide the information necessary to sort mail to carriers, many ZIP Code configurations were considered. These ranged from completely revising the

code to all alpha characters, to adding on numeric, alpha, or a combination of alpha and numeric characters at the end of the present ZIP Code. There are many benefits associated with expanding the code from the widely used and accepted five-digits base; hence it was determined that the additional part of the code would be appended to the present five-digit ZIP Code, and separated by a hyphen.

It was determined that adding four numeric characters to the existing five-digit ZIP Code offers the following advantages:

1. It provides 10,000 additional combinations, which are sufficent for all delivery zones and allow for growth within each zone.
2. Numeric add-on codes provide greater adaptability to present letter sorting machine keying and training procedures.
3. There is a greater potential, with fewer technical problems, for an OCR to read numeric rather than alpha characters.

Segments

A segment will be a portion of a five-digit delivery zone covered by one four-digit expanded code. Once established, it will be the smallest unit to which mechanized distribution will be provided. Segments will be the last two digits of the add-on numbers, and will range from 00 to 99.

A segment will be any one of the following:

1. One side of a street between intersections. This will be referred to as a block face.
2. Both sides of a street between intersections.
3. A firm, building, or a firm within a multi-firm building.
4. A floor or a group of floors within a building.
5. A neighborhood delivery and collection box unit.
6. A post office box or a group of boxes.
7. A wall box section of a post office box area.
8. A cluster of apartment boxes.
9. A cove or cul-de-sac.
10. One or more "hundred-block" ranges on a street which has no intersecting streets within a span of approximately 200 to 600 feet.
11. Any other delivery point or grouping indicated by sound management judgment.

A key requirement is that future carrier route adjustments will not split a segment between routes. Therefore, all delivery routes will be separated at a segment boundary, and such route adjustments as may be necessary will be made by transferring whole segments from one route to another.

Sectors

After all segments within a zone are identified, they will be grouped into sectors. Sectors will contain a maximum of 100 segments (00–99). Sectors will be the first two digits of the add-on code numbers.

Sector boundaries will be geographically identifiable, with the exception of sectors for box sections and for business reply and special codes.

Sector boundaries will not cross state or county lines. Sector numbers will be assigned so as to ensure that sufficient sectors remain to accommodiate growth within each five-digit ZIP Code delivery area.

Sectors in commerical zones will generally cover a smaller area than sectors in residential or mixed business and residential zones. The area covered by each sector will be determined by the number of business delivery points whose mail volume is sufficient to justify the assignment of an individual nine-digit ZIP Code. In some cases, this will mean that a sector will be completely contained within a single large building or within a single square block of a city.

In some cases the number of business customers qualifying for individual nine-digit ZIP Codes within a building or within a city block may be greater than the 100 codes (segments) available within a sector. When this occurs an additional sector will normally be overlaid on the original sector. This will make an additional 100 nine-digit codes available to the area. For example, if a building has 160 customers which qualify for an indivudual nine-digit ZIP Code, two sectors will be allocated to the building. In extremely large metropolitan areas, it may be necessary to overlay several sectors in a two or three block area. When sectors are overlaid, unassigned segment codes, which generally must be available in all sectors in event of future growth, will be available in at least one sector within the overlaid area.

Code Assignments for Business Customers

For the purpose of this program, the term "business customer" is defined as all non-residential delivery points which receive moderate volumes of machinable letter mail at a specified address. The definition includes standard business organizations, professional services, churches, schools, government, etc.

Moderate Daily Volume. In general, a four-digit add-on code will be assigned to business customers receiving moderate (10–50 pieces) daily volumes of letter size mail. Each post office will analyze the volume received by business customers and the delivery characteristics, and then determine what level of incoming mail volume will be required to qualify the customer to receive an individual code. The local post office will notify those customers who qualify.

Large Daily Volume. Business customers who receive large volumes of machinable letter mail may be provided the opportunity to obtain extra add-on codes. The local post office will notify those qualifying business customers regarding the availability of extra code assignments, as well as the procedures to obtain them. In some instances, business customers in areas of high code density may be provided the opportunity to utilize a new five-digit code number for their base in order to obtain a larger number of additional add-on codes.

The assignment of additional codes does not obligate the Postal Service to provide sortation to the additional codes. The value of the additional codes will be the opportunity for the business customer to establish an internal mail sortation system which utilizes the additional codes for staff or function identification. It will also provide the basis for mechanizing company mail room sortation activities utilizing the bar code placed on the letter during the postal service sortation process.

Large Volume Customers With Unique Five-Digit ZIP Code. Customers that presently have unique five-digit codes will be given the opportunity to request a series of add-on numbers for their internal sortation of mail. They will initially be assigned an add-on code of 0001. If they desire additional codes, these codes will be provided in sequence with the initial code assigned. The local post office will advise each customer having a unique five-digit ZIP Code of the procedure to obtain additional codes.

The assignment of additional codes to business customers with a unique five-digit ZIP Code does not obligate the Postal Service to provide sortation to the additional codes. The additional codes will be valuable for the opportunity they provide the business customer to establish an internal mail sortation system which utilizes the additional codes for staff or function identification. The additional codes will also provide the basis for mechanizing company mail room sortation activities utilizing the bar code placed on the letter during the postal service sortation process.

Business Customer Listing in the Data Base. The name and delivery address of all customers that qualify for individual four-digit add-on codes and receive street delivery will be included in the data base. This information will be provided to the public in the form of computer tapes, microfilm, microfiche, print form, etc., unless a business customer specifically requests not to have its name included in postal listings. Only the primary nine-digit ZIP Code assigned to a business will be provided to the public. Additional codes which may be assigned will not be individually shown on the listings available to the public.

Any business customer which does not wish to have its business name and delivery address shown on the listings available for general customer directory use must give written notice, within sixty days of the publication of this notice, to the Director, Office of ZIP Code Expansion, Room 6624, Research and Technology Group, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. If the above notice is not given a business customer can, after the initial listing has been completed and notification of code assignment has been received, give written notice to the local postmaster to have the business name and delivery address removed from the directory.

Buildings and Apartments

For each building that is presently assigned a unique five-digit ZIP Code, individual four-digit add-on codes will be assigned to each business customer in the building whose mail volume warrants a unique code. Add-on codes will also be assigned to each floor or group of floors as appropriate.

For each large building that is not presently assigned a unique five-digit ZIP Code, individual codes will be assigned to each business customer in the building whose mail volume warrants an individual nine-digit ZIP Code. Additional codes for the building will be based on delivery requirements. For instance, if the delivery assignment is by elevator banks, a single nine-digit ZIP Code number may be assigned to the floors served by a given elevator bank. If the delivery assignment is by floors, nine-digit ZIP Codes will be assigned to individual floors or groups of floors.

Business customers that do not qualify for individual nine-digit ZIP Codes will use the nine-digit ZIP Code assigned to their building. If an individual nine-digit ZIP Code has not been assigned to the building, they will use the code assigned to the block face.

Small apartment buildings will be treated as single dwellings.

Apartment buildings with boxes grouped into banks will have codes assigned to each bank. If the boxes are not grouped into banks, then one or more codes will be assigned to the apartment building dependent on the location and number of addresses the carrier must serve in the building.

Lockbox Sections

If the lockbox section of a post office has a unique five-digit ZIP Code, the last four digits of each box number will normally be the last four number of the expanded ZIP Code. If the box number is less than four digits, sufficent zeros will precede the box number to make up a nine-digit ZIP Code. Alphabetical boxes will be assigned numerical codes.

If the lockbox section does not presently have a unique five-digit Code, nine-digit ZIP Codes will be assigned to individual boxes or to groups of boxes depending on the total number of boxes and the availability of four-digit add-on codes within the applicable five-digit delivery zone.

Rural Delivery

The segments along rural routes or contract delivery routes will usually consist of all of the boxes or the range of house numbers between each intersection. Numbers will be assigned to these segments in accordance with the present line of travel. A route adjustment which will necessitate the changing of a rural address from one rural route to another will constitute an address change, but the nine-digit ZIP Code will not change. However, if an area should be converted from rural delivery to city delivery, the nine-digit ZIP Code may be changed in order to assign segments for city delivery.

Portions of rural routes serving areas which have named streets and house numbers and are adjacent to city delivery areas will be divided into segments in the same manner as city delivery routes.

Individual nine-digit ZIP Codes will be assigned to firms, buildings, apartments, and post office boxes in rural areas under the same criteria outlined previously for city delivery.

General Delivery, Business Reply and Special Codes

The ZIP Code for general delivery mail will consist of the present five-digit ZIP Code followed by a hyhen and the number 9999.

All business reply mail permit holders will be assigned special nine-digit ZIP Codes to be used as part of their reply address which will consist of the present five-digit ZIP Code plus a four-digit add-on. The first two digits of the add-on portion (the sixth and seventh digits of the nine-digit ZIP Code) will be 98 or 99.

The general coding procedures applicable here will be:

9999—General Delivery.
9998—Postmaster.
9991 to 9997—Held for special assignment.
9990—Group of small volume business reply mailers.
9800 to 9989—Customers with sufficient business reply volume to qualify for individual nine-digit ZIP Codes (additional sectors will be used if the amount of business reply volume warrants).

Federal Government Mail

All federal government departments and many government agencies presently have unique five-digit ZIP Codes assigned for their official mail and will be assigned a four-digit add-on code of 0001 for each five-digit ZIP Code. Upon request, additional four-digit add-on codes will be assigned to offices, divisions and branches within each agency, as well as to domestic military bases and APO/FPO addresses.

The assignment of additional codes to governement departments and agencies does not obligate the Postal Service to provide sortation to these additional codes.

Schedule

February, 1981 is the planned date for the completion of the nine-digit coding of all delivery addresses in the United States. It is also planned to have the nine-digit ZIP Code data file ready for distribution to large mailers at that time. Notification to residential customers will follow the notification to business mailers and will commence in the Spring of 1981.

All mail users will be encouraged to voluntarily update their address files and begin using nine-digit ZIP Codes as quickly as possible. The Postal Service will provide directory assistance to customers. For example, computer tapes of the basic directory will be made available to mailers with computerized directories to update address records. In addition, directory assistance systems will be provided for use by individuals and small business mailers to obtain nine-digit ZIP Code information. Specific details concerning directory assistance will be available to the public at a future time.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-16728 Filed 6-2-80; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-5192]

Broward Venture Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to Section 107.102 of the Regulations (13 CFR 107.102 (1980)), under the name of Broward Venture Capital Corporation, 660 S. Federal Highway, Suite 300, Pompano Beach, Florida 33062 for a license to operate in the State of Florida as an SBIC, under the provisions of the Small Business Investment Act of 1958 (Act), as amended, (15 U.S.C. 661 et seq.).

The officers and directors of the Applicant are as follows:

William H. Lackey, 21 River Valley Road, Little Rock, AR 72207
Sam Monk, 3031 N.E. 51st Street, Ft. Lauderdale, FL 33062
Woody Guy, 4821 N.E. 27th Avenue, Ft. Lauderdale, FL 33308
First National Financing & Leasing Corp.; 100 percent

The Applicant will begin operations with a capitalization of $500,000, which will be a source of equity capital and long-term loans for qualified small business concerns.

The Applicant will conduct its operations principally in the State of Florida.

As an SBIC under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any interested person may (not later than 15 days from the publication of this Notice) submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in the Pompano Beach, Florida area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 27, 1980.

Michael K. Casey,

Associate Administrator for Investment.

[FR Doc. 80-16866 Filed 6-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1841]

Nebraska; Declaration of Disaster Loan Area

Chase and Dundy Counties and adjacent Counties within the State of Nebraska constitute a disaster area as a result of natural disaster as indicated:

County and natural disaster(s)	Date(s)
Chase—Snow storms and high winds	3/27/80-4/4/80
Dundy—Blizzard, wet snow, and drifts reached height of 10 feet.	3/27/80-4/3/80

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 24, 1980, and for economic injury until the close of business on February 23, 1981, at: Small Business Administration, District Office, Empire State Building, 19th and Farnam Streets, Omaha, Nebraska 68102, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 23, 1980.

H. A. Theiste,

Acting Administrator.

[FR Doc. 80-16867 Filed 6-2-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Madison, Wisconsin, will hold a public meeting from 9:30 until noon on Wednesday, June 25, 1980, in Room 213 of the Federal Center, 212 East Washington Avenue, Madison, Wisconsin, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Curtis A. Charter, District Director, U.S. Small Business Administration, 216 East Washington Avenue, Room 213, Madison, Wisconsin 53703-(608) 264-5267.

Dated: May 29, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 16865 Filed 6-2-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 19 (Rev. 8)]

Delegation of authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authorization for the Commissioner of Internal Revenue Service to approve payment of travel and transportation of new appointees to the first post of duty is redelegated to subordinate officials. The text of the delegation order appears below.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Brasher, RM.P:EE 1111 Constitution Ave., N.W., Room 706WB (202) 376-0530 (Not Toll Free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the Treasury Directive which appeared in the **Federal Register** for Wednesday, November 8, 1978.

J. S. Henderson II,

Chief, Employment Branch, Personnel Division.

Date of issue: May 27, 1980.

Subject: Payment of Expenses Incident to Transfers or Appointments of Employees to New Official Stations, Vacation Leave Travel, and Similar Items.

1. This order delegates authority vested in the Commissioner of Internal Revenue by 5 USC 5723, Treasury Department Order No. 72 Revised, to authorize or approve the allowance and payment from Government funds of expenses allowable under Chapter 2, Relocation Allowances, of General Services Administration Federal Property Management Regulations Part 101-7, Federal Travel Regulations. The following officers may authorize or approve the incurrence of such

expenses, and related advances of funds, subject to the restrictions in the succeeding paragraphs of this order and pursuant to implementing regulations in Department of the Treasury Directives Manual Chapter TD 70, Section 02, as amended, and IRM 1763, Travel Handbook:

Deputy Commissioner.
Assistant to the Commissioner (Public Affairs).
Assistant to the Commissioner (Equal Opportunity).
Taxpayer Ombudsman.
Assistant Commissioners.
Chief Counsel.
Division Directors.
Director of International Operations.
Director, National Computer Center.
Fiscal Management Officer.
Regional Commissioners.
Regional Inspectors.
District Directors.
Service Center Directors.
Director, Data Center.

2. This delegation does not include the authority to agree to the payment of moving expenses by an office other than the gaining office in transfers between the Internal Revenue Service and another agency, department, bureau of the Department of the Treasury, etc.

3. This delegation does not include the authority to approve a period of service of less than two years, or to accept separation, without penalty, from service before the end of a year of service, with respect to employees serving outside the conterminous (contiguous 48 States and the District of Columbia) United States under circumstances requiring two years of service.

4. No redelegation of the above authority may be made except that:

(1) Regional Commissioners may redelegate, but not lower than to Branch Chiefs in the Regional Office.

(2) District Directors, Service Center Directors, and the Director, Data Center, may redelegate but not lower than to Division Chiefs. In streamlined districts this authority may not be redelegated below the District Director.

(3) The Chief Counsel may redelegate to a level not lower than Assistant Director, Administrative Services Division in the National Office or the District Counsel in the field.

5. The Director of International Operations and the Regional Commissioner, Western Region, may make determinations and authorizations in cases under their jurisdiction with respect to the transportation and emergency storage of privately-owned motor vehicles of Service employees appointed or transferred to posts of duty other than those located in the conterminous United States. The Fiscal Management Officer may make such determinations and authorizations with respect to all other Service employees appointed or transferred to posts of duty outside the conterminous United States. This authority may not be redelegated.

6. Except as provided in paragraph 7, the Regional Commissioners, Assistant Commissioners, Assistants to the Commissioner, Assistants to the Commissioner (Public Affairs) and (Equal Opportunity), the Taxpayer Ombudsman, and Chief Counsel may make determinations and authorizations in cases under their jurisdiction with respect to the payment of travel and transportation of new appointees to the first post of duty of positions designated shortage category by the Office of Personnel Management. This authority may be redelegated only to District Directors and to Division Directors in the National Office. The Chief Counsel may redelegate to a level not lower than Assistant Director, Administrative Services Division in the National Office.

7. Assistant Commissioners, Assistants to the Commissioner (Public Affairs) and (Equal Opportunity), the Taxpayer Ombudsman, and Chief Counsel are authorized to pay travel and transportation to first post of duty for clerical positions specified herein. Authorized officials will pay up to maximum amounts of $300 for recruits from within the conterminous United States and up to maximum amounts of $500 for recruits from outside the conterminous United States to occupy Clerk-Stenographer, GS-312-3/4/5 and Clerk-Typists, GS-322-2/3/4 positions in the National Office. Exceptions to these amounts may be requested on a case-by-case basis. This authority may be redelegated no lower than Division Directors or equivalent level supervisory position reporting directly to an Assistant Commissioner. Assistants to the Commissioner (Public Affairs) and (Equal Opportunity), and the Taxpayer Ombudsman may not redelegate this authority. The Chief Counsel may redelegate to a level not lower than Assistant Director, Administrative Services Division in the National Office.

8. Delegation Order No. 19 (Rev. 7), issued October 31, 1979, is superseded.

William E. Williams,

Acting Commissioner.

[FR Doc. 80-16849 Filed 6-2-80; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Clinical Services Addition, Veterans Administration Medical Center, Albuquerque, N. Mex.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential impacts that may occur as a result of the construction of a Clinical Addition/Nursing and Bed Building at the Veterans Administration Medical Center (VAMC) at Albuquerque, New Mexico.

The clinical services part of the bed building is planned to be about 209,499 gross square feet comprised of a basement plus four floors. The nursing bed section is estimated for 269,544 gross square feet comprised of a basement plus six floors. The total cost of construction, demolition and air conditioning will be in the range of 100 million dollars.

Development of the project would have impacts on the natural and human environments as it affects surface runoff, erosion, traffic circulation and parking, landscaping and visual impressions. Additionally, construction noise, fumes, dust and disruption of vehicular and pedestrian circulation will occur during construction.

Mitigating actions include: Onsite noise abatement measures; soil erosion and sedimentation controls; control of dust and fumes; planning to transplant existing small landscape material and additional landscaping, and compatible design.

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (004A), Room 1027A, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: May 22, 1980.

By direction of the Administrator.

Maury S. Crallé, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-16753 Filed 6-2-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 103
Tuesday, June 3, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., Wednesday, June 4, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Closed Commission Meeting following the Special Open meeting which commences at 2 p.m.

CHANGES IN THE MEETING: Additional items to be considered:

Agenda, Item Number, and Subject

Hearing—1—Draft Order in the RKO General, Inc. (WOR-TV), New York, New York, comparative renewal proceeding (Docket Nos. 19991-2).

Hearing—2—Draft Order in the RKO General, Inc. (KHJ-TV), Los Angeles, California, comparative renewal proceeding (Docket NOs. 16679-80).

Hearing—3—Drat Decision in the RKO General, Inc. (WNAC-TV), Boston Massachusetts, comparative renewal proceeding (Docket Nos. 18759-18761).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Addition information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone (202) 254-7674.

Issued: May 30, 1980.

[S-1083-80 Filed 5-30-80; 3:10 pm]

BILLING CODE 6712-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., June 6, 1980.

PLACE: 1700 G Street, N.W., Chairman's Conference Room, fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

MATTERS TO BE CONSIDERED:

To Be Considered Concurrently: Application for Limited Facility—First Federal Savings and Loan Association of DeFuniak Springs, DeFuniak Springs, Florida AND Permission to Organize a New Federal Association—Russell A. Cole, Jr., et al., Bonifay, Florida.

Travel Authorization—Federal Savings and Loan Advisory Council Agenda Committee Members.

No. 354, May 30, 1980.

[S-1079-80 Filed 5-30-80; 2:52 pm]

BILLING CODE 6720-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 29, 1980.

TIME AND DATE: 10 a.m., Monday, June 2, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Victor McCoy* v. *Crescent Coal Co.*, PIKE 77-71 (issues include timeliness of petition for review and propriety of default for failure to fully comply with prehearing requirements in circumstances of this case.)

2. *Secretary of Labor, MSHA* v. *Island Creek Coal Co.*, BARB 76-298-P, IBMA 77-27 (issues include appropriateness of amount of penalty assessed.)

3. *Secretary of Labor, MSHA* v. *C.C.C. Pompey Coal Co., Inc.*, PIKE 79-125-P (issues include whether operator violated 30 CFR § 75.400.)

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on these items and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1082-80 Filed 5-30-80; 3:09 pm]

BILLING CODE 6820-12-M

4

FOREIGN CLAIMS SETTLEMENT COMMISSION

[FCSC Meeting Notice No. 5-80]

Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, June 4, 1980, 10:30 a.m.—Canceled.

Wednesday, June 11, 1980, 10:30 a.m.—Canceled.

Wednesday, June 18, 1980, 10:30 a.m.—Canceled.

Wednesday, June 25, 1980, 10:30 a.m.—Canceled.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W.; Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C., on May 28, 1980.

Francis T. Masterson,

Executive Director

[S-1080-80 Filed 5-30-80; 3:05 pm]

BILLING CODE 6770-01-M

5

[USITC SE-80-32]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, June 12, 1980.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.

4. Petitions and complaints, if necessary:
a. Shell brim hats (Docket No. 655).
5. Nonquota cheese from the EC (Inv. 701–TA–52 through –60 [Final])—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1077–80 Filed 5–30–80; 1:59 pm]

BILLING CODE 7020–02–M

6

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of meeting to be held with less than 7 days advance notice.

TIME AND DATE: 11 a.m., Friday, May 30, 1980.

PLACE: 1776 G Street NW., Washington, D.C., seventh floor board room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Consideration of Changes in the Restrictions on Dividend Rates Payable on Share Certificates.

The National Credit Union Administration notified interested parties by telephone of the time and place of the meeting as soon as the majority of the members of the Board voted to hold the meeting.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1078–80 Filed 5–30–80; 2:14 pm]

BILLING CODE 7535–01–M

7

[NM–80–23]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Tuesday, June 10, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the sixth item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report*—Columbia Gas of Virginia, Inc., Natural Gas Explosion and Fire, Stanardsville, Virginia, October 24, 1979, and *Recommendations* to the American Gas Association, the Research and Special Programs Administration of the U.S. Department of Transportation, and the Columbia Gas of Virginia, Inc.
2. *Marine Accident Report*—Collision of Spanish freighter M/V POLA DE LENA with two Mississippi River Ferry Boats and Gretna Ferry Landing, February 3, 1979, and *Recommendation* to the U.S. Coast Guard.
3. *Aircraft Accident Report*—Butler Aircraft, Inc., Douglas DC–7, N4SW, Klamath Falls, Oregon, September 14, 1979.
4. *Letter* to the Materials Transportation Bureau, U.S. Department of Transportation, re NPRM Dkt. HM–164, highway routing of radioactive materials.
5. *Briefing* on the status of hazardous materials safety objective—Shipper Involvement in Hazardous Materials Transportation.
6. *Opinion and Order*—Petition of Byrom, Dkt. SM–2319; disposition of Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–462–6022.

May 30, 1980.

[S–1085–80 Filed 5–30–80; 3:17 pm]

BILLING CODE 4910–58–M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: June 4, 5, and 6, 1980.

PLACE: Commissioners' Conference room, 1717 H Street N.W., Washington D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 4:

10 a.m.

Discussion of Action Plan Policy Statement (approximately 2 hours, Open/closed status to be determined).

Thursday, June 5:

10 a.m.

Discussion of TMI Venting (Approximately 2 hours, public meeting).

2 p.m.

1. Affrimation Session (approxable 10 minutes, public meeting).
a. Standards for Content of Technical Specifications.
b. Proposed Rulemaking on Reactor Siting (postponed from May 29).
c. Cochran FOIA Appeals.
2. Time Reserved for Discussion and Vote on Affirmation Items (If required) (approximately fifteen minutes, public meeting).
3. Discussion of Management-Organization and Internal Personnel Matters (approximately 1½ hours closed—Exemption 2 & 6)(rescheduled from May 28).

Friday, June 6, room 1046:

1:30 p.m.

ACRS Meeting on Siting Evaluation Policy (appoximately 45 minutes, public meeting) (NRC Commissioners to attend).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Roger M. Tweed,

Office of the Secretary.

[S–1081–80 Filed 5–30–80; 3:06 pm]

BILLING CODE 7590–01–M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 2, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Monday, June 2, 1980, at 2 p.m.

The Commission will meet with members of the Financial Accounting Standards Board with respect to conceptual framework and other matters. For further information, please contact Clarence Staubs (202) 272–2133.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272–2178.

May 30, 1980.

[S–1084–80 Filed 5–30–80; 3:14 pm]

BILLING CODE 8010–01–M

10

U.S. RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, No. 105, p. 36258, Thursday, May 29, 1980.

TIME AND DATE: 9 a.m., June 5, 1980.

PLACE: Board's meting room, eighth floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

CHANGE IN THE MEETING: Additional item to be considered at the portion of the meeting which will be closed to the public:

(C) Appeal from referee's denial of widow's insurance annuity, Opal Ragsdale.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–751–4920, FTS No. 387–4920.

[S–1076–80 Filed 5–30–80; 12:23 pm]

BILLING CODE 7905–01–M

federal register

Tuesday
June 3, 1980

Part II

Office of Personnel Management

Improving Government Regulations; Semiannual Agenda of Regulations

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of Personnel Management.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development during the 6-month period from July 1, 1980, through December 31, 1980. As a service to users, we have also included a compilation of significant regulations published from December 1, 1979, through May 31, 1980. (Excepted service appointing authorities are not included.)

FOR FURTHER INFORMATION CONTACT: Beverly M. Jones, Issuance System Office, Office of Planning and Evaluation, 202–254–7086.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Part 1 of Semiannual Agenda

[Regulations issued from Nov 1, 1979 through May 20, 1980]

5 CFR Part and title	Date of publication	Type of action	Effective or comment date
315—Career and career-conditional employment; Presidential Management Interns, conversion	Nov. 2, 1979	Final rule	Dec. 3, 1979.
315—Technical amendments (redesignated sections)	Nov. 2, 1979	Final rule	Nov. 2, 1979.
733—Political participation by Federal employees in local elections in Stafford County, VA	Nov. 2, 1979	Final rule	Nov. 2, 1979.
177—Administrative claims under the Federal Tort Claims Act	Nov. 9, 1979	Final rule	Dec. 10, 1979.
293 and 297—Privacy Act, personnel records	Nov. 9, 1979	Final rule	Dec. 10, 1979.
351—Reduction in Force, retention preference	Nov. 9, 1979	Final rule	Dec. 10, 1979.
531—Superior qualifications appointments under the Intergovernmental Personnel Act	Nov. 9, 1979	Proposed rule	Jan. 8, 1980 (comments).
315—Career and career-conditional employment; conversion to competitive appointments for mentally and severely physically handicapped	Nov. 20, 1979	Final rule	Dec. 20, 1979.
213 and 338—Employment in the excepted service; qualification requirements for children of civil service employees.	Nov. 20, 1979	Final rule	Nov. 15, 1979.
110—Posting OPM regulations in Federal agencies	Nov. 27, 1979	Final rule	Dec. 27, 1979.
620—Alternative work schedules experiments	Nov. 30, 1979	Final rule	Dec. 31, 1979 through Mar. 28, 1982.
890—Retired Federal Employees Health Benefits Plans	Nov. 30, 1979	Final rule	Dec. 31, 1979.
Improving Government regulations, semiannual agenda	Dec. 4, 1979	Proposed rule	
Notice; proposed Navy demonstration project on pay, performance appraisal, and position classification	Dec. 4, 1979	Notice	Feb. 4, 1980 (comments).
871—Optional life insurance, cancellation of declination for Postal Service employees.	Dec. 7, 1979	Final rule	June 2, 1979.
213—Excepted service; identical or temporary Schedule C appointing authority for positions during Presidential transition, department or agency head change, or new department or agency creation.	Dec. 7, 1979	Proposed rule	Feb. 7, 1980 (comments).
737—Post Employment conflict of interest under the Ethics in Government Act; interim designation of senior employees.	Dec. 14, 1979	Interim rule	Effective: Dec. 14, 1979 Comments: Jan. 4, 1980.
212, 213, 214, and 317—Appointment, reassignment, transfer, and development in the SES, competitive and excepted service exclusion	Dec. 21, 1979	Interim rule	Effective: Dec. 21, 1979
Notice of adoption of official seal	Dec. 21, 1979	Notice	Dec. 21, 1979
733—Political participation by Federal Employees in local elections in Manassas, VA.	Dec. 28, 1979	Proposed rule	Feb. 26, 1980 (comments).
351—Reduction in force; retention preference	Dec. 28, 1979	Proposed rule	Feb. 26, 1980 (comments)
771—Agency administrative grievance system	Dec. 31, 1979	Final rule	Dec. 31, 1979.
175—National security information program implementation; mandatory review of classified documents.	Jan. 4, 1980	Final rule	Jan. 4, 1980.
334—Temporary assignment of employees between Federal agencies and State governments, etc	Jan. 4, 1980	Final rule	Feb. 4, 1980.
831—Retirement, law enforcement officers and firefighters	Jan. 4, 1980	Final rule	Feb. 4, 1980.
335, 351, 432, 752, and 771—Term promotions for positions of a project nature and in specialized fields.	Jan. 4, 1980	Proposed rule	Mar. 4, 1980. (comments).
831—Retirement; law enforcement officer and firefighter "experience" qualification determination	Jan. 4, 1980	Proposed rule	Mar. 4, 1980 (comments).
630—Absence and leave, exception for SES appointees	Jan. 8, 1980	Final rule	Jan. 13, 1980.
540—Merit pay system	Jan. 8, 1980	Final rule	Jan. 8, 1980.
733—Political participation by Federal employees in local elections; exception for Manassas, VA	Jan. 8, 1980	Final rule	Jan. 8, 1980.
410—Training, use of Government or non-Government facilities (OMB A–76 implementation)	Jan. 11, 1980	Proposed rule	Jan. 8, 1980.
Notice: List of career reserved and all other authorized SES positions	Jan. 18, 1980	Notice	
Notice: List of SES executives in noncareer positions prior to conversion who received a career appointment.	Jan. 18, 1980	Notice	
2, 4, 5—Civil Service rules revised by E.O. 12107	Jan. 22, 1980	Final rule	Jan. 3, 1979
733—Political participation by Federal employees in local elections; revocaton of exception for Shrewsbury Twp., NJ	Jan. 25, 1980	Proposed rule	Mar. 25, 1980 (comments).
410—Training, constraints on non-Government training	Jan. 25, 1980	Proposed rule	Mar. 25, 1980 (comments).
737—Post Employment Conflict of Interest	Feb. 1, 1980	Final rule	Mar. 3, 1980
550—Pay Administration, back pay	Feb. 1, 1980	Proposed rule	Apr. 1, 1980 (comments).
351—Reduction in Force, using performance appraisal as a RIF retention factor	Feb. 5, 1980	Proposed rule	Apr. 7, 1980 (comments).
737—Post Employment conflict of interest; designation of senior employees	Feb. 8, 1980	Interim rule	Effective: Feb. 8, 1980 (comments: Feb. 20, 1980).
317—Senior Executive Service; appointment, reassignment, transfer and development	Feb. 8, 1980	Final rule	Mar. 10, 1980.
351—Reduction in Force, retention preference; less than full-time employment programs	Feb. 8, 1980	Proposed rule	Apr. 8, 1980 (comments).
Notice—Proposed Navy demonstration project on pay, performance appraisal, and position classification, comment date extended	Feb. 8, 1980	Notice	Feb. 29, 1980 (comments).
Notice—Combined Federal Campaign fundraising manual; proposed revisions	Feb. 12, 1980	Notice	Mar. 3, 1980 (comments).
315—Career and career-conditional employment; Canal Zone merit system.	Feb. 15, 1980	Final rule	Dec. 30, 1980.

Part 1 of Semiannual Agenda—Continued

[Regulations issued from Nov. 1, 1979 through May 20, 1980]

5 CFR Part and title	Date of publication	Type of action	Effective or comment date
213—Excepted service, appointing authority for SES candidate development programs	Feb. 19, 1980	Final rule	Feb. 6, 1980.
890—Federal employees health benefits; medically underserved areas.	Feb. 26, 1980	Interim rule	Jan. 1, 1980.
432—Reduction in grade and removal based on unacceptable performance	Feb. 29, 1980	Final rule	Feb. 29, 1980.
Notice—Extension of time limit for comments on proposed changes to Combined Federal Campaign fundraising manual	Feb. 29, 1980	Notice	Mar. 24, 1980
733—Political participation by Federal employees in local elections; designations of Manassas Park, VA, as exception.	Mar. 4, 1980	Final rule	Mar. 4, 1980.
Notice—List of SES career reserved and all other authorized service positions.	Mar. 4, 1980	Notice	
831—Retirement; apportionment from civil service retirement benefits	Mar. 7, 1980	Final rule	Apr. 7, 1980.
Notice—Annual review of advisory committees under Federal Advisory Committee Act.	Mar. 11, 1980	Notice	Apr. 1, 1980 (comments).
620—Alternative Work Schedules experiment; Final Master Plan revoked from 5 CFR.	Mar. 14, 1980	Final rule	Apr. 14, 1980.
213—Excepted service appointing authority for individuals severely disadvantaged due to psychiatric disability.	Mar. 14, 1980	Final rule	Feb. 27, 1980.
831—Retirement; exclusion from coverage of annuitants on temporary Presidential appointments.	Mar. 14, 1980	Proposed rule	May 13, 1980 (comments).
213—Excepted service appointing authority for career-related work-study programs; Federal Junior Fellowship Program, and SSA pilot career-related work-study program.	Mar. 18, 1980	Final rule	Feb. 2, 1979.
337 and 410—Examining system, and training; grade and pay retention provisions.	Mar. 21, 1980	Final rule	Apr. 21, 1980.
734—Executive personnel financial disclosure requirements under the Ethics in Government Act.	Mar. 25, 1980	Proposed rule	Mar. 27, 1980 (comments).
831—Retirement; disclosure of retirement information under the Privacy Act	Apr. 4, 1980	Proposed rule	Mar. 3, 1980 (comments).
831, 870, 871, 890, and 891—Retirement, life insurance and health benefits programs; reconsideration procedures.	Apr. 8, 1980	Final rule	May 8, 1980.
335, 351, 432, 752, and 771—Term promotions for positions of project nature and in specialized fields.	Apr. 11, 1980	Final rule	May 12, 1980.
831—Retirement, exclusion of certain SES appointees	Apr. 11, 1980	Final rule	May 12, 1980.
410—Training; prohibition of use of appropriated funds for training in non-Government facilities advocating overthrow of Government by force or violence	Apr. 11, 1980	Proposed rule	June 10, 1980 (comments).
Notice—Revision of Combined Federal Campaign fundraising manual.	Apr. 11, 1980	Notice	Apr. 11, 1980.
213—Excepted service appointing authority for identical or temporary Schedule C appointments to positions during Presidential transition, department or agency head changes, or new department or agency creation.	Apr. 18, 1980	Final rule	Apr. 18, 1980.
Notice—Approval of Navy demonstration project on pay, performance appraisal, and position classification.	Apr. 18, 1980	Notice	Apr. 9, 1980 (approval date), July 10, 1980 (implementation date).
531—Pay administration for General Schedule apointments under the Intergovernmental Personnel Act.	Apr. 25, 1980	Final rule	May 27, 1980
733—Political participation by Federal employees in local elections; revocation of exemption for Shrewsbury, Twp., NJ	Apr. 25, 1980	Final rule	May 27, 1980.
351—Reduction in Force, retention preference for supervisory or managerial employees in probationary period.	Apr. 29, 1980	Final rule	May 29, 1980.
300—Employment; Uniform Guidelines for Employee Selection Procedures, additional Q's and A's.	May 2, 1980	Final rule	May 2, 1980.
351—Reduction in force, use of performance appraisal systems for determining retention preference	May 2, 1980	Final rule	May 2, 1980.
412—Executive Development, SES candidate development programs	May 2, 1980	Proposed rule	July 1, 1980.
891—Retired Federal employees health benefits programs, increase of Government contribution.	May 9, 1980	Final rule	Jan. 1, 1980
351—Reduction in force, clarification of tansfer of function provisions.	May 13, 1980	Proposed rule	July 14, 1980 (comments).
532—Prevailing rate systems	May 13, 1980	Proposed rule	July 14, 1970 (comments).
550—Pay Administration (General), allotment of pay by civilian employees.	May 13, 1980	Proposed rule	July 14, 1980 (comments).
351—Reduction in Force; retention standing of employees receiving military retired pay	May 20, 1980	Proposed rule	July 21, 1980.

Part 2 of Semiannual Agenda

[Regulations scheduled for review or development, June 1, through Dec. 31, 1980]

CFR or other authority	Title	Brief description	Knowledgeable official
5 CFR Parts 1 through 9	Civil Service Rules	In conjunction with an extensive revision of E.O. 9830 on Federal Personnel Administration, the Civil Service Rules will be eliminated as a separate body of regulation. Provisions of the Rules which must be retained will be incorporated in the revised Executive order or in civil service regulations. The regulatory changes should be accomplished within the next six months.	Anne Kirby, (202) 632-6077.
5 CFR Part 214	Senior Executive Service	Final regulations on definitions of types of appointments and coverage under the Senior Executive Service. (August 1980).	Neal Harwood, (202) 632-6820.
5 CFR Part 290	Civilian Personnel Reporting	Proposed new part will be developed to reflect revisions to those portions of E.O. 9830 prescribing regulations pertaining to civilian personnel and employment information to be reported by agencies to OPM. Target date is December 31, 1980..	Stan Suser, (202) 632-6739.

Part 2 of Semiannual Agenda—Continued

[Regulations scheduled for review or development, June 1, through Dec. 31, 1980]

CFR or other authority	Title	Brief description	Knowledgeable official
5 CFR Part 293	Personnel Records and Files	Input from agencies is still being received and the proposed new subpart D dealing with the Employee Performance Folder will be proposed after June 1980.	William H. Lynch, (202) 254-9790, (202) 254-9793
C CFR Part 297	Protection of Privacy in Personnel Records.	Administrative changes are necessary as a result of changes to the numerical designation of several of the Office's Privacy Act systems of records for which exemptions have been claimed.	William H. Lynch, (202) 254-9790, (202) 254-9793
5 CFR Part 305	Executive Assignment System	Revision of existing regulations to reflect changes in the Executive Assignment System resulting from the establishment of the Senior Executive Service as well as proposals to revise E.O. 9830 (2/24/47) and to eliminate the Civil Service Rules. (December 1980).	Ann Ugelow, (202) 632-6820.
5 CFR Part 307	Veterans Readjustment Appointments	Transfer of existing regs to Part 720	Marv Kossman, (202) 254-3058.
5 CFR Part 315	Career and Career Conditional Employment	Final rules on noncompetitive appointment of former Peace Corps personnel (early summer 1980).	Maribeth Zankowski, (202) 632-6817.
5 CFR 316.302	Term Employment	Transfer of existing regs on term appointments for veterans to Part 720	Marv Kossman, (202) 254-3058.
5 CFR 316.402	Temporary Limited Employment	Transfer of existing regs on temporary limited appointments for veterans to Part 720	Marv Kossman, (202) 254-3058.
5 CFR Part 317, Subpart F	Limited Emergency and Limited Term Appointments.	Final regulations on the authorization and utilization of Limited Emergency and Limited Term appointments under the Senior Executive Service. (August 1980).	Neal Harwood, (202) 632-6820.
5 CFR Part 317, Subpart G	Reinstatement to Career Appointment	Proposed regulations to cover reinstatement to a career SES appointment following: (a) a voluntary separation form SES, or (b) a Presidential appointment. (September 1980).	Ann Ugelow, (202) 632-6820.
5 CFR Part 317, Subpart H	Career Appointees: Retention of SES provisions following a Presidential appointment.	Proposed regulations to implement 5 U.S.C. 3392(c) regarding the right of career SES appointees to retain certain SES provisions while serving under a Presidential appointment, by and with the consent of the Senate. (August 1980)	Jack Vincent, (202) 632-6820.
5 CFR 330.504	Recruitment, Selection and Placement	Proposed rules on movement restriction on part-time employees employed under the direct hire program; to be published in June, 1980	Ellen S. Russell, (202) 632-6817
5 CFR Part 334	Temporary assignment of employees between Federal agencies and State governments, etc.	Proposed rulemaking on procedures for providing merit pay for IPA mobility assignees.	Ardrey Harris, (202) 632-5373.
5 CFR Part 351	Reduction in Force	Proposed rules on the effect of receipt of military retired pay on retention preference published in May 1980. Final rules will be published by September 1, 1980.	Ted Dow or Tom Glennon, (202) 632-4422.
5 CFR Part 351	Reduction in Force	Proposed rules to clarify transfer of function provision published May 13, 1970. Final rules to be published before September 1, 1980.	Ted Dow or Tom Glennon, (202) 632-4422.
5 CFR Part 351	Reduction in Force	Proposed rules to clarify reemployment priority list establishment and maintenance to be published in June 1980. Final rules to be published before September 1, 1980.	Ted Dow or Tom Glennon, (202) 632-4422.
5 CFR Part 351	Reduction in Force	Proposed rules on clarification and revision of competitive levels for new managers and supervisors, merit pay employees, and other-than-full-time employees to be published in June 1980; final rules to be published by September 1, 1980.	Ted Dow or Tom Glennon, (202) 632-4422.
5 CFR Part 351	Reduction in Force	Final rules to clarify assignment rights of full-time employees to other-than-full-time positions to be published in June 1980.	Ted Dow or Tom Glennon, (202) 632-4422.
5 CFR 352.801	Reemployment Rights	Proposed rules on reemployment rights for certain personnel serving with the American Institute of Taiwan to be published in June 1980.	Maribeth Zankowski, (202) 632-6817.
5 CFR Part 359, Subpart J	Reduction in Force in the Senior Executive Service.	Regulations to establish procedures for taking reduction-in-force actions in the Senior Executive Service and to establish an appeal right to the Merit Systems Protection Board. Final regulations to be published by the end of 1980.	Neal Harwood, (202) 632-6820.
5 CFR 410.302	Training; Selection and Assignment of Trainees.	Revised regulations governing selections for training leading to promotions or other employment decisions. Final regulations by August 31, 1980.	Constance Guitian, (202) 653-6171.
5 CFR 410.503	Training; General Prohibitions on Training Through Non-Government Facilities.	Revised regulations to clarify requirement to consider already qualified employees before training in non-Government facilities.	Constance Guitian, (202) 653-6171.
5 CFR 410.508 and 410.509	Training; Agreement to Continue in Service and Failure to Fulfill Agreement to Continue in service.	Final regulations by August 31, 1980. Revised regulations to clarify procedures governing continued service agreements. Final regulations by July 15, 1980.	Constance Guitian, (202) 653-6171.
5 CFR 410.601	Training; Determination of Necessary Expenses of Training.	New regulation to standardize per diem for long-term training. Final regulations by September 30, 1980.	Michael Kurup, (202) 653-6171.
5 CFR Part 412	Executive Development	Final regulations to implement the executive development provisions of the CSRA, September 1, 1980. Additional provisions on management development programs, and material governing sabbaticals; proposed regulations by December 31, 1980.	Merle Junker, (202) 632-4661.
5 CFR Part 470	Personnel Research Programs and Demonstration Projects.	Add new Part 470 to implement programs for conducting R & D projects. Development continuing.	Donald Hill, (202) 632-6848.
5 CFR 511.601 through 511.703	Position Classification Reviews; effective dates of Position Classification Actions and Decisions.	Revisions to regulations to incorporate changes brought about by CSRA and Reorganization Plan #2. Revised processing requirements. Proposed regulations published in May 1980. Final regulations to be developed after comment period ends.	Frank T. Catenaccio, (202) 632-7744.
5 CFR Part 530	Special Salary Rate	Revised regulations. Note: Pay reform legislation, when enacted, will require extensive revision of regulations and program guidance.	Richard J. Carney, (202) 632-6327.

Part 2 of Semiannual Agenda—Continued

[Regulations scheduled for review or development, June 1, through Dec. 31, 1980]

CFR or other authority	Title	Brief description	Knowledgeable official
5 CFR Parts 530 through 550	Civil Service Rules for Pay Administration	Revision of pay administration regulations where applicable for merit pay employees to be issued for comment in June 1980 and as final regulations by September 1980.	Eric Carroll, (202) 653-5990.
5 CFR Parts 531 and 539	Determination of Rate of Basic Pay; Conversions between Pay Systems.	Revised regulations to improve pay-setting policies when employees change to and from merit pay positions. Development continuing.	Betty Roth, (202) 632-4684.
5 CFR Part 531, Subpart C	Pay Adjustments for Supervisors	Revised regulations on pay adjustments for merit pay supervisors of wage employees. Proposed regulations to be published early summer 1980.	Betty Roth, (202) 632-4684.
5 CFR Part 531, Subpart D	Within Grade Increases	Revised regulations to simplify and clarify procedures and standards for granting quality increases and withholding within-grade increases. Proposed regulations to be published by June 30, 1980.	Don Winstead, (202) 632-5530.
5 CFR Part 532	Prevailing Rate Systems	Comprehensive new regulations for Federal Wage System. Proposed regulations published in May 1980; development of final regulations will begin by December 1980.	Windsor Eagan, (202) 632-5454.
5 CFR Part 534, Subpart D	Setting Individual Basic Pay Under the Senior Executive Service.	Final regulations on reducing individual pay in the Senior Executive Service. (August 1980).	Jack Vincent, (202) 632-6820.
5 CFR Part 536	Grade and Pay Retention	Proposed regulations to implement Title VIII of the Civil Service Reform Act of 1978 to be published in early summer 1980.	Larry Holman, (202) 632-5604.
5 CFR Part 550	Pay Administration	Proposed revision on pay for irregular or intermittent duty involving physical hardship or hazard.	Richard J. Carney, (202) 632-6327.
5 CFR Part 550, Subpart C	Pay Administration; Allotments and Assignments.	Proposed regulations to increase delegation of appropriate flexibility to agencies published in May 1980. Final rules to be published by August 15, 1980.	Mary Ann Mercer, (202) 632-4634.
5 CFR Part 550, Subpart H	Pay Administration; Back Pay	Proposed regulations to implement section 702 of the Civil Service Reform Act of 1978 were published on February 1, 1980. Final rules to be published by June 30, 1980.	Don Winstead, (202) 632-5530.
5 CFR Part 550, Subpart J	Pay Administration; Adjustments of Work Schedules for Religious Observances.	Proposed regulations to implement Title IV of the Federal Employees Flexible and Compressed Work Schedules Act of 1978 to be published by June 30, 1980.	Dwight Brown, (202) 632-5530.
5 CFR Part 551	Pay Administration under the Fair Labor Standards Act.	Proposed regulations to implement the Fair Labor Standards Act in the Federal Government to be published in early summer 1980.	Dwight Brown, (202) 632-5530.
5 CFR Part 591	Allowances and Differentials	New regulations to be proposed on allowances for uniforms.	Richard J. Carney, (202) 632-6327.
5 CFR Part 715	Voluntary Actions	Will be revised to cover distinctions between voluntary and involuntary cations. Proposed regulations by September 30, 1980.	Cynthia Field, (202) 254-8431.
5 CFR Part 720	Federal Equal Opportunity Recruitment Program (FEORP).	A proposed new subpart C that pertains to the collection and maintenance of race and ethnicity data on Federal employees.	William H. Lynch, (202) 254-9790, (202) 254-9793.
5 CFR Part 720, Subpart D	FEORP; Hispanic Employment Program	Proposed regs to implement expected revision of E.O. 9830 establishing legal basis for the program and to reinforce OPM's authority in this area following Reorganization Plan No. 1 (Oct. 1, 1979).	Diane Graham or Roceliz Velez, (202) 632-6800.
5 CFR Part 720, Subpart E	FEORP; Selective Placement Program	Proposed regs to implement expected revision of E.O. 9830 and to reinforce OPM's authority in this area following Reorganization Plan No. 1, (Oct. 1, 1979).	Diane Graham or Hedwig Oswald, (202) 632-4437.
5 CFR Part 720, Subpart F	FEORP; Upward Mobility Program	Proposed regs to implement expected revision of E.O. 9830 establishing legal basis for the program and to reinforce OPM's authority in this area following Reorganization Plan No. 1 (Oct. 1, 1979).	Diane Graham or Curtestine Boardley, (202) 632-6258.
5 CFR Part 720, Subpart G	Veterans Employment Programs	Receipt of existing regs from Part 316 to coincide with the VEP's placement within the organization structure of OPM (Oct. 1, 1979).	Diane Graham or Marv Kossman, (202) 254-3058.
5 CFR Part 731	Suitability	Proposed revision to reflect reorganization of CSC and OPM policy of increased delegation of decisionmaking authority to agencies. Early summer 1980.	Bob Hubbard, (202) 632-6152.
5 CFR Part 734	Executive Personnel Financial Disclosure Requirements.	Final regulations and procedures for the filing review and public availability of the financial disclosure reports filed under the Ethics in Government Act by top ranking personnel in the executive branch. Expected October 1, 1980.	Norman Smith, (202) 632-7642.
5 CFR Part 737	Post Employment Conflict of Interest; designation of senior employees and separate components of agencies.	Supplementary designation of senior employees and separate components of agencies pursuant to Title V of the Ethics in Government Act. Expected August 1, 1980.	Gary Davis, (202) 632-7642.
5 CFR Part 738	Designated agency officials and advisory opinions.	Proposed regulations for the duties and responsibilities of designated agency officials and for the rendering of advisory opinions by the Office of Government Ethics. Expected July 1, 1980.	Jane Ley, (202) 632-7642.

Part 2 of Semiannual Agenda—Continued

[Regulations scheduled for review or development, June 1, through Dec. 31, 1980]

CFR or other authority	Title	Brief description	Knowledgeable official
5 CFR 754	Adverse Actions by the OPM	Will be revised to cover all disciplinary and non-disciplinary actions OPM can direct agencies to take. Proposed regulations by September 30, 1980.	Wilma Lehman, (202) 254–8431.
5 CFR Part 831	Retirement; Elimination of Age 70 Mandatory Retirement.	Proposed rules to implement Pub. L. 95–256. Development pending.	Jane Lohr, (202) 632–4634.
5 CFR Part 831	Retirement; disability retirement	Proposed regulations for publication by June 15, 1980, to amend disability retirement provisions.	John Ray, (202) 632–4684.
5 CFR Parts 831 and 339	Retirement; Disability Retirement on Application of an Agency; Medical Qualification Requirements.	Proposed regulations to eliminate certain problems in current fitness-for-duty examination procedures. Publication is scheduled for early summer 1980.	Gay Gardner (202) 632–4634.
5 CFR Part 831	Retirement; Early Retirement Coverage for Law Enforcement and Firefighter Personel Serving in Administrative Positions.	Proposed rules were published January 4, 1980, to delete the regulatory requirement that early retirement coverage attaches to an officer or firefighter only if experience is a basic qualification for filling the position. Final regulations to be published by June 30, 1980.	Jane Lohr, (202) 632–4634.
5 CFR Parts 831, 870, 871, and 890	Retirement; Retention of Benefits upon Employment by Indian Tribal Organizations.	Final regulations to be published by June 30, 1980, to provide for retention of CSR, FEHB, and FEGLI coverages for certain Federal employees who transfer to tribal organization employment.	Gay Gardner, (202) 632–4634.
5 CFR Part 890	FEHB; Conversion of Health Benefits Coverage.	Proposed regulations to be published by June 30, 1980, will order extension of time limit for conversion to private contract where timely conversion was prevented due to administrative error.	Gus Ghessie, (202) 632–4684.
5 CFR Part 890	FEHB; Continuation of Health Benefits Enrollment.	Proposed regulations to provide continued health benefits coverage for certain survivor annuitants to be published by September 30, 1980.	John Ray, (202) 632–4684.
5 CFR Part 890	FEHB Program; Benefits for Members of Medically Underserved Populations.	Interim regulations to implement Pub. L. 96–179 were published on February 26, 1980. Final regulations are to be developed after expiration of the comment period on April 28, 1980.	Bonnie Rose, (202) 254–9574.
5 CFR 900.700	Intergovernmental Personnel Act Programs..	Final regulations which require nondiscrimination on the basis of handicap in Federal Assistance Programs administered by the Office of Personnel Management (implementing section 504 of the Rehabilitation Act of 1973).	Richard Romero, (202) 632–6274.
5 CFR 900.800	Intergovernmental Personnel Act Programs..	Proposed regulations on nondiscrimination on the basis of age in programs or activities receiving Federal Financial Assistance from the Office of Personnel Management; to be published Nov. 1, 1980.	Richard Romero, (202) 632–7274.

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June 3, 1980

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Ventilation Requirements of the Transportation Standards for Dogs and Cats

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

Animal Welfare; Standards for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the ventilation requirements of the transportation standards for dogs and cats. The amendment increases the minimum amount of ventilation area required for shipping containers used to transport live dogs and cats in commerce. Revisions of the current transportation standards were proposed in the **Federal Register** (45 FR 15880–15881), March 11, 1980, as a result of various comments and petitions for reconsideration which were received by this Department. Comments and recommendations were received from animal welfare organizations, animal shippers, interested industry groups, and other interested individuals and groups. The Department has evaluated the comments and recommendations and has assessed the various aspects of ventilation in relation to the animals being shipped, the involved industries, and the public perception of the situation. On the basis of such evaluation, the Department has revised the standards which appear herein as final rulemaking.

EFFECTIVE DATE: July 18, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7833. 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 action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." Pursuant to the Animal Welfare Act Amendments of 1976, the Department published standards for the transportation of certain animals in commerce on June 21, 1977, and May 16, 1978, in the **Federal Register** (42 FR 31556–31571 and 43 FR 21160–21167) in order to assure that such animals were provided with humane care and treatment during transportation. Such standards are contained in Title 9 of the Code of Federal Regulations. The ventilation requirements in § 3.12 (9 CFR 3.12) state that primary enclosures (shipping containers) used to transport live dogs and cats shall be constructed in such a manner that there are ventilation openings located on two opposite walls which provide at least 16 percent ventilation per wall, or there are ventilation openings located on all four walls which provide at least 8 percent ventilation per wall, or there are ventilation openings located on three walls which provide at least 8 percent ventilation on two opposite walls and at least 50 percent ventilation on the third wall. Ventilation openings in the top of the animal shipping containers are not addressed since stacking of such containers during transportation is common practice and would effectively block such openings for ventilation purposes.

During fiscal year 1979, the National Committee on Animal Transport, the Society for Animal Protection Legislation, the American Society for the Prevention of Cruelty to Animals, and other interested persons petitioned the Department to reconsider its present standards and to increase the minimum ventilation requirements for shipping containers used to transport dogs and cats in commerce to 25 percent of the total area of the walls of the containers. The Department subsequently published a notice in the **Federal Register** (44 FR 33801), June 12, 1979, requesting opinions, comments, and data from the public regarding the adequacy or inadequacy of the present ventilation requirements for dog and cat shipping containers.

In response to this request, representatives of humane groups, animal shipping container manufacturers, pet animal dealers, zoological parks, air carriers, pet animal breeders and exhibitors, veterinarians, and members of the general public submitted comments. The Department reviewed and analyzed such comments and on March 11, 1980, a proposed amendment to the standards was published in the **Federal Register** (45 FR 15880–15881) where the major comments received by the Department were discussed.

The proposed amendment would have increased the minimum area of ventilation openings for containers used to transport dogs and cats in commerce during the period of April 1 through September 30 each year to 18 percent of the total surface area of the four walls of the container. A 45-day period, ending April 25, 1980, was allowed for public comment on the proposal.

One hundred thirty-one comments were received in response to the proposal within the comment period and all were given due consideration during the development of this final rule. An analysis of the 131 comments reveals that 55 supported the proposal, 66 opposed it, and 10 dealt with items not directly related to the issues of the proposal.

After review of the various comments received, and after an in-depth analysis of the issues involved in this matter, the Department decided to publish this final rule which increases the ventilation required in containers used to ship dogs and cats in interstate commerce. Based on data and other information contained in the comments, the Department has made certain changes in the proposed amendment of the ventilation standards to require that the total combined surface area of ventilation be at least 14 percent of the total combined surface area of all of the walls of the primary enclosure or shipping container. The following discussion summarizes the major concerns expressed in the comments received and the modifications in the rule.

The Need for Increased Ventilation

Many of the comments received by the Department maintained that increased ventilation is necessary to assure at least minimal humane conditions for animals in transit at any time of the year by providing some degree of comfort and safety. Many comments indicated that such increased ventilation is essential during the hot summer months. Concerned individuals who have observed shipments of animals at airports in containers with the lowest amount of ventilation permitted by the current standards have informed the Department that they have observed moisture buildup in these containers. Commenters noted that, on occasion, such moisture buildup and the conditions responsible for it resulted in an inability of the animals involved to maintain their normal body temperature and, in some instances, that animals have died because of inadequate ventilation. The Department recognizes that an insufficient amount of ventilation may not have been the only factor which contributed to the deaths of the animals. However, the information regarding moisture buildup and the reports of occasional deaths, along with

other considerations discussed below, provide a basis to increase the amount of required ventilation. The required 14 percent ventilation is intended to provide adequate ventilation under normal handling and weather conditions and should also provide a margin of safety in cases of improper handling or exposure to unusually high temperatures.

The Need for Specific Standards

Some of the comments stated that the proposed amendment was vague. Some persons commented that the proposed rule (requiring 18 percent ventilation of the total surface area of the four sides of an animal container) could be subject to manipulation and inconsistent interpretation. The language of the proposed rule has therefore been modified to establish standards regarding ventilation required for two, three, or four sides of a container, as contained in the present rule, in order to assure that the objective of providing humane treatment for dogs and cats is not so undermined.

The Proposed Seasonal Requirement

The proposed rule would have increased the amount of ventilation required during warm weather months, i.e., April 1 through September 30. Based upon comments which were received regarding this limitation, the Department has concluded that such dual standard would be both impractical and costly and would not adequately fulfill the purpose of the proposed amendment. In some parts of the United States, warm weather prevails throughout the calendar year and therefore, comfort and safety of animals in transit can be best assured by establishing year-round requirements. The proposed rule has therefore been changed to provide for the applicability of the same ventilation standards throughout the year.

Cost of Compliance with the Rule

Numerous comments stated that the proposed increase in ventilation to 18 percent would eliminate or require major changes of nearly all existing dog and cat containers which are manufactured by the principal firms engaged in the production of such containers. This could result in great financial loss to those firms and to users of such containers. The Department has therefore reevaluated the proposed figure of 18 percent in light of these costs and the benefits from the use of that figure. Based upon the information currently available to it, the Department has concluded that the ventilation requirements contained in this final rule (an increase of present requirements) are adequate to assure humane treatment of animals during transportation.

In addition, they should not cause any undue hardship to a majority of manufacturers of animal shipping containers and members of the public who currently own such containers. A large portion of the shipping containers currently on the market comply with the requirements established by this final rule.

Many persons submitted comments that the majority of the "open fronted" containers now in use have adequate ventilation for year round use. The final rule contained herein permits the use of most of the "open fronted" containers currently on the market.

Present Ventilation is Adequate

A number of comments indicated that a great deal of experience in shipping thousands of animals without problems was sufficient reason to reject any increase in ventilation requirements. While the exact amount of distress or physical harm suffered by dogs and cats being transported on hot, humid days in shipping containers with minimum ventilation is not known, sufficient complaints have come to the attention of the Department to support the conclusion that containers in the lower ranges of permitted amounts of ventilation can contribute to discomfort, distress, or even the possible death of animals when high temperatures and high humidity are present.

Requests for Ventilation in Excess of the Proposed 18 Percent

Many comments, from both the opponents and proponents of the proposed rule, indicated that 18 percent ventilation is not sufficient to provide a humane environment for animals in transit. Such commenters stated that it would be desirable, or even necessary, to increase ventilation to 25 percent or more of the total surface area of the side walls of shipping containers. The Department does not have sufficient information at this time on which to conclude that such an increase in ventilation is warranted.

Scientific Data Necessary to Support Any Increase in Ventilation

Many persons who submitted comments remarked that no scientific data exists to support the need for increased ventilation and that any increase should be postponed until current scientific studies are completed. The Department recognizes that little experimental scientific data is available regarding ventilation requirements of animal shipping containers.

Studies are currently being conducted regarding the effects of heat, humidity, ventilation, and other factors on animals in transit. However, these studies are not complete and may not be conclusive as to precise requirements that should be generally applicable. The information available to the Department indicates that present ventilation requirements are not adequate to assure the humane treatment of animals in transit. Therefore, the Department has concluded that an amendment which increases ventilation requirements should not be postponed until the studies have been concluded. Such deferral of action could cause needless suffering of animals for an extended period of time.

Adoption of IATA Standards

Some comments suggested that ventilation standards recommended by the International Air Transport Association (IATA) be adopted. The final rule change will permit shipping containers that satisfy IATA standards. However, containers which comply minimally with the IATA standards provide less ventilation than that required by the amended rule. In addition, the IATA standard would prevent the use of containers which are currently on the market and which the Department considers adequate. Such a requirement would favor certain container manufacturers over others. For these reasons, the Department has decided against this suggestion.

Amendment not Based on Critical and Careful Evaluation of Data and Information Available

Some persons who commented protested that the Department is changing its standards on the basis of the number of comments which support or oppose the change and not on the opinion of qualified experts.

The Department has based the changes contained herein on its own knowledge and expertise regarding animal care as well as the experience it has gained through its administration and enforcement of the animal welfare program, on comments and opinions from the public, including persons expert in animal transportation, and on all other relevant information which has come to its attention. After considering and weighing all these factors, the Department determined that an increased amount of ventilation should be required, and that the increase contained in this rule will cause the least hardship to the affected industry and the public while providing humane travel conditions for dogs and cats.

Other comments

In addition to the comments already discussed, concern was expressed that an increase in the amount of ventilation openings would weaken the structure of shipping containers. Current regulations require that the structural strength of such containers must be sufficient to contain live animals and to withstand the normal rigors of transportation. Such regulations will stay in effect and changes in ventilation openings which make the container structurally unsafe will not be allowed.

Concern was also expressed that too much open area would cause increased exposure of animals to frightening conditions of transportation without providing the security of a closed area into which the animal may retreat. While it is not specifically required that containers be sufficiently closed to provide a feeling of security to the animals, the options available for ventilation of 2, 3, and 4 sides of containers will allow use of containers which satisfy this need.

Comments were made that openings be required in the top of containers to prevent heat buildup within the containers. The regulations do not prohibit ventilation openings in the top of containers but such openings have not been required (and will not be calculated toward meeting minimum ventilation standards) because such openings may be closed off by stacking of cargo.

Comments were also made that increased ventilation would expose animals to harmful drafts within aircraft holds. The conditions within aircraft holds and the manner in which the holds are ventilated and heated make problems from drafts unlikely. In addition, furred animals such as dogs and cats are not particularly susceptible to problems caused by drafts.

One comment stated that no change in ventilation was needed because the environmental temperature in all cargo areas and within aircraft is controlled. Because the standards have a broad application, there are places where the airflow may not be adequate. Also, the environment of some cargo holdings areas is not air conditioned. The Department wishes to ensure sufficient ventilation for "normal" conditions with a safety factor to guard against short term exposure to extreme conditions. A number of comments were received which addressed subjects not directly related to the issues of the proposal or suggested requirements beyond the authority of the Department. These included requests to extend the ventilation requirements to other warm blooded animals and to require that dogs and cats be carried in the passenger area of aircraft and require special cargo areas for animals. The Department will not address these comments at this time.

After due consideration of the comments received, the possible risk to the animals and the cost to the public and businesses involved, the Department has decided to publish this final rule which increases the required ventilation in shipping containers used to transport dogs and cats. As already explained, this rule is a modification of the proposal published in the **Federal Register** on March 11, 1980, (45 FR 15880–15881). Such modification is based on comments received from the public. The present ventilation standards for containers with openings on two, three, and four walls will be amended by this change to add a requirement that the total combined surface area of ventilation openings shall be at least 14 percent of the total combined surface area of all the walls of the primary enclosure or shipping container.

The result of this amendment is that all containers used for the commercial transportation of dogs and cats will be required to have at least 14 percent of the total wall surface devoted to ventilation regardless of the configuration of the openings on the walls. The current standards permit (in the case of certain rectangular containers with sides longer than the ends and openings on four walls) as little as 5.7 percent of the total surface area of the walls to be devoted to ventilation.

Accordingly, Part 3 of Title 9, Code of Federal Regulations, is amended in the following respects:

In § 3.12 that portion of paragraph (a) following the "(4)" and before the words *"Provided, however,"* is amended to read:

§ 3.12 Primary enclosures used to transport live dogs and cats.

(a) * * * except as provided in paragraph (h) of this section, such primary enclosures shall comply with one of the following requirements:

(i) There are ventilation openings located on two opposing walls of the primary enclosure and the ventilation openings on each of the two walls shall be at least 16 percent of the surface area of each such wall and the total combined surface area of the ventilation openings shall be at least 14 percent of the total combined surface area of all the walls of the primary enclosure, or

(ii) There are ventilation openings on three walls of the primary enclosure and the ventilation openings on two opposing walls shall be at least 8 percent of the total surface area of the two walls and the ventilation openings on the third wall of the primary enclosure shall be at least 50 percent of the total surface area of such wall and the total combined surface area of the ventilation openings shall be at least 14 percent of the total combined surface area of all the walls of the primary enclosure, or

(iii) There are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls shall be at least 8 percent of the total surface of each wall and the total combined surface area of the ventilation openings shall be at least 14 percent of the total combined surface area of all the walls of the primary enclosure: * * *

(7 U.S.C. 2131–2156; 42 FR 31562, June 21, 1977, as amended by 43 FR 21162, May 16, 1978; 45 FR 15880, March 11, 1980)

In order to offer protection to dogs and cats being transported during the hot summer months, while giving persons transporting such animals time to acquire primary enclosures which are in compliance with these changes, this amendment will be effective 45 days after publication in the **Federal Register**.

It does not appear that further public participation in this rulemaking procedure would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provision in 5 U.S.C. 553 it is found upon good cause that further notice and other public procedure with respect to this amendment is impractical and unnecessary.

Done at Washington, D.C. this 29th day of May 1980.

R. I. Brown,

Acting Deputy Administrator, Veterinary Services.

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Part IV

Department of Justice

Attorney General

Nondiscrimination Based on Handicap in Federally Assisted Programs

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 42

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

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This subpart establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Justice. The subpart is designed to comply with section 504 of the Rehabilitation Act of 1973 as amended, and Executive Order 11914, which relate to nondiscrimination against handicapped persons in programs receiving or benefitting from Federal financial assistance.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: (1) For Federal assistance programs administered by the Law Enforcement Assistance Administration (LEAA), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), the Office of Justice Assistance, Research, and Statistics (OJARS), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP): Thomas J. Madden, General Counsel, Office of Justice Assistance, Research, and Statistics, telephone: 202/724–7792.

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

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Justice hereby adds Subpart G to Part 42 of the Department regulations to implement section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended by section 111(a) of the Rehabilitation Act Amendments of 1974 (29 U.S.C. 706) (Supp. V 1975), and section 120(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955 (1978) (hereinafter the Rehabilitation Act Amendments of 1978), with regard to Federal financial assistance administered by this Department. Section 504 provides, in pertinent part, that "no otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance * * *."

The subpart is intended to insure that the Department's federally assisted programs and activities are operated without discrimination on the basis of handicap. The subpart defines and forbids acts of discrimination against qualified handicapped persons in employment and in the operation of programs and activities receiving assistance from the Department. As employers, recipients are required to make reasonable accommodations to the handicaps of applicants and employees unless the accommodations would impose undue hardships on the operation of the recipients' programs. As providers of services, recipients are required (1) to make programs operating in existing facilities readily accessible to and usable by handicapped persons, (2) to insure that new facilities are constructed to be readily accessible to and usable by handicapped persons, and (3) to operate their programs in a manner which provides for the full and nondiscriminatory participation of eligible handicapped persons.

This rule is, in part, in response to Executive Order 11914 (41 FR 17871, April 28, 1976), which (1) delegates the coordination of government-wide enforcement of section 504 to the Department of Health, Education, and Welfare and (2) directs each Federal agency providing Federal financial assistance to "issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education and Welfare." The Secretary established such standards and procedures, effective January 13, 1978 (43 FR 2132, January 13, 1978) (hereinafter "guidelines"). The Department's rule is intended to be consistent with the HEW guidelines and the HEW section 504 rule (42 FR 22676 (May 4, 1977); 45 CFR 84.1 (1979)).

Executive Order 12044, 43 FR 12661 (March 24, 1978), whose objective is to improve government regulations, requires that "regulations shall be as simple and clear as possible." Following that standard, the subject departs, where appropriate, from the language (but not the substance) of the HEW section 504 rule where clarification appears desirable to give further guidance to applicants and recipients of Federal financial assistance administered by the Department. Although the wording may differ, the Department intends no substantive difference between its language and the corresponding language of the HEW section 504 rule and guidelines.

Executive Order 12044 also requires Executive branch agencies to prepare Regulatory Analyses for regulations that may have major economic consequences. The Order defines major economic consequences as (1) an annual effect on the economy of $100 million dollars or more (for example, compliance costs that exceed $100 million dollars) or a stricter requirement if the agency head so determines, or (2) major increases in costs or prices for individual industries, levels of government or geographic regions.

The Department's Notice of Proposed Rulemaking (44 FR 54950, September 21, 1979) requested public comment on the issue of compliance costs and asked for the submission of available cost studies regarding structural and nonstructural modifications to provide for the participation of handicapped persons in programs relevant to this subpart. The public comments received on the matter of costs did not change the Department's earlier view that the compliance costs would not result in major economic consequences within the meaning of Executive Order 12044 and that, accordingly, a Regulatory Analysis would be neither required nor advisable at this time. In the event the Department's experience in implementing this rule indicates that compliance costs exceed anticipated levels, the Department will again review the propriety of undertaking a regulatory analysis.

The anticipated costs of recipients of Department of Justice financial assistance appear to be concentrated in three areas: (1) The removal of architectural barriers; (2) the elimination of communications barriers; and (3) the making of reasonable accommodations to the handicapping conditions of otherwise qualified handicapped persons as employees of recipients.

Architectural Barriers. Structural changes for program accessibility are necessary primarily for persons with severe mobility-related handicaps—persons who cannot climb stairs or step over curbs, cannot open heavy doors, cannot travel without wheelchairs, and the like. Almost all these persons use wheelchairs or walkers. With respect to compliance costs associated with structural modifications, it is crucial to keep the following compliance standards in mind. First, under the requirements of the subpart, structural changes in existing facilities are required only where there is no other

feasible way to make the recipient's program accessible to handicapped persons. For existing facilities, the key requirement is not a barrier free environment, but program accessibility (see illustrative examples set forth in Appendix B, Section C, *infra.*). Second, not every existing facility or part of a facility in a program receiving Federal financial assistance from the Department must be accessible to handicapped persons. The subpart requires only that, when viewed in its entirety, the program is readily accessible to handicapped persons. Where physical access to buildings for handicapped persons requires the construction of ramps, HEW has found "after consultation with experts in the field, that outside ramps to buildings can be constructed quickly and at relatively low cost." 42 FR 22690 (May 4, 1977). Whether the simple installation of ramps and appropriate restroom facilities in buildings will suffice depends upon the design of the facility, the nature and location of the program, and the availability of nonstructural modifications to provide program accessibility.

As to new construction, the available evidence indicates that compliance costs directly attributable to this subpart may be modest for the following reasons.

First, all 50 States have architectural barriers statutes covering publicly funded buildings (where most DOJ recipients are located), while at least 22 States additionally cover privately funded public buildings. The statutes of all 50 States cover new construction, while 35 States also cover renovations and alterations.[1] Thus, since the issue is whether the proposed Department regulations will themselves cause a "major" economic impact, it is noteworthy that much of what is required by this subpart in terms of preventing architectural barriers to handicapped persons already is required by existing State law. Hence, to this extent the incremental Department impact on recipients would appear to be significantly reduced.

Second, this subpart requires that design or construction of new facilities, or alteration of existing facilities, conform with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI). (§ 42.522(b)). At least twenty-seven States have already adopted the ANSI standards in their codes.[2]

Third, the Architectural Barriers Act of 1968, as amended, 42 U.S.C.A. 4151 *et seq.*, requires that all buildings and facilities "financed in whole or in part by a grant or a loan made by the United States after August 12, 1968" are to be accessible to and usable by the physically handicapped, 42 U.S.C.A. 4151, "if the building or facility is subject to standards for design, construction or alteration issued under the law authorizing the grant or loan." 41 CFR 101–19.602(a)(3) (General Services Administration regulations). LEAA has construed the Architectural Barriers Act as covering all its Part E grants for construction of correctional institutions and facilities. See 42 U.S.C. 3750–3750d (Repealed Dec. 27, 1979 by Pub. L. 96–157, 93 Stat. 1167). The Justice System Improvement Act of 1979, Pub. L. 96–157, 93 Stat. 1167, prohibits LEAA from providing financial assistance to new construction programs (Sec. 404(c)(3)).

Finally, applicants for Department assistance may have previously received Federal financial assistance from other Federal agencies, thereby requiring their compliance with § 504 independent of this subpart. For example, LEAA has provided financial assistance to institutions of higher learning that also receive funds from HEW.[3] Also, a substantial portion of Federal revenue sharing money has been annually allocated by State and local units of government to public safety (*i.e.*, police and fire protection). The revenue sharing funds are provided under the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C.A. 1221 *et seq.*, which was amended in 1976 to make section 504 of the Rehabilitation Act applicable to programs funded with revenue sharing monies received by State and local units of government after January 1, 1977.

Communications Barriers. One obvious example of eliminating communications barriers would be the installation of teletypewriters (TTY's) in law enforcement and fire protection agencies to enable hearing and speaking impaired persons to communicate effectively with such agencies. The TTY is a telecommunications device that adapts the telephone to the needs of persons with hearing and speaking impairments. The cost of a TTY is relatively modest and would be even less so where a TTY is shared by a number of public agencies hooked up to a central TTY number.

The use of qualified interpreters in various settings (e.g., police interrogations, court proceedings, correctional rehabilitation programs) who are, when possible, certified by a recognized certification agency, is another important method of ameliorating the communications barriers experienced by speaking and hearing-impaired individuals. A recipient's need for an interpreter is usually not on a continuing basis, and the overall compliance cost would not be substantial.

Employment. The subpart prohibits discrimination in employment against handicapped persons by recipients of Department financial assistance and, further, requires that recipients make "reasonable accommodations" to the handicaps of otherwise qualified applicants or incumbent employees. A reasonable accommodation in a given employment situation depends upon many variables involving the recipient, the job, and the handicapped employee. The Department, like its recipients, will have to deal with this issue on a case-by-case basis. However, HEW's economic impact statement on the compliance costs of section 504 for its recipients concluded that "our analysis strongly suggests that in the large majority of cases enforcement of reasonable accommodation will not result in any significant cost increase for employers." 41 FR 20332 (May 17, 1976). There is nothing to suggest a different result for employers functioning in programs receiving financial assistance from the Department of Justice.

The Department programs covered by section 504 are set forth in Appendix A to this subpart. An analysis of the final rule is set forth in Appendix B.

II. Rulemaking History

On September 21, 1979 the Department published a Notice of Proposed Rulemaking setting forth proposed regulations for public comment (44 FR 54950). The initial 90-day comment period was extended until January 4, 1980 to provide for additional public participation. (44 FR 76303, December 26, 1979) On November 27, 1979 a public meeting was held in Washington, D.C. to hear oral testimony from interested persons on the proposed rule.

A total of more than 60 comments were received and have been analyzed. Both the written comments and the views expressed at the public meeting have illuminated the complex issues involved in implementing section 504 in an effective and workable fashion. The

[1] *Amicus*, pp. 46–47 July/August 1978, National Center for Law and the Handicapped.

[2] *Amicus, id.*

[3] Section 305 of the Education Organization Act (Pub. L. No. 96–88, 93 Stat. 668), effective October 17, 1979, transferred LEAA's student loan and grant programs to the new Department of Education.

Department's response to the comments of interested parties and the explanation for significant changes in the proposed rule are set forth in the section-by-section analysis of the rule that appears as Appendix B to the rule. As that analysis explains, some provisions in the proposed rule have been eliminated as duplicative, unnecessary, or otherwise inappropriate; others have been shortened or clarified. The goal throughout has been to design a rule that preserves the essential elements of an effective program for ending discrimination, while avoiding the imposition of unnecessary or counterproductive administrative obligations on recipients.

In consideration of the foregoing, Part 42 of Title 28 of CFR is amended by adding a new Subpart G reading as set forth below.

Dated: May 16, 1980.

Benjamin R. Civiletti,

Attorney General.

Subpart G—Nondiscrimination Based on Handicap in Federally Assisted Programs—Implementation of Section 504 of the Rehabilitation Act of 1973 and Executive Order 11914

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42.540 Definitions.

Appendix A: Federal financial assistance of the Department of Justice to which this subpart applies.

Appendix B: Analysis of Final Rule.

Appendix C: Department regulations under Title VI of the Civil Rights Act of 1964 (28 CFR 42.106–42.110) which apply to this subpart.

Appendix D: OJARS regulations under the Omnibus Crime Control and Safe Streets Act, as amended, which apply to this subpart (28 CFR §§ 42.205 and 42.206).

Authority: Sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); Sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); Sec. 120(a), Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub. L. 95–602, 92 Stat. 2955 (1978); Executive Order 11914, April 28, 1976, and 45 CFR Part 85.

General Provisions

§ 42.501 Purpose.

The purpose of this subpart is to implement section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in any program receiving Federal financial assistance.

§ 42.502 Application.

This subpart applies to each recipient of Federal financial assistance from the Department of Justice and to each program receiving or benefiting from such assistance. The requirements of this subpart do not apply to the ultimate beneficiaries of Federal financial assistance in the program receiving Federal financial assistance.

§ 42.503 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, solely on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program receiving or benefiting from Federal financial assistance.

(b) *Discriminatory actions prohibited.* (1) A recipient may not discriminate on the basis of handicap in the following ways directly or through contractual, licensing, or other arrangements under any program receiving Federal financial assistance:

(i) Deny a qualified handicapped person the opportunity accorded others to participate in the program receiving Federal financial assistance;

(ii) Deny a qualified handicapped person an equal opportunity to achieve the same benefits that others achieve in the program receiving Federal financial assistance;

(iii) Provide different or separate assistance to handicapped persons or classes of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons or classes of handicapped persons with assistance as effective as that provided to others;

(iv) Deny a qualified handicapped person an equal opportunity to participate in the program by providing services to the program;

(v) Deny a qualified handicapped person an opportunity to participate as a member of a planning or advisory body;

(vi) Permit the participation in the program of agencies, organizations or persons which discriminate against the handicapped beneficiaries in the recipient's program;

(vii) Intimidate or retaliate against any individual, whether handicapped or not, for the purpose of interfering with any right secured by section 504 or this subpart.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in any program receiving Federal financial assistance on the ground that other specialized programs for handicapped persons are available.

(3) A recipient may not, directly or through contractual, licensing, or other arrangements, utilize criteria or methods of administration that either purposely or in effect discriminate on the basis of handicap, defeat or substantially impair accomplishment of the objectives of the recipient's program with respect to handicapped persons, or perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(4) A recipient may not, in determining the location or design of a facility, make selections that either purposely or in effect discriminate on the basis of handicap or defeat or substantially impair the accomplishment of the objectives of the program with respect to handicapped persons.

(5) A recipient is prohibited from discriminating on the basis of handicap in a program operating without Federal financial assistance where such action would discriminate against the handicapped beneficiaries or participants in any program of the recipient receiving Federal financial assistance.

(6) Any program not otherwise receiving Federal financial assistance but using a facility provided with the aid of Federal financial assistance after the effective date of this subpart is prohibited from discriminating on the basis of handicap.

(c) The exclusion of nonhandicapped persons or specified classes of handicapped persons from programs limited by Federal statute or executive order to handicapped persons or a different class of handicapped persons is not prohibited by this subpart.

(d) Recipients shall administer programs in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall insure that communications with their applicants, employees and beneficiaries are effectively conveyed to those having impaired vision and hearing.

(f) A recipient that employs fifteen or more persons shall provide appropriate anxiliary aids to qualified handicapped persons with impaired sensory, manual, or speaking skills where a refusal to make such provision would discriminatorily impair or exclude the participation of such persons in a program receiving Federal financial assistance. Such auxiliary aids may include brailled and taped material, qualified interpreters, readers, and telephonic devices. Attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature are not required under this section. Departmental officials may require recipients employing fewer than fifteen persons to provide auxiliary aids when this would not significantly impair the ability of the recipient to provide its benefits or services.

(g) The enumeration of specific forms of prohibited discrimination in this subpart is not exhaustive but only illustrative.

§ 42.504 Assurances required.

(a) *Assurances.* Every application for Federal financial assistance covered by this subpart shall contain an assurance that the program will be conducted in compliance with the requirements of section 504 and this subpart. Each agency within the Department that provides Federal financial assistance shall specify the form of the foregoing assurance for each of its assistance programs and shall require applicants for Department financial assistance to obtain like assurances from subgrantees, contractors and subcontractors, transferees, successors in interest, and others connected with the program. Each Department agency shall specify the extent to which an applicant will be required to confirm that the assurances provided by secondary recipients are being honored. Each assurance shall include provisions giving notice that the United States has a right to seek judicial enforcement of section 504 and the assurance.

(b) *Assurances from government agencies.* Assurances from agencies of State and local governments shall extend to any other agency of the same governmental unit if the policies of the other agency will affect the program for which Federal financial assistance is requested.

(c) *Assurances from institutions.* The assurances required with respect to any institution or facility shall be applicable to the entire institution or facility.

(d) *Duration of obligation.* Where the Federal financial assistance is to provide or is in the form of real or personal property, the assurance will obligate the recipient and any transferee for the period during which the property is being used for the purpose for which the Federal financial assistance is extended or for another purpose involving the provisions of similar benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance will obligate the recipient for the period during which Federal financial assistance is extended.

(e) *Covenants.* With respect to any transfer of real property, the transfer document shall contain a covenant running with the land assuring nondiscrimination on the condition described in paragraph (d). Where the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant.

(f) *Remedies.* The failure to secure either an assurance or a sufficient assurance from a recipient shall not impair the right of the Department to enforce the requirements of section 504 and this subpart.

§ 42.505 Administrative requirements for recipients.

(a) *Remedial action.* If the Department finds that a recipient has discriminated against persons on the basis of handicap in violation of section 504 or this subpart, the recipient shall take the remedial action the Department considers necessary to overcome the effects of the discrimination. This may include remedial action with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred, and with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to the requirements of this subpart, to increase the participation of qualified handicapped persons in the recipient's program.

(c) *Self-evaluation.* (1) A recipient shall, within one year of the effective date of this subpart, evaluate and modify its policies and practices that do not meet the requirements of this subpart. During this process the recipient shall seek the advice and assistance of interested persons, including handicapped persons or organizations representing handicapped persons. During this period and thereafter the recipient shall take any necessary remedial steps to eliminate the effects of discrimination that resulted from adherence to these policies and practices.

(2) A recipient employing fifty or more persons and receiving Federal financial assistance from the Department of $25,000 or more shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and provide to the Department on request: (i) a list of the interested persons consulted, (ii) a description of areas examined and problems identified, and (iii) a description of modifications made and remedial steps taken.

(d) *Designation of responsible employee.* A recipient employing fifty or more persons and receiving Federal financial assistance from the Department of $25,000 or more shall designate at least one person to coordinate compliance with this subpart.

(e) *Adoption of grievance procedures.* A recipient employing fifty or more persons and receiving Federal financial assistance from the Department of $25,000 or more shall adopt grievance procedures that incorporate due process standards *(e.g.* adequate notice, fair hearing) and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this subpart. Such procedures need not be established with respect to complaints from applicants for employment. An employee may file a complaint with the Department without having first used the recipient's grievance procedures.

(f) *Notice.* (1) A recipient employing fifty or more persons and receiving Federal financial assistance from the Department of more than $25,000 shall, on a continuing basis, notify participants, beneficiaries, applicants, employees and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this subpart. The notification shall state, where appropriate, that the recipient does not discriminate in its programs with respect to access, treatment or employment. The notification shall also include identification of the person responsible for coordinating compliance with this subpart and where to file section 504 complaints with the Department and, where applicable, with the recipient. A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this subpart. Methods

of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

(2) Recruitment materials or publications containing general information that a recipient makes available to participants, beneficiaries, applicants, or employees shall include a policy statement of nondiscrimination on the basis of handicap.

(g) The Department may require any recipient with fewer than fifty employees and receiving less than $25,000 in Federal financial assistance to comply with paragraphs (c)(2) and (d)–(f) of this section.

(h) The obligation to comply with this subpart is not affected by any State or local law or requirement or limited employment opportunities for handicapped persons in any occupation or profession.

Employment

§ 42.510 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped person shall on the basis of handicap be subjected to discrimination in employment under any program receiving or benefiting from Federal financial assistance.

(2) A recipient shall make all decisions concerning employment under any program receiving Federal financial assistance in a manner which insures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

(3) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this section. The relationships referred to in this paragraph include relationships with employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the recipient, and organizations providing training and apprenticeship programs, and with civil service agencies in State or local units of government.

(b) *Specific activities.* The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and application processing;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

(3) Pay and any other form of compensation and changes in compensation, including fringe benefits available by virtue of employment, whether or not administered by the recipient;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and selection for leaves of absence to pursue training;

(7) Employer-sponsored activities, including social or recreational programs; and

(8) Any other term, condition, or privilege of employment.

(c) In offering employment or promotions to handicapped individuals, recipients may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

(d) A recipient's obligation to comply with this section is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 42.511 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate, based on the individual assessment of the applicant or employee, that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation may include making facilities used by employees readily accessible to and usable by handicapped persons, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices (*e.g.*, telecommunication or other telephone devices), the provisions of readers or qualified interpreters, and other similar actions.

(c) Whether an accommodation would impose an undue hardship on the operation of a recipient's program depends upon a case-by-case analysis weighing factors that include:

(1) The overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce; and

(3) The nature and cost of the accommodation needed.

A reasonable accommodation may require a recipient to bear more than an insignificant economic cost in making allowance for the handicap of a qualified applicant or employee and to accept minor inconvenience which does not bear on the ability of the handicapped individual to perform the essential duties of the job.

§ 42.512 Employment criteria.

(a) A recipient may not use any employment test or other selection criterion that tends to screen out handicapped persons unless: (1) The test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question; and (2) alternative job-related tests or criteria that tend to screen out fewer handicapped persons are not shown by the appropriate Department officials to be available.

(b) A recipient shall administer tests using procedures (*e.g.*, auxiliary aids such as readers for visually-impaired persons or qualified sign language interpreters for hearing-impaired persons) that accommodate the special problems of handicapped persons to the fullest extent, consistent with the objectives of the test. When a test is administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results must accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

§ 42.513 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient may not conduct a preemployment medical examination and may not make preemployment inquiry of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment inquiry into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action to correct the effects of past discrimination pursuant to § 42.505(a) of this subpart, when a recipient is taking voluntary action to overcome the effects of conditions that

resulted in limited participation in its Federally assisted program or activity pursuant to § 42.505(b) of this subpart, or when a recipient is taking affirmative action pursuant to section 503 of the Act, the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, *Provided* That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary efforts;

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (d) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section shall prohibit a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty. *Provided* That: (1) All entering employees are subjected to such an examination regardless of handicap, and (2) the results of such an examination are used only in accordance with the requirements of this subpart.

(d) The applicant's medical record shall be collected and maintained on separate forms and kept confidential, except that the following persons may be informed:

(1) Supervisors and managers regarding restrictions on the work of handicapped persons and necessary accommodations;

(2) First aid and safety personnel if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act upon request for relevant information.

Program Accessibility

§ 42.520 Discrimination prohibited.

Recipients shall insure that no qualified handicapped person is denied the benefits of, excluded from participation in, or otherwise subjected to discimination under any program receiving Federal financial assistance because the recipient's facilities are inaccessible to or unusable by handicapped persons.

§ 42.521 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program to which this subpart applies so that the program, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This section does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

(b) *Compliance procedures.* A recipient may comply with the requirement of paragraph (a) of this section through acquisition or redesign of equipment, reassignment of services to accessible buildings, assignment of aids to beneficiaries, delivery of services at alternate accessible sites, alteration of existing facilities, or any other method that results in making its program accessible to its program accessible to handicapped persons. A recipient is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among methods for meeting the requirement of paragraph (a), a recipient shall give priority to those methods that offer programs to handicapped persons in the most integrated setting appropriate to obtain the full benefits of the program.

(c) *Small providers.* If a recipient with fewer than fifteen employees finds, after consultation with a handicapped person seeking its services, that there is no method of complying with § 42.521(a) other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other available providers of those services that are accessible.

(d) *Time period.* A recipient shall comply with the requirement of paragraph (a) within ninety days of the effective date of this subpart. However, where structural changes in facilities are necessary, such changes shall be made as expeditiously as possible and shall be completed no later than three years from the effective date of this subpart. If structural changes to facilities are necessary, a recipient shall, within six months of the effective date of this subpart, develop a written plan setting forth the steps that will be taken to complete the changes together with a schedule for making the changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons and shall be made available for public inspection. The plan shall, at a mininum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify the steps that will be taken during each year of the transition period; and

(4) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to insure that interested persons, including mentally retarded persons or persons with impaired vision or hearing, special learning problems, or other disabilities, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 42.522 New construction.

(a) *Design and construction.* Each new facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in such a manner that the facility is readily accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this subpart. Any alterations to existing facilities shall, to the maximum extent feasible, be made in an accessible manner. Any alterations to existing facilities shall, to the maximum extent feasible, be made in an accessible manner.

(b) *American National Standards Institute accessibility standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute, Inc. (ANSI A 117.1–1961 (R1971)),[4] which is incorporated by reference in this subpart, shall constitute compliance with paragraph (a) of this section. Departures from particular requirements of those standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility is provided.

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[4] Incorporation by reference provisions approved by the Director of the Federal Register on May 21, 1980, copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018, (212/354–3300). A copy is also on file at the Office of the Federal Register.

Procedures

§ 42.530 Procedures.

(a) The procedural provisions applicable to Title VI of the Civil Rights Act of 1964 (28 CFR 42.106–42.110) apply to this subpart except that the provision contained in § 42.110(e) and § 42.108(c)(3) which requires the Attorney General's approval before the imposition of any sanction against a recipient does not apply to programs funded by LEAA, NIJ, BJS, OJARS and OJJDP. The applicable provisions contain requirements for compliance information (§ 42.106), conduct of investigations (§ 42.107), procedure for effecting compliance (§ 42.108), hearings (§ 42.109), and decisions and notices (§ 42.110). (See Appendix C).

(b) In the case of programs funded by LEAA, NIJ, BJS, OJARS and OJJDP, the timetables and standards for investigation of complaints and for the conduct of compliance reviews contained in § 42.205(c)(1)–(c)(3) and § 42.206 (c) and (d) are applicable to this subpart except that any finding of noncompliance shall be enforced as provided in paragraph (a) of this section. (See Appendix D).

(c) In the case of programs funded by LEAA, NIJ, BJS, OJARS and OJJDP, the refusal to provide requested information under paragraph (a) above and § 42.106 will be enforced pursuant to the provisions of section 803(a) of Title I of the Omnibus Crime Control and Safe Streets Act, as amended by the Justice System Improvement Act of 1979, Pub. L. 96–157, 93 Stat. 1167.

(d) For acts of discrimination occurring prior to the effective date of this subpart, the 180-day limitation period for filing of complaints (§ 42.107 of this Title) will apply from that date.

(e) The Department will investigate complaints alleging discrimination in violation of section 504 occurring prior to the effective date of this subpart where the language of the statute or HEW's interagency guidelines (43 FR 2132, January 13, 1978) implementing Executive Order 11914 (41 FR 17871, April 28, 1976) provided notice that the challenged policy or practice was unlawful.

Definitions

§ 42.540 Definitions.

As used in this subpart the term:

(a) "The Act" means the Rehabilitation Act of 1973, Pub. L. 93–112, as amended (29 U.S.C. 701 *et seq.*).

(b) "Section 504" means section 504 of the Act (29 U.S.C. 794).

(c) "Department" means the Department of Justice.

(d) "LEAA" means the Law Enforcement Assistance Administration; "NIJ" means the National Institute of Justice; "BJS" means the Bureau of Justice Statistics; "OJARS" means the Office of Justice Assistance, Research and Statistics; "OJJDP" means Office of Juvenile Justice and Delinquency Prevention.

(e) "Recipient" means any State or unit of local goverment, any instrumentality of a State or unit of local government, any public or private agency, institution, organization, or other public or private entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferree of a recipient, but excluding the ultimate beneficiary of the assistance.

(f) "Federal financial assistance" means any grant, cooperative agreement, loan, contract (other than a direct Federal procurement contract or a contract of insurance or guaranty), subgrant, contract under a grant or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel;

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government;

(4) Any other thing of value by way of grant, loan, contract or cooperative agreement.

(g) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

(h) The term "program" means the operations of the agency or organizational unit of government receiving or substantially benefiting from the Federal assistance awarded, *e.g.*, a police department or department of corrections.

(i) "Ultimate beneficiary" is one among a class of persons who are entitled to benefit from, or otherwise participate in, programs receiving Federal financial assistance and to whom the protections of this subpart extend. The ultimate beneficiary class may be the general public or some narrower group of persons.

(j) "Benefit" includes provision of services, financial aid or disposition (*i.e.*, treatment, handling, decision, sentencing, confinement, or other prescription of conduct).

(k) "Handicapped Person". (1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. For purposes of employment, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. (2) As used in this subpart the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genitourinary; hemic and lymphatic; skin; and endocrine; (B) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug and alcohol abuse.

(ii) "Major life activities" mean functions such as caring for one's self, performing manual tasks walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(iv) "Is regarded as having an impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (k)(2)(i) of this section but is treated by a recipient as having such an impairment.

(l) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) With respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

(m) "Handicap" means any condition or characteristic that renders a person a handicapped person as defined in paragraph (k) of this section.

(n) "Drug abuse" means (1) the use of any drug or substance listed by the Department of Justice in 21 CFR 1308.11, under authority of the Controlled Substances Act, 21 U.S.C. 801, as a controlled substance unavailable for prescription because (i) the drug or substance has a high potential for abuse, (ii) the drug or other substance has no currently accepted medical use in treatment in the United States, (iii) there is a lack of accepted safety for use of the drug or other substance under medical supervision; (2) the misuse of any drug or substance listed by the Department of Justice in 21 CFR 1308.12–.15 under authority of the Controlled Substances Act as a controlled substance available for prescription. Examples of (1) include certain opiates and opiate derivatives (*e.g.*, heroin) and hallucinogenic substances (*e.g.*, marihuana, mescaline, peyote) and depressants (*e.g.*, methaqualone). Examples of (2) include opium, coca leaves, methadone, amphetamines and barbituates.

(o) "Alcohol abuse" includes alcoholism but also means any misuse of alcohol which demonstrably interferes with a person's health, interpersonal relations or working.

Appendix A—Federal Financial Assistance of the Department of Justice to Which this Subpart Applies

1. Assistance provided by LEAA, NIJ, BJS, OJARS and OJJDP under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Justice System Improvement Act of 1979, Pub. L. 96–157, 93 Stat. 1167, and the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601 *et seq.*, as amended.

2. Assistance provided by the Federal Bureau of Investigation through its National Academy and law enforcement training activities and laboratory facilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

3. Assistance provided by the Bureau of Prisons through its National Institute of Corrections for training programs under the Juvenile Justice and Delinquency Prevention Act, as amended, 18 U.S.C. 4351–4353.

4. Assistance provided by the Drug Enforcement Administration under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801 *et seq.*

5. Assistance provided by the Attorney General for antitrust enforcement under section 116 of the Crime Control Act of 1976, 42 U.S.C. 3739.[5]

6. Assistance provided by the Department under the Disputes Resolution Act, Pub. L. 96–190, 94 Stat. 17.

7. Assistance provided by the Department under the State and Local Drug Strike Force Grant Program, Pub. L. 96–68, Title II, 93 Stat. 419.

Appendix B—Analysis of Final Rule

A. General Provisions

This subpart prohibits discrimination on the basis of handicap in any program, activity or facility receiving Federal financial assistance (§ 42.501). Section 504 protects not only the ultimate beneficiaries of Federal assistance statutes (*e.g.*, students, prisoners, general public) as identified in the Federal grant statutes directly or by inference, but also nonbeneficiary participants (*e.g.*, employees working in the program receiving Federal financial assistance regardless of whether a primary objective of the Federal assistance includes providing employment opportunities). The subpart applies to all Federal assistance programs administered by the Department and requires all recipients of such assistance to comply with the requirements of the subpart (§ 42.502). The subpart not only applies to grants, contracts and cooperative agreements entered into after the effective date of the subpart, but also applies to any Federal financial assistance previously extended which continues at the time the subpart becomes effective.

The subpart sets forth a variety of illustrative examples to identify conduct which is unlawfully discriminatory and requirements to maintain Federally assisted programs free of unlawful discrimination (§ 42.503). Prohibited conduct includes arbitrary acts of exclusion or other invidious discrimination (§ 42.503(b)(1)(i)), refusal to provide specialized assistance to qualified handicapped persons (§ 42.503(b)(1)(ii)), refusal to permit qualified handicapped persons to participate in a Federal assistance program in providing services (*e.g.*, excluding qualified handicapped persons as contractors). The subpart also prohibits any agency, organization or person that discriminates against handicapped beneficiaries from participating in Federal assistance programs (§ 42.503(b)(1)(v)). A recipient may not discriminate against handicapped persons in its non-Federally funded programs if such action would discriminate against handicapped beneficiaries and participants in the recipient's Federally supported programs (§ 42.503(b)(5)). Further, no program conducted in a facility provided with Federal aid, after the effective date of section 504, can discriminate on the basis of handicap (§ 42.503(b)(6)). Also, a recipient may be required to provide auxiliary aids (*e.g.*, qualified interpreters for speaking and hearing-impaired persons, and readers for sight-impaired persons) under appropriate circumstances (§ 42.503(f)).

The primary thrust of these illustrative examples is to emphasize the Federal policy that qualified handicapped beneficiaries and participants (*e.g.*, employees) in Federally assisted programs are to be treated no differently than nonhandicapped beneficiaries and participants where such different treatment would materially impair the handicapped persons' ability to receive benefits or participate on an equal footing with non-handicapped persons. Thus "a recipient may not, directly or through contractual, licensing, or other arrangements, utilize criteria or methods of administration that either purposely or in effect discriminate on the basis of handicap" (§ 42.503(b)(3)). This provision gives notice that, ordinarily, a recipient's obligation under section 504 is broader than the mere avoidance of direct discrimination and encompasses an obligation to assure that second-tier recipients (*e.g.*, organizations receiving Federal financial assistance through the primary recipient) also adhere to the requirements of section 504. Accordingly, Criminal Justice Councils (CJC's) established under Part D of Title I of the Omnibus Crime Control and Safe Streets Act, as amended by the Justice System Improvement Act of 1979, have a continuing obligation to insure that second-tier recipients receiving Federal financial assistance through the SPA's comply with section 504 and this subpart. The subpart requires an applicant for Federal financial assistance to execute an assurance of compliance with section 504 and this subpart, and obtain similar assurances from seond-tier recipients (§ 42.504(a)–(c)). This is a change from the proposed rule which gave an appropriate Department official discretion to determine the extent a primary recipient would be obligated to obtain assurances from secondary recipients. Some commentators believed the flexible standard in the proposed rule was unwarranted in view of the clear statutory responsibility of second-tier recipients to comply with section 504.

Under certain circumstances it may be necessary to obtain assurances not only from second-tier recipients but also from vendors of services participating in a program receiving Federal financial assistance where such services affect the ultimate beneficiaries (*e.g.*, community-based facilities operating under Federal assistance contracts to provide services to beneficiaries).

Assurances from State or local recipient government agencies shall extend to other agencies of the same governmental unit if the policies or practices of the other agency affect the Federal assistance program of the recipient agency (§ 42.504(b)). Assurances from institutions or facilities (*e.g.*, law enforcement agencies, prisons, court systems) shall cover the entire institution or facility (§ 42.504(c)).

The subpart specifies the duration of the recipient's section 504 obligation (§ 42.504(d)) and notes that the failure to secure an assurance from a recipient does not impair the right of the Department to enforce the requirements of section 504 and this subpart because a recipient's obligation is statutory as well as contractual (§ 42.504(f)).

[5] Congress has not appropriated funds for this program for Fiscal Year 1980 which ends September 30, 1980. The Department made its last grants under the program by September 30, 1979.

Each recipient is required to evaluate and modify any of its policies which does not meet the requirements of the subpart (§ 42.505(c)(1)), and each recipient employing a minimum of fifty employees and receiving Federal financial assistance from the Department of $25,000 or more must maintain a record of the self-evaluation (§ 42.505(c)(2)), designate an employee to coordinate compliance with the subpart (§ 42.505(d)), adopt grievance procedures which incorporate due process standards (§ 42.505(e)) and provide notice on a continuing basis that it does not discriminate on the basis of handicap (§ 42.505(f)).

The HEW section 504 rule provides that any recipient employing fifteen or more persons is required to adopt these procedures (45 CFR 84.6(c)(2), 84.7, 84.8(a)). Some commentators expressed concern that the Department established a less encompassing procedural standard than HEW. The Department's numerical and monetary standard used in this subpart is identical to that used by LEAA, the Department's major grant agency, in its "Equal Employment Opportunity Program Guidelines" (28 CFR 42.301 *et seq.*) directed to its recipients and which requires the formulation, implementation and maintenance of a written equal employment opportunity program relating to employment practices affecting minority persons and women. It is appropriate that the Department maintain a consistent approach in ensuring the rights of the various categories of persons protected by Federal law. Further, it should be noted that the Department's action is consistent with the HEW guidelines for the development of Federal agency section 504 regulations which are substantially less exacting than the procedures adopted by the Department for its own programs. The guidelines impose no minimum numerical standard (45 CFR 85.5(b)). Finally, this subpart provides that "the Department may require any recipient with fewer than fifty employees and receiving less than $25,000 in Federal financial assistance to comply" with the procedural standards (§ 42.505(g)). Of course, recipients having fewer than fifty employees and receiving less than $25,000 in Department assistance are bound by section 504 and all the substantive and procedural requirements of this subpart which do not explicitly exempt such recipients.

The Department adopted one commentator's recommendation that notice be given in § 42.505(d) that employees may file complaints with the Department without having first used the recipients' grievance procedure mechanisms. Additionally, the notice requirements of § 42.505(f)(1) now provide examples of initial and continuing notification (*e.g.*, posters, magazines and memoranda). Further, a new requirement has been added to provide that all recipients must provide notice to the public on where to file section 504 complaints with the Department and, where applicable, with the recipient concerning the recipients' programs.

The subpart also provides that a recipient's obligation to comply with the subpart is not affected by inconsistent State and local laws or the limited employment opportunities for handicapped persons in any occupation or profession (§ 42.505(h)).

B. Employment

HEW has construed section 504 to prohibit employment discrimination against handicapped persons in all programs receiving Federal financial assistance. See HEW's section 504 regulations, 42 FR 22680 (May 4, 1977) and 45 CFR 84.11 (1978). Several courts have construed section 504 to cover employment discrimination. See, *e.g.*, *Duran* v. *City of Tampa*, 430 F. Supp. 75 (M.D. Fla. 1977), *Drennon* v. *Philadelphia General Hospital*, 428 F. Supp. 809 (E.D. Pa. 1977), *Granet* v. *Los Angeles Community College District*, No. CV 78–1823–ALS (Kx) (C.D. Cal., Dec. 29, 1978) (order granting dismissal). To date, two courts of appeals have taken a narrower view. *See* in *Trageser* v. *Libbie Rehabilitation Center, Inc.*, 590 F. 2d 87 (4th Cir. 1978), *cert. den.*, 442 U.S. 947 (1979); *Carmi* v. *Metropolitan St. Louis Sewer District*, No. 79–1325, — F. 2d — (8th Cir. May 6, 1980). In *Trageser* the court held that employment discrimination is prohibited by section 504 only to the extent that it is prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.* (1970). Title VI, which prohibits racial discrimination in programs receiving Federal financial assistance, covers employment discrimination only (1) "where a primary objective of the Federal financial assistance is to provide employment" (section 604 of Title VI, 42 U.S.C. 2000–3 (1970)), or (2) when the recipient's employment discrimination results in discrimination against the ultimate beneficiaries of the program receiving Federal financial assistance (see *Caulfield* v. *Board of Education*, 583 F. 2d 605 (2d Cir. 1978)). Neither of these factors was present in *Trageser*.

The court's decision appears to rest solely on the language of section 120(a) of the Rehabilitation Act Amendments of 1978, which provides that "the remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 shall be available" to persons aggrieved because of section 504 violations. Accordingly, "in the absence of legislative history to the contrary," the court held that section 120(a) of the Rehabilitation Act Amendments of 1978 incorporated the limitations of Title VI coverage as to employment discrimination. *Id.* at 89.

The court, in its analysis, did not focus on the remedial purpose of section 504 to provide broad protections to handicapped persons. Nor did the court consider the legislative histories of the Rehabilitation Act of 1973 and its subsequent amendments, which reflect the continuing congressional concern for the employment problems of handicapped persons. See, *e.g.*, S. Rep. No. 93–318, 93d Cong., 1st Sess. 18–19, 70 (1973); S. Rep. No. 93–319, 93d Cong., 1st Sess. 2, 8 (1973); H.R. Rep. No. 95–1149, 95th Cong., 2d Sess. 16, 18, 23–29, 34, 38, 42–43 (1978); S. Rep. No. 95–890, 95th Cong., 2d Sess. 8, 13, 20–21, 27, 36 (1978); H.R. Conf. Rep. No. 95–1780, 95th Cong., 2d Sess. 80–81, 94–96, 98, 102 (1978). Further, the legislative history of section 120(a), which apparently was not brought to the attention of the court, indicates that the provision was not intended to limit the scope of section 504, but was merely a legislative ratification of HEW's enforcement procedures under section 504.

Section 120(a) was originally a provision in S. 2600 (95th Cong., 2d Sess., section 118(a) (1978)), the Senate version of the Rehabilitation Amendments of 1978 reported by the Senate Committee on Human Resources on May 15, 1978. The Committee stated, with respect to section 120(a):

> It is the committee's understanding that the regulations promulgated by the Department of Health, Education, and Welfare with respect to procedures, remedies, and rights under section 504 conform with those promulgated under Title VI. Thus, *this amendment codifies existing practice as a specific statutory requirement.* (Sen. Rep. No. 95–890, 95th Cong., 2d Sess. 19 (1978).) (Emphasis added)

In view of the legislative history of the Rehabilitation Act of 1973 and its amendments, HEW's administrative construction, the remedial nature of section 504 and the legislative history of section 120(a), the Department believes that the employment practices of recipients of Federal financial assistance are covered by section 504 regardless of the purpose of the assistance, and the Department's proposed regulations reflect this view (§§ 42.510–42.513).[6] However, *Trageser* is the controlling rule for Maryland, North Carolina, South Carolina, Virginia and West Virginia, the five States comprising the Fourth Circuit; and *Cermi* is the controlling law for Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, the seven States comprising the Eighth Circuit. Accordingly, the provisions of this subpart relating to employment will be enforced in the Fourth and Eighth Circuit States only where employment is a primary objective of the Federal financial assistance or where discrimination against employees affects the beneficiaries of the assistance.

It should be noted that § 42.510(e) of the proposed rule was deleted and is now incorporated in § 42.510(a)(3) of the final rule for the reason that § 42.510(e) was largely duplicative of § 42.510(a)(3). The subpart requires that recipients make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee. If a qualified handicapped applicant or employee is denied a job or is terminated, the burden is on the employer to show, based on the individual assessment of the applicant or employee, that the accommodation would impose an undue hardship on the operation of its program. The subpart suggests examples of reasonable accommodations (*e.g.*, job restructuring, modified work schedules, acquisition or modification of equipment or devices) (§ 42.511(b)) but recognizes that the determination of whether an accommodation presents an undue hardship depends on a case-by-case analysis weighing factors such as the overall size of the recipient's program with respect to the number of employees, number and type of facilities, and size of budget; the type of the

[6] In *Cormi* v. *Metropolitan St. Louis Sewer District*, *supra*, the three-judge panel adopted the view of *Trageser*. At least one Federal district court has declined to follow the *Trageser* ruling. *See, Hart* v. *County of Alameda*, No. C–79–0091 WHO (N.D. Cal. Sept. 5, 1979).

recipient's operation, including the composition and structure of the recipient's workforce; and the nature and cost of the accommodation needed (§ 42.511(c)(1)–(5)). The Department believes that the fact that an accommodation's cost would be more than nominal does not by itself justify refusal of the accommodation.

The use of the "reasonable accommodation/undue hardship" standard in determining the issue of reasonable accommodation is drawn from the HEW section 504 rule (45 CFR 84.12(a), (c)) and represents a change from the language (but not the substance) of the Department's proposed rule. Some commentators believed the Department's departure from the HEW language in order to broaden the concept of reasonable accommodation resulted in weakening that standard. In the interest of eliminating this perception and to promote uniformity, the Department has adopted the HEW language.

The proposed rule places an obligation on the recipient to use job-related tests or other job-related selection criteria which screen out the fewest qualified handicapped persons and to "administer tests using procedures (*e.g.*, auxiliary aids such as readers for visually-impaired persons or qualified interpreters for hearing-impaired persons) which accommodate the special problems of handicapped persons to the fullest extent, consistent with the objectives of the test" (§ 42.512). Thus an oral test given to an applicant with a speech impediment would be improper where the essential functions of the job do not require clear speech. Where physical agility and visual acuity are necessary to perform the essential functions of a job, tests measuring those factors are permitted. To further clarify this obligation the Department has, at the recommendation of several commentators, added language to § 42.512 drawn from the HEW section 504 rule (see 45 CFR 84.13(b)) to the effect that tests are to measure job qualifications and not impaired sensory, manual, or speaking skills, except where those skills are the factors that the test purports to measure.

A recipient is prohibited from making pre-employment inquiry regarding an applicant's physical or mental handicaps except where the recipient is taking remedial or voluntary action under § 42.505(a) or (b) of this subpart, affirmative action under section 503 of the Act, or conducting a permissible pre-employment physical examination. Under such circumstances, response to the inquiries must be voluntary and certain safeguards (*e.g.*, confidentiality) must be maintained by the employer (§ 42.513(b)). Recipients may, of course, inquire about an applicant's ability to perform job-related functions. Accordingly, for example, questions regarding the ability to drive a car, shoot a gun, or work steadily over long periods of time or in situations of emergency or stress are proper questions for the job of police officer, while questions as to whether the applicant has epilepsy or a heart condition are not permitted. An employer may, of course, ask whether the applicant can perform a particular job without endangering the applicant or others. Further, an application form containing a checklist of diseases and conditions is not permitted. However, nothing in this subpart prohibits an employer from setting forth validated medical requirements in recruitment material. Medical examinations are permitted, after a conditional job offer has been made, if the examinations are administered to all entering employees in a nondiscriminatory manner and the results are treated on a confidential basis (§§ 42.513(a) and (b)). An applicant can only be considered to have failed a medical examination if the applicant's medical condition, even with reasonable accommodation, would prevent the applicant from performing the essential functions of the job.

The ban on pre-employment inquiry regarding physical or mental handicaps is required under the HEW standards for the development of Federal agency section 504 regulations. See 45 CFR 85.55, 43 FR 2132, 2138 (January 13, 1978). Its purpose is to insure that job decisions are not infected with non-job related considerations. For example, an applicant for the position of police officer completes the application process, the written examination, and the oral interview satisfactorily and is offered the position conditioned on the successful completion of a medical examination. The medical exam reveals that the applicant has a history of epilepsy. At this point the police department must make a decision whether the behavioral manifestations of the applicant's particular handicap would prevent the applicant from performing the essential functions of the job.

One virtue of this standard is that it makes it possible to determine whether the reason for not hiring a handicapped person is because of handicap. We also believe that legitimate purposes for obtaining such information are fulfilled as well at this later stage in the hiring process.

The misunderstanding of this section apparent in many comments makes it important to emphasize again that this provision does not prohibit taking job-related conditions into account in making employment decisions, nor does it preclude a recipient from obtaining information as to such conditions. It merely affects the time at which and the manner in which the information may be obtained. (HEW Final Rule, Implementation of Executive Order 11914, 43 FR 2132, 2135, January 13, 1978).

Of course, where pre-employment job-related questions disclose an inability to perform a job as a result of a handicap, a decision not to employ may be made on that basis. Where recipients conduct extensive background security checks for prospective employees, a conditional offer of employment could be made contingent upon successfully passing both a medical examination and background check. The medical examination could occur first and if the applicant did not pass it, there would be no need for the background check. The results of the medical examination must, of course, remain confidential and could not be given to the person conducting the background check.

C. Physical and Other Accessibility to Programs

The subpart prohibits the exclusion of qualified handicapped persons from Federally assisted programs because a recipient's facilities are not readily accessible or usable. The recipient is not required to have each of its existing facilities or every part of a facility accessible to and usable by handicapped persons. The requirement is that the program, when viewed in its entirety, must be readily accessible to and usable by handicapped persons. Structural changes may be unnecessary where other less costly or burdensome methods may be equally effective. Whatever method is chosen to meet physical accessibility and usability requirements, it is essential that Federally assisted programs be offered to qualified handicapped persons in the most integrated setting appropriate to obtain the full benefits of the program (§ 42.521(b)). (As used below, the term "accessibility" incorporates "usability."

Physical accessibility is probably the area of greatest concern to recipients because of the perceived economic cost associated with the elimination of such barriers. It has been HEW's experience that its recipients have erroneously exaggerated the actual cost of compliance due, in part, to a misunderstanding of the extent to which structural changes are requred under section 504.[7] The following illustrations may serve to underscore the options available to recipients for moderating the costs of compliance while providing full program accessibility to qualified handicapped persons. These illustrations also serve to alert recipients that attaining program accessiblity need not involve the removal of all architectural barriers.

The examples which follow also set forth a number of situations in which recipients are required under this subpart to provide auxiliary aids (§ 42.503(f)) to remove communications barriers that prevent accessibility to Federally assisted programs. These examples are included as the result of a number of comments which recommended that the Department provide additional guidance in this area.

1. *Law Enforcement Agencies.* These agencies include municipal police departments, sheriffs' offices, state highway patrols, regional law enforcement agencies, campus police and fire protection agencies. Such agencies, as recipients of Department assistance, must make the programs they operate readily accessible to the handicapped beneficiaries of the programs (*e.g.*, the general public the law enforcement agency is required to serve). With respect to members of the general public who require police assistance, an initial question regarding program accessibility is, for example, whether a wheelchair user requires physical accessibility to the law enforcement agency to obtain the benefits of the agency's programs. Frequently, requests for assistance are initiated by telephone, and law enforcement assistance is often provided away from the agency's facility. Some law enforcement operations ordinarily require citizens to appear at the law enforcement agency's facility (*e.g.*, obtaining a gun license;

[7] *A Summary of Information On The Costs To All HEW Grantees of Achieving Program Accessibility Under Section 504 Of The Rehabilitation Act.* Office of the Secretary, Department of Health, Education and Welfare (July 11, 1979).

viewing a line-up; examining physical evidence). However, with respect to wheelchair users or others having severe mobility-related handicaps, law enforcement agencies could accommodate the physical limitations of such persons by making home visits or visits to alternate accessible sites. Whether such special accommodations in all cases would enable those with severe mobility-related handicaps to participate effectively in the benefits of a law enforcement agency's programs would depend upon the nature of the benefit provided. While the subpart requires that services be provided in the most integrated setting appropriate, that standard has no apparent application where the service provided is essentially personal (one-on-one) rather than general (*e.g.*, educational programs).

Law enforcement agencies should provide for the availability of qualified interpreters (certified, where possible, by a recognized certification agency) to assist the agencies when dealing with hearing-impaired persons. Where the hearing-impaired person uses American Sign Language for communication, the term "qualified interpreter" would mean an interpreter skilled in communicating in American Sign Language. It is the responsibility of the law enforcement agency to determine whether the hearing impaired person uses American Sign Language or Signed English to communicate.

If a hearing-impaired person is arrested, the arresting officer's *Miranda*[8] warning should be communicated to the arrestee on a printed form approved for such use by the law enforcement agency where thee is no qualified interpreter immediately available and communication is otherwise inadequate. The form should also advise the arrestee that the law enforcement agency has an obligation under Federal law to offer an interpreter to the arrestee without cost and that the agency will defer interrogation pending the appearance of an interpreter.

Law enforcement agencies are also required to install TTY's or equivalent mechanisms (as the technology advances) to enable persons with hearing and speaking impairments to communicate effectively with such agencies. Law enforcement agencies may be hooked up to a central TTY number shared by a number of public agencies if experience shows that this procedure does not materially delay the transmittal of emergency communications to the agencies.

2. *Detention and Correctional Agencies and Facilities.* These agencies include jails, prisons, reformatories and training schools, work camps, reception and diagnostic centers, pre-release and work release facilities, and community-based facilities. Where local or State policy prohibits the detention or incarceration of wheelchair users, no structural modification to detention or correctional facilities to accommodate wheelchair users is required. Where there is no such exclusionary policy, structural modifications may be unnecessary where alternate accessible facilities are available (*e.g.*, short term detention in the prisoner's home or at a medical facility). Where local policy precludes alternate detention facilities, a detention agency would be required to make structural modifications to accommodate detainees or prisoners in wheelchairs. In such circumstances, however, not every detention facility of the agency would have to become accessible. Only a sufficient number of detention cells need be accessible to wheelchair users as can be reasonably expected to be detained based on the agency's prior experience. A different problem arises, however, when accessibility requirements are imposed on small, independently operated community based facilities used, for example, for the placement of juveniles in a home setting. A metropolitan area may have a number of such homes. Each such home receiving assistance from the Department with fewer than fifteen employees is not required to be accessible to handicapped persons as long as a sufficient number of homes are accessible in the service area. If a home, after consultation with the handicapped person concerned, determines that its facilities are not accessible to such person because of the person's handicapping condition, it is the responsibility of the home to locate an accessible home providing equivalent services (§ 42.522(c)).

All detention and correctional agencies must provide accessibility for handicapped visitors (*e.g.*, accessible visiting rooms, restrooms) since the prisoner's right to receive visitors is an element of the program administered by the agencies. Where a facility's visitation area is inaccessible to the handicapped, a detention or correctional agency has the option to (a) house the prisoner in a facility which is accessible to handicapped visitors, (b) move the prisoner to an alternate, accessible area either within or outside the facility for visits from wheelchair users, (c) make structural modifications to make the visitation area accessible. It should be kept in mind that the benefit provided is the right to visit rather than the right to visit in any particular area.

Facilities available to all inmates or detainees, such as classrooms, infirmary, laundry, dining areas, recreation areas, work areas, and chapels, must be readily accessible to any handicapped person who is confined to that facility. Beyond insuring the physical accessibility of facilities, detention and correctional agencies must insure that their programs and activities are accessible to handicapped persons. For example, correctional agencies should provide for the availability of qualified interpreters (certified, where possible, by a recognized certification agency) to enable hearing impaired inmates to participate on an equal basis with nonhandicapped inmates in the rehabilitation programs offered by the correctional agencies (*e.g.*, educational programs).

Correctional officials should take into account any handicaps which inmates may have in classifying them. In making housing and program assignments, such officials must be mindful of the vulnerability of some handicapped inmates to physical and other abuse by other inmates. The existence of a handicap alone should not, however, be the basis for segregation of such inmates in institutions or any part thereof where other arrangements can be made to satisfy safety, security and other needs of the handicapped inmate.

3. *Court Agencies.* These agencies include State and local court systems. Wheelchair users may participate in court trials as judges, jurors, plaintiffs, defendants, witnesses or be present as spectators. Full accessibility is required for such participants.

Where a county has but one courtroom situated on the third floor of a country courthouse having no elevator, and where one of the participants in a trial is a wheelchair user, the court has the following options: (a) moving the court, for the duration of the trial, to accessible quarters in or outside of the courthouse; (b) moving the court permanently to existing accessible quarters; or (c) making those structural modifications in the existing courtroom necessary to provide accessibility to the handicapped participant.

In a large court system, where there are numerous courtrooms, cases involving wheelchair users can be assigned to a courtroom that has been made fully accessible. There is no requirement that all courtrooms be made fully accessible, although it would appear that areas of all courtrooms set aside for the general public should be readily accessible to wheelchair users.

Court systems receiving Federal financial assistance shall provide for the availability of qualified interpreters for civil and criminal court proceedings involving persons with hearing or speaking impairments. (Where a recipient has an obligation to provide qualified interpreters under this subpart the recipient has the corresponding responsibility to pay for the services of the interpreter).

Where the courts provide specialized assistance with respect to court proceedings, the courts are required to insure that handicapped persons are able to participate in such assistance on an equal basis with nonhandicapped persons. For example, in cases where the courts appoint counsel for indigents, the courts under this subpart are also required to assign qualified interpreters (certified, where possible, by recognized certification agencies) in cases involving indigent defendants with hearing or speaking impairments to aid the communication between client and attorney. The availability of interpreting services to the indigent defendant would be required for all phases of the preparation and presentation of the defendant's case. The courts may establish some reasonable guidelines on the use of interpreter services that would not adversely affect the ability of the defendant and the defendant's attorney to develop and present the defendant's case. Caution should be exercised that the guidelines reflect the requirement of section 504 and this subpart that handicapped persons received access to programs receiving Federal financial assistance equal to that of nonhandicapped persons.

While handicapped participants in trials may require appropriate auxiliary aids depending on the nature of the handicap, courts would not be required to provide such aids to participants for purposes unconnected with the litigation process. For example,

[8] *Miranda* v. *Arizona*, 384 U.S. 436 (1966).

where medically necessary, a defendant with a severe heart condition would have the right to have a qualified attendant provided by the court during the defendant's appearance in court or elsewhere pursuant to an order of the court (*e.g.*, a subpoena), but not at the defendant's customary place of residence.

Court witnesses with hearing or speaking impairments have the right, independent of the rights of defendants, to have interpreters available to them for their testimony.

4. *Prosecution and Defense Agencies.* Prosecution agencies include State attorneys general and district, county and city attorneys. The programs administered by such agencies must be readily accessible to handicapped persons. As with other programs assisted by the Department, such agencies need not make structural changes in the facilities where there are feasible options (*e.g.*, home visits, delivery of services at alternate accessible sites) for providing the full benefits of the program to handicapped beneficiaries.

New facilities and altered portions of existing facilities must be designed and constructed in such manner as to make them readily accessible to handicapped persons if groundbreaking begins after the effective date of this subpart (§ 42.522). It is not necessary that all cells or housing units in new detention and correctional facilities be constructed to accommodate handicapped detainees or inmates. Only a sufficient percentage of the cells or housing units need be accessible and usable by handicapped persons as can reasonably be expected to be incarcerated based on the history of the handicapped detainee or inmate population in the recipient's jurisdiction. If there is a local or State policy not to incarcerate wheelchair users in its institutions, this subpart would not require creation of prison cells accessible to wheelchair users. If, however, a sufficient number of cells or housing units is not available at any particular time to house all handicapped inmates or detainees, it would be a violation of this subpart to place a handicapped person in a cell which is not accessible to such person. In such exceptional circumstances, assignment of aides to assist the handicapped person may suffice to make additional cells usable.

D. Southeastern Community College v. Davis, 442 U.S. 397 (1979).

This subpart requires that (1) employers make reasonable accommodation to the handicaps of qualified handicapped applicants or employees, and that (2) programs be readily accessible to and usable by qualified handicapped persons. These requirements must be read in the light of *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), where the Supreme Court first considered the reach of section 504 of the Rehabilitation Act.

Davis held that section 504 did not require the petitioner college to make fundamental alterations to its registered nurses' training program in order to accommodate the severe hearing loss of respondent who had applied for admission to the program as a student. The Court held that the respondent failed to meet the legitimate and necessary physical requirements of the program, established by petitioner, and, hence, was not qualified to participate in the program. The Court noted that the section 504 regulations of the Department of Health, Education, and Welfare (45 CFR § 84.3(k)(3) (1978)) reinforced the Court's conclusion that the respondent was not qualified to be a student in petitioner's training program. *Id.* at 406. Section 84.3(k)(3) of Title 45 provides that, as to postsecondary and vocational services, a "qualified handicapped person" means "a or participation in the recipient's educational program or activity." An explanatory note to the HEW regulations defines "technical standards" as "all nonacademic admissions criteria * * * essential to participation in the program in question." 45 CFR Part 84, App. A, at p. 405.

While the HEW section 504 regulations relating to postsecondary education require recipients to modify any academic requirements that might discriminate against qualified handicapped persons and, further, require the provision of educational "auxiliary aids" (*e.g.*, taped texts, interpreters, classroom equipment, readers in libraries) (45 CFR 84.44 (a), (d)) where necessary to avoid discrimination, the Court noted these regulatory provisions did not require fundamental programmatic and personal service adjustments needed by the respondent.

First, the Court noted that petitioner's training program required "the ability to understand speech without reliance on lipreading" to ensure "patient safety during the clinical phase of the program," and that the respondent would require the "close individual attention by a nursing instructor" in order to participate effectively in clinical work. *Id.* at 407, 409. However, the HEW regulation requiring auxiliary aids specifically excludes "attendants, individually prescribed devices, readers for personal use or other study, or other devices or services of a personal nature." 45 CFR 84.44(d)(2). Accordingly, in the Court's view, the law did not require the petitioner to provide respondent with an attendant nursing instructor since, in the context of a clinical program where each student would be required to deal individually with patients, this would have constituted "services of a personal nature." Hence the respondent could not qualify for the clinical segment of the training program and would be confined to taking academic courses only.

Second, academic "modifications" set forth in the HEW regulation include (but are not necessarily limited to):

changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted (45 CFR 84.44).

However, as the Court saw it, such required modifications did not encompass a curricular change which waived effective participation in a critical component of a degree program in registered nursing. "Whatever benefits respondent might realize from such a course of study, she would not receive even a rough equivalent of the training a nursing program normally gives." *Id.* at 410.

While rejecting respondent's gloss on section 504 and HEW's implementing regulations, the Court inferentially upheld the HEW regulation mandating modification in admission criteria for qualified handicapped persons by noting that "situations may arise where a refusal to modify an existing program might become unreasonable and discriminatory." *Id.* at 412–13.

This subpart is consistent with the holding in *Davis* for it prohibits discrimination only against qualified handicapped persons in the Department's Federally assisted programs and activities. Section 42.540(1) defines "qualified handicapped persons" as follows:

(1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

(2) With respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

The critical consideration in determining whether a handicapped person qualifies for participation in a program or activity receiving assistance from the Department is whether a particular physical or mental ability is a necessary prerequisite for effective participation, or whether that ability is only said to be necessary because a recipient of Federal funds has not given adequate consideration to the ways in which stated requirements may be modified in order to permit participation by handicapped persons.

E. Procedures

The Department has adopted the Title VI complaint and enforcement procedures for use in implementing section 504 except that OJARS will not be required to obtain the Attorney General's approval before the imposition of any sanctions against a recipient. This is consistent with OJARS' practice in enforcing the civil rights provisions of the Omnibus Crime Control and Safe Streets Act, as amended by the Justice System Improvement Act of 1979, Pub. L. 96–157, sec. 815(c), 93 Stat. 1206.

In conformity with HEW's Policy Interpretations 1 and 2 (43 FR 18631 (May 1, 1978)), the 180-day time limitation for filing complaints (§ 42.107 of this Title) alleging discriminatory acts which occurred prior to the effective date of this subpart will not begin to run until that date (§ 42.530(d)). Further, the Department will investigate alleged discriminatory acts which occurred and ended prior to the effective day of this subpart where it is shown that the language of section 504 of HEW's interagency guidelines (43 FR 2132, January 13, 1978) implementing Executive Order 11914 (41 FR 17871, April 28, 1976) provided sufficient notice that the challanged activity was unlawful (§ 42.530(e)).

As to remedies, section 120(a) of the Rehabilitation Act Amendments of 1978 authorizes the payment of attorneys' fees to the prevailing party "in any action or proceeding to enforce or charge a violation of this title" (Title V). Accordingly, it is clear that there is a private right of action under section 504. "The availability of attorneys' fees should assist in vindicating private rights of action * * * arising under section * * *

504." Sen. Rep. No. 95–890, 95th Cong., 2d Sess. (1978). *Cf., Cannon* v. *University of Chicago*, 441 U.S. 677 (1979). Nothing in this subpart requires the referral of a complaint against a recipient to the Department for action as a legal prerequisite for filing a lawsuit against the recipient.

The term "recipient" (§ 42.540(e)) in LEAA programs includes State and local governments, Criminal Justice Councils, Local Offices, criminal justice coordinating councils, nonprofit institutions, contractors, under grants and any other recipient of LEAA funds. Recipients in Federal Bureau of Investigation programs include law enforcement agencies serving municipalities, counties or States. Recipients in Federal assistance programs of the National Institute of Corrections of the Bureau of Prisons include States, general units of local government, as well as public and private agencies, educational institutions and organizations and individuals involved in the development, implementation or operation of correctional programs and services. Recipients in Drug Enforcement Administration programs include State and local governments, officials of law enforement agencies and forensic laboratories. A recipient not only includes a primary recipient (*i.e.*, a recipient which receives Federal financial assistance from a Federal agency directly) but also a second-tier recipient (*i.e.*, a recipient which receives Federal financial assistance through the primary recipient). The term does not include the ultimate beneficiaries of the program (*i.e.*, those for whom the Federal financial assistance is designed to benefit).

The term "Federal financial assistance" (§ 42.540(f)) includes any arrangement by which the Department provides or makes available funds, property, services, or anything of value by way of grants, contracts, loans or cooperative agreements including subgrants and contracts under grants. It does not include licenses, for example, since licenses are not Federal assistance grants, contracts, loans or cooperative agreements. Nor does the term include direct Federal procurement contracts. Procurement contracts are generally used whenever the principal purpose of the transaction is the acquisition by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government. Federal assistance contracts, grants, loans and cooperative agreements are used whenever the principal purpose of the transaction is to accomplish a public purpose authorized by Federal statute.

A "program" (§ 42.540(h)) includes any activity or facility receiving Federal financial assistance whether such benefits are provided directly with the aid of Federal financial assistance or with the aid of any non-Federal assistance required to meet the conditions of Federal financial assistance. The term "program" includes activities where payments are made by a Federal agency to ultimate beneficiaries on condition of their participation in a program conducted by a recipient. The receipt of Federal financial assistance by, for example, a law enforcement agency or department of corrections, makes section 504 and this subpart applicable to all operations of the recipient agency or department although the Federal financial assistance may have been used in only certain of the activities or operations of the agency or department.

Drug and alcohol abuse are "physical or mental impairments" within the meaning of section 7(6) of the Rehabilitation Act of 1973, as amended. Accordingly, drug and alcohol abusers are handicapped under section 504 if their impairment substantially limits one of their major life activities (§ 42.540(k)(2)(i)(C)). "Drug abuse" in this subpart is defined as (1) the *use* of any drug or substance listed by the Department (21 CFR 1308.11) under authority of the Controlled Substances Act (21 U.S.C. 801), as a controlled substance unavailable for prescription, or (2) the *misuse* of any drug or substance listed by the Department (21 CFR 1308.12–15) as a controlled substance available for prescription. Examples of (1) include certain opiates and opiate derivatives (*e.g.*, heroin) and hallucinogenic substances (*e.g.*, marihuana, mescaline, peyote) and depressants (*e.g.*, methaqualone). Examples of (2) include opium, coca leaves, methadone, amphetamines and barbiturates.

While Congress did not specifically address the problems of drug and alcohol abuse in enacting section 504, the committees which considered the Rehabilitation Act of 1973 were made aware of HEW's long-standing practice of treating drug and alcohol abusers as eligible for rehabilitation services under the Vocational Rehabilitation Act. Further, Congress has expressed its concern regarding discrimination against drug and alcohol abusers by providing that a person may not be denied Federal civilian employment or a Federal license solely on the ground of prior drug abuse (Drug Abuse Office and Treatment Act of 1972, 21 U.S.C. 1101, 1180(c)(1) or prior alcohol abuse or alcoholism) (Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, 42 U.S.C. 4541, 4561(c)(1)). These nondiscrimination provisions cover the employment practices of all Federal law enforcement agencies with the exception of the national security agencies (*i.e.*, the Federal Bureau of Investigation, the Central Intelligence Agency and the National Security Agency, and positions designated as sensitive in other agencies for purposes of national security). Of course, section 504 covers present drug and alcohol use as well (*e.g.*, legal methadone maintenance). An individual who is otherwise qualified could not be excluded, for example, from a job in a program receiving Federal financial assistance solely because the applicant's current drug or alcohol use is allegedly a handicapping condition, unless it is shown that such drug and alcohol use impairs the applicant's ability to perform the job in question.

In section 122(a)(6) of the Rehabilitation Act Amendments of 1978, Congress specifically provided that, with respect to employment covered by section 504, the term handicapped individual "does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others." This amendment, in effect, made no substantive change in section 504 protections because persons whose current use of drugs and alcohol resulted in such behavioral characteristics would have been disqualified for employment even prior to the amendment. But the amendment does under-score the fact that this subpart does not require employers or program administrators to ignore drug and alcohol abuse in making determinations whether a handicapped individual is qualified for employment or other participation in a Federal assistance program. The subpart holds only that handicapped persons, as well as others, should be assessed on the basis of their behavior. A recipient employer may consider for all applicants, including drug and alcohol abusers, past personnel records, absenteeism, disruptive, abusive or dangerous behavior, violations of the law or work rules, or unsatisfactory work performance. Where such factors are absent, the fact that an individual once abused drugs or alcohol does not permit an employer to assume that a danger to safety would result in employing the person.

This subpart does not preclude a recipient employer from rejecting a handicapped applicant for legitimate reasons other than his or her handicap. For example, a recipient employer is not required to hire as a law enforcement officer a drug abuser who continues to violate laws prohibiting the use, possession or sale of drugs if the rejection is based on the violation of the law and not the handicap.

In the case of past drug abuse, each case must be judged on its own merits. With respect to employment, employers may weigh the following:

(1) patterns of use;

(2) kind of drug used;

(3) for each kind of drug used, the date started and the last date used;

(4) circumstances at the start of drug use;

(5) circumstances at the time of discontinuance of drug use;

(6) nature of treatment and prognosis;

(7) social behavior and attitude since discontinuance of drug use;

(8) history of previous rehabilitation efforts.

Many of these same factors would be relevant in assessing the employability of those with records of past alcohol abuse.

Some commentators expressed concern that the Department's discussion of drug and alcohol abuse which accompanies the Department's proposed rule suggested that, unlike other handicapping conditions, the Department would permit pre-employment inquiry into drug and alcohol abuse. That preception is erroneous. Section 42.513 of this subpart generally prohibits a recipient's pre-employment inquiry regarding an applicant's physical or mental handicaps. The same standard is applicable to a recipient's inquiry regarding an applicant's current or past drug or alcohol use or abuse. A recipient, of course, may condition an offer of employment on the results of a medical examination given to all applicants. Once a recipient makes such a conditional offer, inquiry regarding

drug and alcohol use, like any other handicap, may be made as part of the medical examination. If the outcome of the medical examination results in the withdrawal of the offer of employment, it is clear that the reason for not hiring the applicant is because of handicap, real or perceived. Accordingly, the recipient would then be required to justify such action under the relevant provisions of this subpart.

Some commentators were concerned that inquiry into past drug abuse at any stage of the employment process would discourage persons with drug abuse backgrounds from seeking employment and would serve as a basis for employer rejection of such applicants. That possibility, of course, exists for all job applicants with handicapping conditions, and there is no basis for making an exception with respect to drug and alcohol abuse. Further, the listing of the above suggested factors which employers may weigh in this subpart regarding an applicant with a drug use or abuse background is not an attempt by the Department to single out this handicapping condition for more intensive scrutiny than other handicapping conditions, but only an effort to establish useful guidelines in determining the employability of an applicant with a drug use of abuse background. These are the same factors used by Federal agencies in implementing the nondiscrimination provision of the Drug Abuse Office and Treatment Act of 1972 which prohibits the denial of Federal civilian employment solely on the ground of prior drug abuse.

F. Request for Comments

In its Notice of Proposed Rulemaking the Department requested comment on certain issues (44 FR 54957–58). To the extent these matters are not already addressed in the above analysis, they remain under review by the Department.

Appendix C—Department Regulations Under Title VI of the Civil Rights Act of 1964 (28 CFR 42.106–42.110) Which Apply to This Subpart

§ 42.106 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart. [Order No. 365–66, 31 FR 10265, July 29, 1966, as amended by Order No. 519–73, 38 FR 17955, July 5, 1973]

§ 42.107 Conduct of investigations

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or priviledge secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessay to carry out the purpose of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[Order No. 368–66, 31 FR 10265, July 29, 1966, as amended by Order No. 519–73, 38 FR 17955, July 5, 1973]

§ 42.108 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractural undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the

record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found:

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

§ 42.109 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section 602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal Departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

[Order No. 365–66, 31 FR 10265, July 29, 1966, as amended by Order No. 519–73, 38 FR 17955, July 5, 1973]

§ 42.110 Decisions and notices.

(a) *Decisions by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision to the responsible Department official for a final decision and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant of recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on the record or on review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on the record whenever a hearing is waived.* Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Attorney General.* Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, under the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this subpart including provisions designed to assure that

no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart or to have otherwise failed to comply with this subpart unless and until it corrects its noncompliance and satisifies the responsible Department official that it will fully comply with this subpart.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

[Order No. 365–66. 31 FR 10265 July 29, 1966, as amended by Order No. 519–73, 38 FR 17956, July 5, 1973]

Appendix D—OJARS' Regulations Under the Omnibus Crime Control and Safe Streets Act, as Amended Which Apply to This Subpart (28 CFR 42.205 and 42.206)

§ 42.205 Complaint investigation.

(a) The Administration shall investigate complaints that allege a violation of:

(1) Section 518(c)(1) of the Crime Control Act;

(2) Section 262(b) of the Juvenile Justice Act; or

(3) This subpart.

(b) No complaint will be investigated if it is received more than one year after the date of the alleged discrimination, unless the time for filing is extended by the Administrator for good cause shown.

(c) The Administration shall conduct investigations of complaints as follows:

(1) Within 21 days of receipt of a complaint the Administration shall:

(i) Ascertain whether it has jurisdiction under paragraphs (a) and (b) of this section;

(ii) If jurisdiction if found, notify the recipient alleged to be discriminating of its receipt of the complaint; and

(iii) Initiate the investigation.

(2) The investigation will ordinarily be initiated by a letter requesting data pertinent to the complaint and advising the recipient of:

(i) The nature of the complaint, and with the written consent of the complainant, the identity of the complainant.

(ii) The programs or activities affected by the complaint;

(iii) The opportunity to make, at any time prior to receipt of the Administration's findings, a documentary submission, responding to, rebutting, or denying the allegations made in the complaint; and

(iv) The schedule under which the complaint will be investigated and a determination of compliance or noncompliance made.

Copies of this letter will also be sent to the chief executive of the appropriate unit(s) of government, and to the appropriate SPA.

(3) Within 150 days or, where an onsite investigation is required, within 175 days after the initiation of the investigation, the Administration shall advise the complainant, the recipient, the chief executive(s) of the appropriate unit(s) of government, and the appropriate SPA, of:

(i) Its preliminary findings;

(ii) Where appropriate, its recommendations for compliance, and

(iii) If it is likely that satisfactory resolution of the complaint can be obtained, the opportunity to request the Administration to engage in voluntary compliance negotiations prior to the Administrator's determination of compliance or noncompliance.

(4) If, within 30 days, the Administration's recommendations for compliance are not met, or voluntary compliance is not secured, the matter will be forwarded to the Administrator for a determination of compliance or noncompliance. The determination shall be made no later than 14 days after the conclusion of the 30-day period. If the Administrator makes a determination of noncompliance with section 518(c) of the Crime Control Act, or section 262(b) of the Juvenile justice Act, the Administration shall institute administrative proceedings pursuant to § 42.210, et. seq.

(5) If the complainant or another party, other than the Attorney General, has filed suit in Federal or State court alleging the same discrimination alleged in a complaint to LEAA, and, during LEAA's investigation, the trial of that suit would be in progress. LEAA will suspend its investigation and monitor the litigation through the court docket and contacts with the complainant. Upon receipt of notice that the court has made a finding of discrimination within the meaning of § 42.210, the Administration will institute administrative proceedings pursuant to § 42.210, et seq.

(6) The time limits listed in paragraphs (c)(1) through (c)(5) of this section shall be appropriately adjusted where LEAA requests another Federal agency or another branch of the Department of Justice to act on the complaint. LEAA will monitor the progress of the matter through liaison with the other agency. Where the request to act does not result in timely resolution of the matter, LEAA will institute appropriate proceedings pursuant to this section.

§ 42.206 Compliance reviews.

(a) The Administration shall periodically conduct compliance reviews of selected recipients of LEAA assistance.

(b) The Administration shall seek to review those recipients which appear to have the most serious equal employment opportunity problems, or the greatest disparity in the delivery of services to the white and nonwhite, or male and female communities they serve. Selection for review shall be made on the basis of:

(1) The relative disparity between the percentage of minorities, or women, in the relevant labor market, and the percentage of minorities, or women employed by the recipient;

(2) The percentage of women and minorities in the population receiving project benefits;

(3) The number and nature of discrimination complaints filed against a recipient with LEAA or other Federal agencies;

(4) The scope of the problems revealed by an investigation commenced on the basis of a complaint filed with the Administration against a recipient; and

(5) The amount of assistance provided to the recipient.

(c) Within 15 days after selection of a recipient for review, the Administration shall inform the recipient that it has been selected and will initiate the review. The review will ordinarily be initiated by a letter requesting data pertinent to the review and advising the recipient of:

(1) The practices to be reviewed;

(2) The programs or activities affected by the review;

(3) The opportunity to make, at any time prior to receipt of the Administration's findings, a documentary submission responding to the Administration, explaining validating or otherwise addressing the practices under review; and

(4) The schedule under which the review will be conducted and a determination of compliance or non-compliance made.

Copies of this letter will also be sent to the chief executive of the appropriate unit(s) of government, and to the appropriate SPA.

(d) Within 150 days or, where an onsite investigation is required within 175 days after the initiation of the review, the Administration shall advise the recipient, the chief executives of the appropriate unit(s) of government, and the appropriate SPA, of:

(1) Its preliminary findings;

(2) Where appropriate, its recommendations for compliance; and

(3) The opportunity to request the Administration to engage in voluntary compliance negotiations prior to the Administrator's determination of compliance or non-compliance.

(e) If, within 30 days, the Administration's recommendations for compliance are not met, or voluntary compliance is not secured, the matter will be forwarded to the Administrator for a determination of compliance or non-compliance. The determination shall be made no later than 14 days after the conclusion of the 30-day negotiation period. If the Administrator makes a determination of non-compliance with section 518(c) of the Crime Control Act, or section 262(b) of the Juvenile Justice Act, the Administration shall institute administrative proceedings pursuant to § 42.210, et seq.

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Part V

Office of Personnel Management

Policy Agenda; Identifying Areas of Concern and Key Policy Issues

OFFICE OF PERSONNEL MANAGEMENT

Policy Agenda for the Office of Personnel Management

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This is the first Policy Agenda for the Office of Personnel Management (OPM). It identifies the areas of concern and key policy issues which, in OPM's opinion, are likely to confront the Federal civil service and OPM in the near future, as well as some issues covering a longer span of time.

COMMENT DATE: September 2, 1980. Comments received after this date will be retained for furute consideration.

ADDRESS: Send or deliver written comments to: Director, Office of Planning and Evaluation, Room 3305, Office of Personnel Management, 1900 E St., NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Robert K. Summers, 202–632–6593.

SUPPLEMENTARY INFORMATION: This is the first Policy Agenda for the Office of Personnel Management (OPM). It identifies the areas of concern and specific issues on which OPM plans to concentrate its policy analysis and development efforts and resources. Civil Service Reform Act initiatives are considered to be in the implementation stage and are therefore not a part of this Policy Agenda. The Agenda will be updated periodically to reflect the resolution of current issues and to add new issues.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

OPM gives notice of its Policy Agenda as follows:

Policy Agenda for the Office of Personnel Management

April 1980, Office of Personnel Management, Washington D.C. 20415.

Introduction

This is the first Policy Agenda for the Office of Personnel Management (OPM). It identifies the areas of concern and specific issues on which OPM plans to concentrate its policy analysis and development efforts and resources. Civil Service Reform Act initiatives are considered to be in the implementation stage and are therefore not a part of this Policy Agenda.

The original draft of this Agenda was circulated for comments in October 1979 to OPM executives, to Assistant Secretaries for Administration in six agencies, to ten agency Directors of Personnel, and to executive staff in the Office of Management and Budget, a total of 43 persons.

The draft was revised in accordance with comments received, and presented to OPM's Policy and Research Advisory Board. This Board, consisting of fourteen executive-level OPM officials, was established by the Director of OPM on November 1, 1979 to review and provide recommendations on major Federal personnel management issues. Between November 1979 and February 1980, this Board met four times to consider the draft Agenda. The Policy Agenda which follows reflects the judgement of the Board as to the key issues likely to confront the Federal civil service and OPM in the near future, as well as some issues covering a longer span of time.

The Agenda will be updated periodically to reflect the resolution of current issues and to add new issues. Staff support for the Policy Agenda is provided by OPM's Office of Planning and Evaluation.

The Policy Agenda is available to all interested parties. Comments and suggestions are welcome, and should be addressed to: Director, Office of Planning and Evaluation, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415.

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1. Area of Concern: Employee Benefits

Employee benefits are a major Federal personnel management concern not only because of their very substantial expense, but also because of their effect on employee morale and productivity. Benefits are becoming increasingly important in the private sector and we can expect them to become more important in the public sector as well. OPM needs constantly to review its approach to employee benefits to determine if changes are necessary to satisfy both management objectives and employee needs.

Several areas of concern in the next few years can be identified now. The proposed Compensation Reform Act focuses renewed attention on the benefits portion of the total compensation package. Unions can be expected to pay even more attention to this area than they have in the past. The dollar equivalent value of various benefits will be hotly debated. As a supplement to the present across-the-board approach, consideration could be given to tailoring benefit packages to achieve specific management objectives such as the recruitment of particularly desirable individuals into the Senior Executive Service or the retention of specialists in hard-to-fill jobs. Whether the Civil Service Retirement System should be integrated with Social Security will be a major issue, as will improvements in early retirement, disability retirement, and funding of the retirement system.

Fruitful areas for research include employee-tailored benefit packages, relocation assistance, and health care costs. Other areas, such as day-care centers, have been fully researched, but policy decisions remain to be made. Other forms of benefits or incentives which may not technically be a part of the total compensation comparability formula will also become more important as expectations concerning the quality of working life rise. These will include relocation assistance for transferred employees, improvements in

occupational safety and health, and increased opportunities for flexitime, compresssed work schedules and part-time work. Union interest in influencing the scope of these and other benefits which affect the quality of work life can be expected to increase.

Following are some of the more significant policy issues in this area which have been identified at this time.

1.1 Mobility

Issue. What should the Federal Policy be with respect to employee mobility and relocation?

Background. The Cherry Hill Conference highlighted this issue as a major concern of agency managers. In recent years there has been an increasing reluctance on the part of employees, both public and private, to relocate for career advancement. Several factors influence this development, including the high cost of housing, disruption to family life, changed values with respect to achievement, and dual income families where relocation affects two jobs instead of one.

The Federal Government needs to determine whether changed attitudes towards mobility and relocation are having an adverse impact on mission accomplishment, and if so, what needs to be done to address the problem. In addition, current policies concerning reimbursement for house-hunting trips, shipping and moving expenses, temporary lodging, and payment for closing costs and lease-breaking need to be reviewed for continued relevance.

Activity Related To Issue: 1. Title: Joint OPM-GSA-OMB project to study employee mobility and relocation issue.

Estimated Completion Date: To be determined.

Current Status: Preliminary organizational stage.

2. President's Conference on Families, in which OPM will participate, may address stress on the family caused by our mobile society.

1.2 Health Care Costs

Issue. Should OPM do more to help contain health care costs of Federal employees without reducing the quality of protection?

Background. Health care costs have been growing faster than other costs in the economy. There are various proposals under consideration by Congress for containing health care costs for the general population. OPM has some leverage in containing health care costs for Federal employees through its administration of employee health plans. Suggestions to accomplish this include fostering greater competition between plans by making it easier for Federal employees to compare the benefits of different plans, a task which is not easily done now. Over 100 separate health insurance plans are available to civilian employees, and their benefits vary considerably.

OPM needs to define its role in the cost containment area and evaluate the sufficiency of current efforts to help contain Federal employees' health care costs. In 1978, the Federal Employees Health Benefits Program had receipts of $3.2 billion and payments of $3.0 billion.

Activity Related To Issue: Compensation Group to prepare policy options paper for Policy and Research Advisory Board consideration.

1.3 Early Retirement for Law Enforcement Officers, Firefighters, and Air Traffic Controllers

Issue. What legislative, regulatory, or administrative changes should be made in current policies which provide for the early retirement of law enforcement officers, firefighters, and air traffic controllers?

Background. Beginning on July 11, 1947, with the enactment of Pub. L. 80–168, the Congress passed a series of laws to provide special retirement benefits and early mandatory retirement for Federal law enforcement officers, firefighters, and air traffic controllers. The special retirement laws are based on the premise that the duties of the covered occupations generally are strenuous, arduous, and hazardous, and therefore their satisfactory performance requires youth and vigor. These laws provide approximately 55,000 Federal employees with special retirement benefits. In 1977, GAO released a report critical of the early retirement program for firefighters and law enforcement personnel. GAO said that covered employees are not retiring much earlier than employees under regular civil service retirement provisions, that coverage is being extended indiscriminately to persons whose jobs do not involve performing duties defined as duties of law enforcement or firefighter personnel per se, and that the program is too costly in light of the fact that it only marginally reduces the retirement age of firefighters and law enforcement personnel.

In 1977, the House Subcommittee on Compensation and Employee Benefits held hearings which raised additional questions concerning the early retirement program. As a result of these hearings, OPM has been reviewing the early retirement provisions for firefighters, law enforcement officers, and air traffic controllers in order to develop recommendations to Congress for improvements in the program.

Activity Related To Issue: Title: Task force on early retirement for firefighters, law enforcement officers, and air traffic controllers. Estimated Completion Date: Late 1980. Current Status: Several task force meetings have been held and additional ones are planned. The task force includes representatives from several agencies.

1.4 Sick Leave

Issue. Are there improvements which can be made to the present sick leave system?

Background. The present sick leave system has been criticized for perceived employee abuse and for costing too much money. Recommendations have been made for improving the system, but final decisions have yet to be made.

Activity Related To Issue. Compensation to prepare policy options paper for Policy and Research Advisory Board consideration.

1.5 Disability Retirement System

Issue. What improvements should be made to the present disability retirement system?

Background. The Civil Service disability retirement program has been criticized because the rate of disability retirement is higher than that experienced by Social Security, because of the relatively low rate of recovery from disability that has been experienced by the Civil Service disability retirement program, and because the disability roll has not been reduced through strict policing methods. OPM believes that improvements can be made in the system to overcome these administrative problems. Closely related issues are whether the basis and amounts of disability annuities are sufficient to sustain disabled retired employees.

Activity Related To Issue. 1. Title: Disability retirement study. Estimated Completion Date: Completed. Current Status: Comments received. Final staff report being prepared.

1.6 Retirement System Costs

Issue. What action should be taken to assure that the Civil Service Retirement system is fully funded?

Background. Annuity payments from the civil service retirement fund increased 279 percent from fiscal year 1970 to fiscal year 1978. Federal payments to the retirement fund increased about 400 percent over the same period ($11.1 billion in 1978). The unfunded liability of the fund grew by 240 percent (to a total of $180 billion) from fiscal year 1970 to fiscal year 1978.

The cost of benefits being earned by current Federal employees is not being fully funded because the present method of funding the retirement system does not give consideration to annuity cost-of-living adjustments. Ultimately, the Government must pay costs that employee contributions do not. When retirement costs are understated, the costs of Government operations and agency programs are also understated. Understatement of retirement costs may result in a tendency to adopt benefits which could jeopardize the affordability of the retirement system.

Activity Related to Issue: Title: Draft legislation to implement recommendations of the Board of Actuaries for improved funding of the Civil Service Retirement System. Estimated Completion Date: By end of FY 80.

Current Status: Preparation of draft legislation is in initial stages.

1.7 Civil Service Retirement/Social Security Integration

Issue. What should OPM's policy be with respect to proposals to integrate the Civil Service Retirement Fund and Social Security?

Background. The question has been raised as to whether there should be Social Security coverage for Federal employees and whether the Social Security and Federal Civil Service Retirement funds should be integrated. The Secretary of Health, Education, and Welfare has completed a study, as directed by Pub. L. 95–216, enacted December 20, 1977, of the feasibility and desirability of extending Social Security coverage to Federal employees, as well as to State and local Government employees and employees of non-profit organizations who are not now covered.

The DHEW study has been completed and was sent to the Congress on March 24, 1980. The study neither advocates nor opposes coverage of Federal employees by Social Security. Rather, it presents Congress with an analysis of the implications of continuing Federal employees outside the Social Security system, and of options for extending Social Security coverage to Federal employees by integrating the benefits provided by Social Security and Civil Service Retirement.

The Secretary of HEW wrote in transmitting the study group's report to Congress that the "Administration has taken no position on the Report and has no plans at this time to submit legislation regarding changes in Social Security coverage."

Activity Related to Issue: Compensation to prepare briefing for the Policy and Research Advisory Board on the HEW report, and alternatives for OPM policies.

1.8 Day Care Facilities

Issue. Should there be policy changes with respect to providing day care facilities for the children of Federal employees?

Background. One of the greatest impediments to full participation in employment faced by women is the lack of adequate day care facilities. The problem will become more severe as the percentage of working mothers increases during the next decade.

Activity Related to Issue: 1. Title: Draft legislation on Federal day care centers. Estimated Completion Date: Not yet determined. Current Status: Federal Womens' Program Office is preparing background and justification material, expected to be ready by end of April 1980.

2. Office of Affirmative Employment Programs to brief Policy and Research Advisory Board on issues and draft legislation.

1.9 Employee-Tailored Benefits Packages

Issue: What are the significant constraints and policy issues which need to be considered in evaluating whether or not employee-tailored benefits packages are appropriate to the Federal compensation system?

Background: There has been some experimentation in private industry with employee-tailored benefits packages. This concept permits individual employees to select, within a given dollar limit, the mix of pay, leave, insurance, health benefits, retirement benefits, and other compensation elements which best satisfies the employee's own individual needs. The total compensation cost to the employer remains essentially the same, but employees' total compensation needs are more satisfactorily met. In some cases packages could be tailored to meet specific management objectives such as recruitment or retention of desirable individuals or groups.

Activity Related to Issue: A Title VI research effort to assess the state-of-the-art concerning flexible benefits has tentatively been funded.

2. Area of Concern: Simplification of the System

For years there have been complaints that the Federal personnel system is too complicated, that there is too much paperwork, that systems are outmoded, and that the personnel process is generally unresponsive to management needs. To some extent the Civil Service Reform Act has addressed this problem through the requirement for more delegation of authority to agencies. This is a step in the direction of speeding up personnel case processing, but it can also mean simply a transfer of work from one agency to another and not a simplification of the way the work itself is actually done.

OPM needs to take the lead in restudying the basic objectives of such personnel systems as the classification system to see if there isn't a more efficient and effective way to achieve the basic objective than the way we are operating now. The Federal Government needs better ways to organize during times when there is a shrinking workforce and a rising workload. OPM needs to continually search for ways to simplify the administration of new CSRA initiatives such as streamlined disciplinary procedures.

Resources for carrying out the personnel management function are likely to remain scarce. More efficient ways to carry out personnel management responsibilities are needed if personnelists are to continue to be a responsible part of the management team.

Following are some of the more significant policy issues in this area which have been identified at this time.

2.1 Classification and Qualification Standards

Issue. What policy options are there to develop a more efficient and effective system for the classification and qualification needs of the Government?

Background. The Cherry Hill Conference highlighted this issue as a major concern of agency managers. Agency managers have expressed concerns regarding the need of eighteen different GS levels, the slowness of classification standards development, the difficulty in developing urgently needed standards as the system presently operates, the large amount of personnel and management time needed to run the system, and the general cumbersomeness of the system. While we need to improve and speed up the present system for standards development, we also need to look on a high priority basis at options for developing an entirely new approach to classification and qualification.

Activity Related to Issue: 1. Special government-wide task force being established to study the position classification system.

2. Results from the Navy demonstration project will have an impact on this issue.

2.2 Streamlined Staffing Procedures

Issue. Beyond the Model Staffing Plan, what additional actions can be taken to further streamline staffing procedures?

Background. Since enactment of the Civil Service Reform Act, OPM has taken several steps to streamline the appointment process. These steps include development of a Model Staffing Plan, testing of a special on-call employment plan for large industrial activities, approval of a plan to simplify recruitment in disaster areas, revision of merit promotion guidelines, and delegation of certain staffing authorities to agencies. However, room for additional improvements remains, including a procedure for measuring the efficiency and timeliness of Federal staffing procedures.

Activity Related to Issue: 1. Title: Implementation of Model Staffing System. Estimated Completion date: 1st quarter FY 82. Current status: On schedule.

2. Studies of the career-conditional appointment system probationary period, on-call appointment authority, term promotions, and reduction-in-force procedures are being conducted by Staffing Services.

3. OPE and Staffing Services to work together to devise a method for measuring the efficiency and timeliness of Federal staffing procedures. Prepare status report for Policy and Research Advisory Board consideration.

2.3 Career-Conditional Employment

Issue. What should the competitive appointment system consist of? How many kinds of appointments are really needed, and what should be their relationship to each other in terms of interchangeability, benefits, etc. Is a longer or shorter probationary period appropriate for certain kinds of jobs? At what point should an employee acquire career tenure and what should it mean?

Background. The career-conditional appointment system was created by E.O. 10577 in 1955. The system includes significant civil service concepts such as the initial probationary period, a 3-year conditional period, status, and tenure. The system was designed in response to restrictions on permanent appointment and size of workforce in the Whitten Amendment and to the conversion needs of hundreds of thousands of employees hired indefinitely during the Korean emergency. The career-conditional period today is essentially meaningless because the Whitten Amendment is no longer in effect, OMB counts career-conditional appointees against permanent ceiling, and individuals acquire competitive status upon completion of the initial one year probationary period. Also, with increased emphasis on performance based personnel actions throughout an employee's career, the career-conditional system seems to have little usefulness as an additional probationary period.

Activity Related to Issue: 1. Title: Career conditional employment system study. Estimated completion date: August 30, 1980, for Executive Order. Current Status: Research phase completed. Proposal for agency comment being developed.

2.4 Personnel Investigations

Issue. What policy options are there to the existing program of conducting full-field pre-appointment background investigations on applicants for Federal employment?

Background. The Federal Government administers an extensive and costly program of full-field pre-appointment personnel background investigations. The General Accounting Office has questioned whether the security and suitability determination goals of the program could not be met in some other more cost-efficient manner.

Activity Related To Issue: Title: Action plan to study the feasibility of implementing recommendations of the General Accounting Office in its Report FPCD 79–79, "Costs of Federal Personnel Security Investigations Could and Should be Cut." (Joint OPM and DOD study.)

Estimated Completion Date: October 3, 1980.

Current Status. On schedule per plan.

2.5 Excepted Service

Issue. Should the variety of excepted appointing authorities be regrouped and redefined in terms of what functions they now serve?

Background. The excepted service was originally created to accommodate positions of such a nature that the procedures for entering the competitive service could not or should not be used. Since then, a proliferation of separate authorities designed to accommodate people in special situations has minimized the differences between Schedules A, B, and C.

Activity Related To Issue: Staffing Services Group to prepare policy options paper for Policy Advisory and Research Board consideration.

3 Area of Concern: Competence of the Work Force

Workforce competence is a central theme of the Civil Service Reform Act. It is also a central theme in many complaints about big Government. To a large extent these complaints are unjustified. Nevertheless, the work of the U.S. Government is very complex and becoming even more complex each day. Particularly at the top management levels, the need for exceptional competence is greater today than ever before. The CSRA recognized this need through establishment of the Senior Executive Service. It also dealt with the larger area of competence through new requirements for merit pay and performance appraisal. Much remains to be done however to assure that the competence of the U.S. workforce remains at a high level.

Following are some of the more significant policy issues in this area which have been identified at this time.

3.1 Fitness-for-Duty Examinations

Issue. What is the proper role of fitness-for-duty examinations and what conditions should govern their use?

Background. When an employee is unable to perform the duties and responsibilities assigned because of medical or mental problems, the agency may order the employee to have a fitness-for-duty examination. It has been alleged that fitness-for-duty psychiatric exams have sometimes been motivated by disciplinary or retaliatory reasons rather than medical ones. Agencies may have used such tactics to get rid of employees without having to go through the regular adverse action and appeals procedures. In constructing safeguards against improper use of such examinations, however, the legitimate use of fitness-for-duty examinations to detect medical or mental problems that impair employees in their ability to do assigned work should be preserved.

Activity Related To Issue: 1. Title: Fitness-for-duty study. Estimated Completion Date: Study completed. Current Status: Proposed regulations being prepared.

3.2 Employee Retraining

Issue. What policy options should be considered in relation to the retraining of employees?

Background. A number of Federal employees receive early retirements each year under the provisions of various laws. This includes early retirements of law enforcement officers, fire fighters, air traffic controllers, and those affected by major reduction-in-force, major transfer of function, major reorganization, and disability. Suggestions have been made that the provisions of these laws should be reevaluated to determine whether some of these employees could and should be retrained for other useful work rather than receiving early retirement benefits.

We also need to develop clearer personnel management policy on the use of retraining in situations such as obsolescence of jobs, poor job performance, remedial education, and mid-life career changes.

Activity Related To Issue: WED to prepare policy options paper for Policy Advisory and Research Board consideration.

3.3 Selection of Supervisors and Managers

Issue. How can pre-selection evaluation of applicants for supervisory and managerial jobs be improved to help assure selection of persons with the requisite competencies?

Background. Research findings suggest that supervisory and managerial effectiveness can be increased through better pre-selection screening. Research conducted by the American Telephone and Telegraph Company, for example, indicated that substantially increased screening efforts produced better first-line supervisors.

Activity Related To Issue: 1. Title: Executive and managerial competencies survey. Estimated Completion Date: September 30, 1980. Current Status: On schedule.

2. Title: Executive competencies critical incidents study. Estimated Completion Date: September 30, 1980. Current Status: On schedule.

3. Title: Workforce Effectiveness and Development Group Task Force on Supervisors. Estimated Completion Date: No completion date set. Current Status: Initial meetings held and data collected on current OPM efforts in the area. Issues and possible activities for task force involvement being identified.

4. Workforce Effectiveness and Development Group to develop state-of-the-art paper or research project.

3.4 Effectiveness of Supervisors

Issue. What more can be done to improve the effectiveness of first-line supervisors?

Background. For many years there have been repeated expressions of concern about the ability of first-line supervisors to perform their very difficult and critical role. In the past, there have been studies of the roles and problems of front-line supervisors, and some actions to improve their effectiveness have been taken, e.g., required supervisory training, merit pay under the Civil Service Reform Act, a new probationary period for supervisors, and a new magazine directed to them. However, it still appears that some first-line supervisors are not able to do the job at the level of effectiveness necessary for the success of many Government programs. Supervisors as a class continue to exhibit feelings of isolation from both the workers and the management chain above them. These and other problems at the first-line supervision level are susceptible to study and action.

Activity Related To Issue: Title: WED Task Force on Supervisors. Estimated Completion Date: No completion date set. Current Status: Initial meetings held and data collected on current OPM efforts in the area. Issues and possible activities for task force involvement being identified.

3.5 Employee Counseling

Issue. What should the Government's role be with respect to counseling employees?

Background. The Government has begun to do a good job in counseling employees with alcohol and drug-related problems, but more needs to be done in the counseling area to assure that employees are able to devote full time and attention to their work and thus be as productive as they can be.

For example, the so-called mid-life crisis has been written about extensively in recent years. There appears to be general agreement that each person experiences it, and that the outcome of this self-reassessment can cause prfound changes in a person's life. It may be in the Government's self-interest as an employer to consider what constructive role it can play vis-a-vis employees at this stage of their lives. A retrained, reinvigorated employee with fresh new goals for the future should be much more productive than a disgruntled, depressed employee who perceives both himself and his job as being deadened.

Retirement counseling is also a largely unmet need when a Federal employee is coming to the end of a careeer of public service. Financial and legal counseling are examples of additional kinds of counseling needs now largely unmet.

Activity Related To Issue: 1. A Title VI research effort to evaluate the effectiveness and impact of employee counseling programs, and especially those aimed at alcohol and drug abuse, has been tentatively approved.

2. The Southwest Region has a training package being presented with NASA (Houston, Texas) to develop training courses to help employees cope with mid-career changes.

3. Workforce Effectiveness and Development Group to do a study of overall question of the need for various types of counseling for Federal employees, e.g., mid-life assessment, drugs, alcohol, Equal Employment Opportunity, retirement, financial, legal, etc., and preparation of an options paper for Policy and Research Advisory Board consideration.

3.6 Mid-Level Development Programs

Issue. What policy options are there to improve the development of mid-level managers to prepare them for senior assignments?

Background. Traditionally mid-level managers and/or journeyman level professionals have made up the talent pool from which the majority of senior level Government managers have been drawn. CSRA provides considerable flexibility, special avenues, and requirements for the development of senior managers. We now need to promote the development of mid-level managers and journeyman professionals. Of paramount importance, mid-level managers and journeyman professionals do not have the flexibility of moving across occupational lines, which results in narrow career development and a lack of the breadth required in senior positions.

Activity Related To Issue: 1. Executive Personnel and Management Development Group to prepare state-of-the-art paper for Policy and Research Advisory Board consideration.

4 Area of Concern: Management Improvement

One of the underlying principles of civil service reform is that personnel management is not an end in itself, but a powerful means to improve the performance, effectiveness, and productivity of Government programs of all types. OPM's new involvement in productivity improvement exemplifies the Administration's intention that Federal personnel management practices result in improvements in the delivery of services to the American public. Establishment of the President's Management Improvement Council within the Office of Personnel Management is another example of this interest. OPM is asserting a larger role in the area of Federal management practices than was true in the past.

The issue of contracting for services, for example, directly affects the size and functions of the Federal workforce. The impact of technology on the workforce is a major management concern in terms of obsolete jobs, retraining needs, job classification changes, and changed recruitment needs. Overtime work and pay policies need to be reviewed from the management, not just the pay, standpoint, to determine what management practices give rise to the use and abuse of overtime.

Ceiling controls administered by OMB have long been used to control the overall size of the Federal workforce, but complaints about adverse consequences resulting from the use of this technique continue to increase.

The fundamental underlying issue is to think about how Federal personnel management policies and practices either help or hinder Federal managers in the achievement of their program objectives. Personnel management policies and practices must be addressed in the context of mission accomplishment.

Following are some of the more significant policy issues in this area which have been identified at this time.

4.1 Technology and the Workforce

Issue. What more should be done to assure that modern methods, procedures, and technology are applied to Government operations as a means of increasing the productivity of the Federal workforce? If OPM takes initiatives in this area as the central personnel management agency in the Federal Government, what is the most appropriate manner of involving the major Federal unions in the process? How can employment of the handicapped be advanced through the use of new office technology?

Background. Great emphasis is currently being placed upon increasing the productivity of Government operations. Some Government operations are using methods, procedures, and equipment which are outmoded and inefficient. New methods and technology are being developed at a rapid pace and could be adapted for use by Government with resulting sigificant gains in productivity, effectiveness, and employment of the handicapped.

Activity Related To Issue: 1. GSA and OPM considering further implementation of office automation in Government and impact on Federal workforce: occupational changes, staffing levels, training needs, etc.

2. Workforce Effectiveness and Development Group to prepare policy options paper for Policy and Research Advisory Board consideration.

4.2 Tailored Personnel Systems

Issue. Should the many separate personnel systems for police forces and for police-type occupations within the Federal service be combined into fewer personnel systems? Should special personnel systems be tailored for professional employees? For other employee groups?

Background. Standard personnel programs and practices designed for civil service employees across-the-board do not always recognize the special needs and career patterns of members of special groups and professions within the Federal workforce. For example, within the Federal service there are numerous police forces and police-type occupations. These include Park Police (Interior), Airport Police (FAA), Aqueduct Police, Zoo Police (Smithsonian), Secret Service Uniformed Division (Treasury), Federal Protective Service (GSA), and others. They differ in many key respects, such as entry requirements, qualification standards, compensation plans, retirement systems, and others. These differences introduce administrative instability into personnel systems that relate to what are essentially similar kinds of jobs.

Federal firefighters, on the other hand, are predominantly covered by the General Schedule classification and pay system. However, because of applicable pay laws, the unusual nature of the work, and the way that work is organized, there are important management and pay problems (e.g., pay inversion between supervisory levels).

Activity Related To Issue: 1. Title: Study to develop special systems for protective occupations is on Compensation Group's projected FY 80–82 project list. Estimated Completion Date: Not yet determined. Current Status: Initial stages of consideration.

2. The Office of Planning and Evaluation to prepare policy options paper on tailored personnel systems for professional employees for Policy and Research Advisory Board consideration.

4.3 Humanistic Management

Issue. What policy options are there for more fully realizing human potential in the workplace as a means to increase both productivity and the quality of work life?

Background. One major underlying objective of the Civil Service Reform Act is to make the Federal workforce more productive and responsive to the public. The new provisions for merit pay, performance appraisal, and the Senior Executive Service are attempts to achieve this objective. However, legislation alone cannot fully tap the potential in the Federal workforce for improvements in personal performance and delivery of services to the public. Ways need to be found to identify and eliminate institutional barriers to creativity in the workplace, and to build organizational structures and work processes which allow employees to use their full potential in the workplace for the good of both themselves and the public they serve.

Activity Related To Issue: 1. Workforce Effectiveness and Development Group to prepare policy options paper for Policy and Research Advisory Board consideration.

2. OPM and the National Science Foundation are conducting, with the assistance of Title VI funds, a research project testing the use of organizational teams to improve productivity.

4.4 Alternatives to Ceiling Control

Issue. What alternatives to personnel ceilings could be used to control the size of the Federal workforce?

Background. The use of rigid personnel ceilings to control the size of the Federal workforce has contributed to the inability to hire needed new employees, excessive use of contracting-out, and other practices. The problems in managing Government programs and motivating the workforce that flow from rigid personnel ceilings have received a great deal of attention in congressional hearings, professional literature, and the popular press.

Activity Related To Issue: 1. Title: Full-Time Equivalency ceiling system study. Estimated Completion Date: May 1982. Status: On schedule per plan.

2. Title: Experimental part-time direct-hire program. Estimated Completion Date: Summer 1982. Status: Proposal for use of direct-hire authority for part-timers approved by the Director.

4.5 Contracting Out

Issue. What are the policy options with respect to the practice of contracting out?

Background. Since it began in the Eisenhower administration, the policy of contracting out to the private sector for the commercially available goods and services used by the Federal Government has been highly controversial. Federal unions view contracting out as a threat to the jobs of Federal employees. Private sector suppliers stress that the Government's business is not to be in business.

Currently, OMB Circular A–76 requires rigorous cost analyses and head-to-head competitive bidding on clearly specified work statements between agencies and private sector contractors. Where no overriding factors such as military necessity arise, lowest relative cost is the key factor in determining whether to contract out. OPM has a direct interest in the practice of contracting out because it affects such issues as Equal Employment Opportunity, the size of the Federal workforce, employment ceilings, labor-management relations, recruitment, and training.

The requirements for clearly defining agency work, capturing the true costs of performing it, and measuring the

expected results, which are the heart of OMB's policies on contracting out, coincide with actions OPM is urging agencies to take to help improve productivity within the Federal government.

Activity Related To Issue: 1. Director Campbell recently testified before Congress on the personnel management implications of contracting out by the Federal Government.

2. OPM is asking agencies to report on contracts related to implementation of CSRA.

3. The Department of Defense Authorization Bill for 1980 included a specific requirement that DOD certify to Congress that before a contracting out cost comparison is made, the in-house operation will be reorganized to its most efficient pattern. Federal employee unions are backing this provision.

4. OPE to develop policy options paper for Policy and Research Advisory Board consideration.

4.6 Overtime Policies

Issue. What are the most appropriate uses of overtime work? How can overtime use be focused or limited to these instances?

Background. Emphasis on personnel ceilings rather than personnel costs, poor management practices, archaic laws, the granting of premium pay on an annualized basis, and other factors contribute to the use of overtime work. Some overtime is justifiable and unavoidable. The unwarranted use of overtime, however, is not only expensive, but results in lower productivity, since each unit of work produced has a higher unit cost. Human fatigue during overtime work also contributes to lower productivity, more errors, and increased safety risks.

Activity Related To Issue: 1. Title: Premium pay study. Estimated Completion Date: December 31, 1980 (Report to Director Campbell). Current Status: Draft report being prepared.

2. Title: GAO survey of Federal overtime practices. Estimated Completion Date: Unspecified. Current Status: Preliminary stages.

4.7 Productivity and Personnel Management

Issue. What role should personnelists play in relation to productivity and management improvement in the Federal service?

Background. In the 1950's the core of the personnel management job included staffing and placement work, position classification, and employee relations. During that era, employee training was added but the personnel traditionalists still have a hard time accepting it as part of the core of the profession. In the 1960's, labor relations was added to the job of the personnel profession. In the 1970's, Equal Employment Opportunity and affirmative action were added. In the 1980's it is likely that productivity will be added. The question is how this latter function can best be integrated with the other personnel management functions of the personnel profession as a whole, at the OPM level and in agencies of the Federal Government.

Activity Related To Issue: 1. Study of future role of the personnel office being conducted by Jeff Diamond for the Deputy Director. Draft expected in Spring 1980.

2. WED to develop policy options paper for Policy and Research Advisory Board consideration after review of Diamond study.

4.8 Grade Escalation

Issue. What should be done to identify and correct causes of grade escalation? What policy options are there in dealing with the phenomenon? What impact have grade control programs had in the past, and what lessons do they point to for the future?

Background. Position classifiers complain of management pressures upon them to assign higher grades to positions. Managers say they have little faith in the position classification process. Out of these clashes over position classification has come a continuing problem of grade escalation in the Government as a whole. In the past there have been periods of heightened concern about grade escalation, studies to identify the causes, and control measures such as the average grade program imposed by OMB.

Activity Related To Issue: 1. Navy demonstration project under Title VI, CSRA, attempts to lessen the pressure on the classification system by shifting to pay for performance and replacing the GS–5/18 grade structure with 5 broad pay categories.

2. Special government-wide task-force being established to study the position classification system.

5 Area of Concern: Labor-Management Relations

The effectiveness and efficiency of Government operations are influenced increasingly by labor management and employee relations. Collective bargaining in the Federal Government has evolved a great deal since 1962 when President Kennedy established the Federal Labor Management Program by Executive order. Since then, the number of nonpostal civilian Federal employees organized into bargaining units has increased from under 25,000 to over 1.2 million, or 60 percent of all nonpostal civilian Federal employees. Bargaining extends to matters which previously were subject only to unilateral management action. Through negotiation and consultation, a broad range of personnel policies and working conditions have come under bilateral decisionmaking. They include the scheduling of work hours, overtime and rest periods; leave administration; safety and health practices; training and promotion policies; and grievance and complaint handling. Pressure to expand these areas is certain to continue.

The Federal Labor Management Relations Program's primary intent is to promote the well-being of employees and the efficient administration of Government by establishing orderly and constructive relationships between labor organizations and management officials. The underlying assumption of the program is that employee-management relations can be improved by providing employees with an opportunity for greater participation in developing policies and procedures that affect their employment conditions while maintaining the public interest as the paramount consideration.

Following is one of the more significant policy issues in this area which has been identified at this time.

5.1 Improving the Labor-Management Relationship

Issue. To what extent is the labor relations system devised in Title VII of CSRA meeting its goals of enhancing employee well-being and Government efficiency and effectiveness? What is the proper mix of adversarial and cooperative relationships in the Federal labor-management relations program? What steps need to be taken to move Federal labor relations closer to the Congressional intent?

Background. The labor relations system enacted in CSRA draws its roots from the private sector model, with some important distinctions. These are primarily a narrower scope of bargaining, particularly with respect to significant economic issues, union security, and a prohibition on strikes. These exceptions recognize the special nature of government and the fact that the public interest is paramount, but they also remove or lessen part of the dynamics that makes private sector labor relations work. Employee organization and participation through labor unions are an accomplished fact, but the best means of achieving a good fit of the adversarial and cooperative nature of the Title VII system to the Federal system is not fully clear.

Activity Related To Issue: Office of Labor-Management Relations to prepare policy options paper for Policy and Research Advisory Board consideration.

6 Area of Concern: Merit and Entitlement

Pollster Daniel Yankelovich reports that about three-fourths of the nation's workforce has been overtaken by a psychology of entitlement-feeling that they deserve good jobs, a rising standard of living, plus a satisfying work experience. Carnegie-Mellon University economist Arnold Weber says that throughout the American workplace the 1980's will be a time of increased tension and potential conflict among the various groups in the labor force. Weber predicts that with women, minorities, handicapped workers, veterans and others seeking special attention in the workforce, a backlash against affirmative action will grow. Harvard University economist Richard B. Freeman says that workers age 25 to 44 will encounter fierce competition for promotions, coupled with substantial career disappointments. Director Campbell has spoken to this latter point in recent speeches.

In short, in the next few years we can expect increased claims for employment entitlements from a variety of groups and increased dissatisfaction when the perceived entitlements cannot always be realized. Unions stand to gain in membership and influence from this situation. There will be increased pressure on management to provide the training, career development assignments, and other forms of credentialism which will be perceived to be necessary for advancement and successful competition.

There will be increased pressure to accommodate the traditional principles of the merit system, e.g., open competition, selection based on qualifications for the work, advancement based on performance, and equal pay for equal work, to the claims of entitlement.

The larger number of well-qualified individuals available to fill mid level and high level positions may act to reduce the upward pressure on pay and benefits.

Following are some of the more significant policy issues in this area which have been identified at this time.

6.1 Employment of Handicapped Individuals

Issue. What policy options are there for ensuring reasonable accommodation in Federal employment to handicapped individuals?

Background. According to census reports, there were more than 11 million Americans who had a permanent work disability in 1970. With enactment of the Rehabilitation Act of 1973, as amended, and its provisions regarding affirmative action for the handicapped, and because of new technological, medical and rehabilitation developments, there is a growing number of handicapped persons entering the labor market and seeking Federal employment. The degree to which these individuals may be denied employment opportunities is unknown. In addition, the issue of what constitutes reasonable accommodation for these individuals is in no way settled.

Activity Related To Issue: 1. Office of Affirmative Employment Programs to develop policy options paper for Policy and Research Advisory Board consideration.

2. OPM will participate with HEW, using Title VI funds, to research ways of identifying and reducing the adverse impact of selection procedures with regard to handicapped individuals.

6.2 Multiple Clientele Groups

Issue. How should OPM prepare itself to respond to the needs of the several minority groups, women, handicapped, and aging workers?

Background. There is increasing recognition of the problems facing the several minority groups, women, handicapped, and aging workers on a national rather than a more localized basis. This is resulting in greater demands on the Federal Government to respond to their needs in terms of governmental services, recognition, and employment opportunities. This trend can be expected to continue. OPM needs to consider how it can best organize its affirmative employment program and resources to equitably address the needs of all affected groups.

Activity Related To Issue: Office of Affirmative Employment Programs to develop policy options paper for Policy and Research Advisory Board consideration.

6.3 Written Tests

Issue. What should be the future role of written tests vis-a-vis alternative selection procedures in the Federal employee selection process?

Background. Recent events have brought into question the future role of written tests in the selection process. For example, the Uniform Guidelines on Employee Selection Procedures emphasize that alternative selection procedures be used to eliminate the adverse impact of written tests. Also, recent attempts at the State level to enact so-called Truth-in-Testing laws could, if applied at the Federal level, make the development and administration of written tests prohibitively expensive.

Activity Related to Issue: 1. Title: Study of alternative approaches for conducting occupational analysis used in test, rating schedule, and standards development. Estimated Completion Date: 12/80. Current Status: Guidance issued. Outreach and training efforts underway.

2. A Title VI research effort to prepare a cluster of state-of-the-science papers relative to the efficacy of written tests, other selection instruments and combinations of selection instruments has tentatively been approved.

7. Area of Concern: Long-Range Policy Issues

There is a need to think about Federal workforce patterns and problems five to ten years in the future. Other Areas of Concern in this Policy Agenda deal with more immendiate policy issues. The effects of personnel cutbacks, affirmative action, shorter workweeks, growth in part-time employment, a slower economy, an aging population, energy crises, and other significant forces need to be evaluated and planned for. What effect will they have on staffing, training, recruitment, labor-relations, and other personnel management programs? It is good business to try to know all it is possible to know about the future and to lay plans in the present for dealing with future contingencies.

7.1 Work Force Planning

Issue. How can the data needed to plan for future workforce requirements best be collected, analyzed, and used? What systems can OPM establish in Government to allow OPM and agencies to foresee and prepare for broad demographic and social changes that will affect employment markets in the future?

Background. We do not now have a good understanding of how changes in population and labor force variables such as age, sex, occupation, and education can affect the Federal workforce. Nor have we done much systematic analysis of how such variables as employee attitudes, changes in economic conditions (inflation, recession), legislation (energy, environment), or other large-scale social and economic shifts can affect the Federal workforce.

Activity Related to Issue: 1. A Title VI research effort on forecasting staffing needs and external labor markets has tentatively been approved.

2. Title: GAO review: *Issues and Barriers to Effective Workforce Planning.* Estimated Completion Date: Unspecified. Current Status: Preliminary stages. GAO will study the impact of approximately 20 previous related GAO reports.

7.2 Future Role of Personnel Organization

Issue. What are the potential roles for political appointees, executives, managers and supervisors, the personnel staff, and other staff offices in the field of personnel management? Where should the personnel officer fit in the managerial team? How can the labor relations function best be carried out?

Background. Most personnel officers report to an individual with broader responsibilities for administration. Relatively few are considered part of the top management team of their agencies. The enactment of civil service reform and the creation of OPM are intended to accomplish dramatic changes, including changes in the role of personnel management. Involvement in labor-management relations, productivity, workforce effectiveness, executive and managerial development, quality of working life and accountability will help determine whether the personnel manager is a part of the management team. The issue might be stated better by addressing how the Federal personnel function is to be carried out, and what contribution should be expected from political leadership, operating line executives and managers, personnel managers and their staffs, and other staff offices. Not all Federal personnel managers should play the same role or operate in the same fashion.

Crucially important is the role, function, and organization of the personnel office in a workforce that is 60% organized. One-by-one agencies are splitting off labor-management relations from personnel since it cannot be handled adequately with aggressive unions under strong law when buried in the personnel function.

Activity Related to Issue: Study of the future role of personnel being conducted by Jeff Diamond at the direction of the Deputy Director. Draft expected in Spring 1980.

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Part VI

Department of Labor

Office of the Secretary

Improving Government Regulations; Semiannual Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chapters I, IV, V, VI, and VII; 29 CFR Subtitle A and Chapters II, IV, V, XVII and XXV; 30 CFR Chapter I

Improving Government Regulations; Semiannual Agenda

AGENCY: Department of Labor.

ACTION: Third Semiannual Agenda of Regulations Selected for Review or Development.

SUMMARY: In accordance with Executive Order 12044 and the Department of Labor Regulatory Reform Guidelines, this Document sets forth the Department's third semiannual agenda of regulations selected for review or development during the coming 6 month period.

DATES: This Agenda is applicable for the period from May 30, 1980 to November 30, 1980.

ADDRESS: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW., Room N2428, Washington, DC 20210, 202–523–8201.

FOR FURTHER INFORMATION CONTACT: Dr. Judy Sorum, Special Assistant to the Secretary, 200 Constitution Avenue NW, Room S2018, Washington, D.C. 20210, 202–523–9184, or Mark E. Solomons, Counsel for Special Legislative Projects, Department of Labor, 200 Constitution Avenue N.W., Room N2428, Washington, D.C. 20210, 202–523–8088.

SUPPLEMENTARY INFORMATION: Executive Order 12044 and the Department of Labor's Implementing Guidelines (44 FR 5570–5590) require the semiannual publication in the **Federal Register** of a complete Agenda of the significant regulations which will be considered, reviewed, or developed by the Department of Labor during the coming 6 month period. The Department's First Agenda was published on January 26, 1979 and was followed by a Supplemental Agenda on August 28, 1979. A Second Agenda was published on November 13, 1979. The Department's Third Semiannual Agenda of Regulations Selected for Review or Development is contained in this document.

This Third Agenda follows the same format as that of the Second Agenda. Each entry is identified by Agency, Title, and Code of Federal Regulations citation. Each entry contains a brief description of the regulation, states why the regulation is being reviewed or developed, and indicates whether the regulation is a "major" regulation for which a regulatory analysis may be required. Each entry also indicates the current status of the regulatory initiative, whether the regulation may be of special interest to small business, small organizations, or local governments, and each contains the name, address and telephone number of a knowledgeable agency official who may be contacted by any member of the public who has an interest in the regulation.

The small business or small orgnization interest indicator is a new feature of the Department's Agenda. In a Memorandum dated November 16, 1979 the President directed the heads of all Executive Departments to give special consideration to the burdens imposed on small business by agency regulation. The Department of Labor is committed to the success of this Presidential initiative and has already taken steps to improve communication with small businesses, aid small businesses in meeting regulatory requirements, reduce reporting and paperwork burdens on small businesses and, when authorized to so so by statute, tailor regulations to fit the size and nature of the regulated public. In keeping with these efforts, the Department also intends to amend its Regulatory Reform Guidelines before publication of the next Agenda to ensure that all agencies within the Department are aware of the special needs and problems of small businesses, small organizations and local governments. Through this change policymakers will be made better aware of the impact of regulations on small businesses and with this knowledge it should be possible to take the steps necessary to avoid unnecessary burdens which may result from some Departmental regulations.

The public is invited to offer suggestions on how the Department's Guidelines could be improved to ensure that small business, small organization and local government issues are fully considered in all Department of Labor rulemaking. Comments and suggestions should be submitted to one of the contact persons listed at the beginning of this preamble by July 31, 1980.

The Regulatory Reform process continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that improved regulatory management, more clearly written regulations, and in many instances, significantly less burdensome regulations are all attributable to our regulatory reform program.

Further improvement is certainly needed and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental officials know how our regulatory reform process can be further improved and, of course, to participate in the review or development of the regulations listed on the Agenda.

The Department of Labor's Fourth Semiannual Agenda will be published on or about November 30, 1980.

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Note.—Regulations which may be of special interest to small businesses, small organizations, or local governments are followed in this index with an asterisk (*).

1. Employment and Training Administration (ETA)—Extended Benefits for Unemployment Insurance Claimants.
2. ETA—Services for Veterans.
3. ETA—Labor Certification Process. *
4. ETA—Basic Services of the Employment Service System.
5. ETA—Employment Services Review of State Agency Compliance.
6. ETA—Unemployment Compensation for Federal Employees.
7. ETA—Unemployment Compensation for Ex-Servicemen.
8. ETA—Interstate Arrangement for Combined Wages.
9. ETA—Benefit Payment Promptness.
10. ETA—Transfers to State Accounts.
11. ETA—Nondiscrimination on the Basis of handicap. *
12. ETA—Nondiscrimination in Federally Assisted Programs. *
13. ETA—Special Programs.
14. ETA—Migrant and Seasonal Farmworkers. *
15. ETA—Pilot Program for the Handicapped.
16. ETA—Senior Community Service Employment.
17. ETA—Exemplary Rehabilitation Certificates.
18. ETA—Airline Employee Protection.
19. ETA—Trade Act Adjustment Assistance.
20. ETA—Extended Benefits.
21. ETA—Services for Veterans.
22. ETA—Adverse Effect Wage Rate. *
23. Occupational Safety and Health Administration (OSHA)—Fire Protection. *
24. OSHA—Confined Spaces.
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28. OSHA—Flat Roofs. *
29. OSHA—Tunnels.
30. OSHA—Marine Terminals.
31. OSHA—Walking, Working Surface. *
32. OSHA—Ladders and Scaffolding.
33. OSHA—Diving. *
34. OSHA—Shipbuilding.
35. OSHA—Hazardous Materials. *
36. OSHA—Electrical. *
37. OSHA—Floor and Wall Openings. *
38. OSHA—Lockout/Tagout.
39. OSHA—Chromium.
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42. OSHA—Beryllium. *
43. OSHA—Employee Medical Records.*
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57. Office of the Assistant Secretary for Administration and Management (OASAM)—Unsolicited Proposals.
58. OASAM—Debarred and Ineligible Bidders.*
59. OASAM—Grants and Agreements.*
60. OASAM—Grants and Agreements.*
61. OASAM—State Employment Security Grants.
62. Employment Standards Administration (ESA)—OFCCP.*
63. ESA—OFCCP.*
63A. ESA—Private Clubs.
64. ESA—OFCCP Program Requirements.*
65. ESA—OFCCP.*
66. ESA—Reproductive Hazards.
67. ESA—OFCCP—Fringe Benefits.*
68. ESA—OFCCP—Handicapped Workers.*
69. ESA—OFCCP—Documents.
70. ESA—Service Contracts.*
71. ESA—Davis-Bacon*
72. ESA—Farm Labor.*
73. ESA—Employment of Minors.*
74. ESA—Wage Payments.*
75. ESA—Overtime.*
76. ESA—FLS Records.*
77. ESA—Patient Workers in Hospitals.*
78. ESA—Agricultural Exemptions.*
79. ESA—Sheltered Workshops.*
80. ESA—National Endowment for the Arts.
81. ESA—Child Labor.*
82. ESA—Black Lung Disability Standards.
83. ESA—Black Lung State Criteria.
84. ESA—Coal Operator's Insurance.*
85. ESA—Discrimination Complaints Under the Black Lung Act.
86. ESA—Longshore Compensation.*
87. Mine Safety and Health Administration (MSHA)—Surface Mine Construction.*
88. MSHA—Underground Coal Mine Safety.*
89. MSHA—Respirable Dust Standard.
90. MSHA—Self Rescue Devices.
91. MSHA—Impoundments and Tailings Piles.*
92. MSHA—Surface Coal Mine Safety.*
93. MSHA—Respirable Dust-Underground Coal Mines.*
94. MSHA—Transfer of Miners.*
95. MSHA—Independent Contractors.*
96. MSHA—Mine Rescue Teams.*
97. MSHA—Construction Worker Training.
98. MSHA—Telephones.
99. MSHA—Pattern of Violations.
100. MSHA—Review of Metal and Nonmetal Standards.*
101. MSHA—Civil Penalties.*
102. MSHA—Miner Participation in Dust Sampling.*
103. MSHA—Labor-Management Services Administration (LMSA)—Labor Organization Reports.
104. LMSA—LMRDA Enforcement.
105. LMSA—Standards of Conduct.
106. LMSA—Financial Reports.
107. LMSA—Employee Protection Dispute Resolution.
108. LMSA—Redwood National Park.
109. LMSA—Public Health Services.
110. LMSA/ERISA—Suspension of Benefits.
111. LMSA/ERISA—Transitional Relief.
112. LMSA/ERISA—Benefit Reporting and Recordkeeping.
113. LMSA/ERISA—Plans Offering HMO Membership.
114. LMSA/ERISA—Reporting Exemptions.
115. LMSA/ERISA—Revision of Forms.
116. LMSA/ERISA—Insurance Company Financial Reports.
117. LMSA/ERISA—Compliance Oriented Returns.*
118. LMSA/ERISA—Ownership of Plan Assets.
119. LMSA/ERISA—Alternative Compliance/Reporting and Disclosure.*
120. LMSA/ERISA—Supplemental Pay.
121. LMSA/ERISA—Annual Report Forms.
122. LMSA/ERISA—Reporting—Certain Non-Model Pensions.*
123. LMSA/ERISA—Reporting—Short Plan Years.
124. LMSA/ERISA—Plan Assets and Establishment of Trust.*
125. LMSA/ERISA—Acquisition of Sale of Securities and Real Property.
126. LMSA/ERISA—Transitional Relief.

Department of Labor Third Semiannual Agenda

1. *Employment and Training Administration* (ETA)—20 CFR Part 615—Extended benefits for unemployment insurance claimants, including Federal employees and ex-servicemen.

This regulation will modify the currently used "trigger" for bringing the Extended Benefit Program into operation by excluding claims for extended benefits from the calculations. The purpose of this change is to improve the method by which the calculation of unemployment insurance indicator rates are made. Other technical and clarifying changes also will be made. A regulatory analysis was not required.

Status: A final regulation was published on January 3, 1980 and the entry is therefore removed from the Agenda.

Contact: Joe Hickey, Room 7310—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7122.

2. *ETA*—20 CFR Part 653—Services for Veterans.

This regulation, which governs services provided to veterans by the State employment service agencies, and which establishes the fiscal year 1980 veteran's preference service levels used by the Department to monitor the State employment service agencies and ensures that veteran applicants receive priority treatment, must be reviewed annually. New veterans preference indicator levels must be established when necessary. A regulatory analysis is not required.

Status: The publication of a final regulation by June 1980 is anticipated.

Contact: Emmett McNulty, Room 8111—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6557.

3. *ETA*—20 CFR Part 656—Labor Certification Process for Permanent Employment of Aliens in the United States.

These regulations set forth the alien labor certification process in detail, describe the responsibilities of employers who wish to employ aliens on a permanent basis, and delineate the role of the public employment service in assisting employers in finding available U.S. workers. Technical changes are being considered in order to update and clarify these regulations. A regulatory analysis is not required. This rule may be of special interest to small business employers of alien labor.

Status: A notice of proposed rulemaking was published on January 22, 1980 and the publication of a final regulation by May 30, 1980 is anticipated.

Contact: Nandor Kertai, Room 8416, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6982.

4. *ETA*—20 CFR Part 653, Subparts A, and E—Basic Services of the Employment Service System, Support Services of the Employment Service System.

The purpose of these regulations is to clarify and simplify existing policies, procedures, and guidelines contained in the Employment Security manual and the field instructions governing basic services of the Employment Service System. The need for review of existing regulations and for the development of new regulations where only a manual existed, was determined in discussions involving both State and Federal agencies. The Employment Service Manual contains a complex assortment of directives and advisory material. It has evolved over a 30 year period and much of it is now out of date and incomplete. Recent court rulings have highlighted the need for the Employment Service to codify and clarify its regulations, policies and procedures. A regulatory analysis is not required.

Status: This regulation was published in proposed form in October, 1978 and the publication of a final regulation by June, 1980 is anticipated.

Contact: Edward A. Waters, Room 8018—Patrick Henry Building, 601 D

Street, N.W., Washington, D.C. 20213, 202–376–6700.

5. *ETA*—20 CFR Part 658, Subpart G—Administrative Provisions governing the Employment Service; Review and Assessment of State Agency Compliance with Employment Service Regulations.

These regulations will serve to further clarify and simplify the many current policies, procedures, and guidelines contained in the Employment Security Manual, as well as field instructions governing the review and assessment of State agency compliance with employment service regulations. The need for review of existing regulations and the development of new regulations was determined in discussions involving both State and Federal agencies. The current Employment Service manual has evolved over a 30 year period and now much of it is out of date and incomplete. Recent court rulings have also highlighted the need to develop comprehensive regulations in this area. A regulatory analysis is not required.

Status: A notice of proposed rulemaking was published on January 11, 1980 and the publication of a final rule by June, 1980 is anticipated.

Contact: Edward A. Waters, see item 4.

6. *ETA*—20 CFR Part 609—Unemployment Compensation for Federal Employees.

These regulations implement 5 U.S. Code 8501–8508, which sections provide a program of unemployment compensation for Federal employees administered by State Employment Security agencies. A review of the regulations is required because of amendments made to the law by Pub. L. 94–566. A regulatory analysis is not required.

Status: The publication of a proposed regulation by April 30, 1980 is anticipated.

Contact: Charles Reynolds, Room 7014—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6222.

7. *ETA*—20 CFR Part 614—Unemployment Compensation for Ex-Servicemen.

These regulations implement 5 U.S.C. 8521–8525, which provide a federally funded unemployment compensation program for certain ex-servicemen. The program is administered by State employment security agencies acting as agents of the United States. A review of the regulation is required because of amendments to the law made by Pub. L. 94–566. A regulatory analysis is not required.

Status: The publication of a proposed regulation by April 30, 1980 is anticipated.

Contact: Charles Reynolds, see item 6.

8. *ETA*—20 CFR Part 616—Interstate Arrangement for Combined Employment and Wages.

These regulations govern the ability of an unemployed worker with covered employment or wages in more than one State to combine all such employment and wages in a single State, in order to maximize entitlement to unemployment insurance benefits. These regulations will be reviewed in response to a request by the Interstate Conference of Employment Security Agencies, whose members have experienced certain difficulties with existing procedures. Other changes are also required by Pub. L. 94–566. A regulatory analysis is not required.

Status: A proposed regulation was published on February 5, 1980, and the publication of a final regulation by June 1, 1980 is anticipated.

Contact: Edwin Kerley, Room 7102—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7105.

9. *ETA*—20 CFR Part 640—Standards for Benefit Payment Promptness—Unemployment Compensation.

These regulations establish standards for promptness in the payment of unemployment insurance benefits, set forth criteria States must attain to meet these standards, and corrective action to be taken when a State's performance falls below the criteria. Review of these regulations is necessary to add a standard of compliance to clarify the requirements for the prompt payment of unemployment compensation. Enforcement provisions will be revised to cover all aspects of conformity and compliance with the requirements on promptness of benefit payments. A regulatory analysis is not required.

Status: The publication of a proposed regulation by June 1, 1980 is anticipated.

Contact: Edwin Kerley, see item 8.

10. *ETA*—20 CFR Part 662—Transfers to State Accounts Under Section 903 of the Social Security Act (Reed Act).

These regulations describe the purposes for which Reed Act funds may be used and the administrative requirements which aply to their use. Review may be required to develop a clear and comprehensive set of requirements applicable to the use of Reed Act funds. A regulatory analysis is not required.

Status: The publication of a proposed regulation by November 1, 1980 is anticipated.

Contact: Edward H. Rowland, Room 4208—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6414.

11. *ETA*—29 CFR Part 32—Nondiscrimination on the Basis of a Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance.

The purpose of this regulation is to implement Section 504 of the Rehabilitation Act of 1973, as amended, with respect to programs and activities receiving Federal financial assistance from the Department of Labor. The development of this regulation is required by Section 504 of the Rehabilitation Act of 1973, Executive Order 11914, and Department of Health, Education, and Welfare regulations implementing Executive Order 11914. A regulatory analysis has been prepared. This regulation may be of special interest to small businesses and small governmental institutions.

Status: A proposed regulation was published on January 4, 1980. The publication of a final regulation by July 31, 1980 is anticipated.

Contact: Frederick A. Drayton, Room 1034—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6743.

12. *ETA*—29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor.

The purpose of this regulation is to amend the Department's regulations implementing Title VI of the Civil Rights Act of 1964, as amended, and to establish a single, comprehensive rule with uniform procedures for administration and enforcement of Title VI and all other nondiscrimination requirements applicable to programs receiving financial assistance from the Department, including the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments of 1972, as amended; and Section 132 of CETA; so that no person shall be excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any such program on the basis of race, color, religion, sex, national origin, age or in the case of CETA participants, citizenship. The draft regulation has been submitted to the Department of Justice for review prior to publication in proposed form. The Department intends to consolidate its regulations under Section 504 of the Rehabilitation Act (see item 11) within this comprehensive regulation when it is published as a final rule. Except for the Section 504 regulations, a regulatory analysis is not required. This regulation may be of special interest to local governments.

Status: The publication of a proposed regulation by July 31, 1980 is anticipated.

Contact: Frederick A. Drayton, see item 11.

13. *ETA*—20 CFR Part 687—Special Programs and Activities Under Title III of the Comprehensive Employment and Training Act (CETA).

These regulations will replace the existing provision of 29 CFR Part 97, Subpart D, which governs special programms and activities under Section 301 of CETA. Review is required by amendments to CETA. A regulatory analysis is not required.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: James M. Aaron, Room 6213—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6257.

14. *ETA*—20 CFR Part 689—Migrant and Other Seasonally Employed Farmworkers Program Under CETA.

These regulations replaced 29 CFR Part 97, Subpart C, which governs programs for migrant and seasonal farmworkers under Section 303 and other provisions of CETA. Review was required by amendments to CETA. A regulatory analysis was not required. These regulations may be of special interest to small businesses.

Status: A final regulation was published on May 25, 1979 and amendments to the final regulation were published on February 15, 1980. New Subparts F and G applying to programs for youth will be finalized by June 1, 1980.

Contact: Dan Cox, Room 6308—Patrick Henry Building; 601 D Street N.W., Washington, D.C. 20213, 202–376–7240.

15. *ETA*—Community Service Employment Pilot Program for Handicapped Individuals.

These regulations would govern the programs authorized under Title VI of the Comprehensive Rehabilitation Services Amendments of 1978. A regulatory analysis is not required.

Status: The Department continues to review this matter and is considering the development of regulations.

Contact: Paul Mayrand, Room 6122—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6233.

16. *ETA*—29 CFR Part 89—Senior Community Service Employment Program.

These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. Review is required by amendments to the enabling Act. A regulatory analysis is not required.

Status: A proposed regulation was published on March 25, 1980. The publication of a final regulation by November 1, 1980 is anticipated.

Contact: Paul Mayrand, see item 15.

17. *ETA*—29 CFR Part 26—Exemplary Rehabilitation Certificates for Ex-Servicemen.

These regulations describe the process by which certain ex-servicemen will be issued a certificate by the Secretary of Labor entitling the person to receive special counseling and job development assistance through the United States Employment Service. A review of the regulations will be undertaken as a part of an effort to determine the viability of the existing program and the appropriateness of any changes in the regulation. A regulatory analysis is not required.

Status: It has been determined that revisions are not required at this time. The regulation is, therefore, removed from the Agenda.

Contact: Dennis R. Wyant, Room 10100—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7480.

18. *ETA*—Airline Employee Protection Program.

These regulations are being developed to implement the employee protection provisions of the Airline Deregulation Act (Pub. L. 95–504). The Department is required to develop these regulations in accordance with this new legislation. A regulatory analysis is not required.

Status: The publication of a final regulation by June 1, 1980 is anticipated.

Contact: Bob Gillham, Room 7306—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6715; or LMSA Contact: Lary Yud, Room S5639—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523–6495.

19. *ETA*—29 CFR Part 91, Adjustment Assistance for Workers After Certification Under the Trade Act of 1974.

These regulations are required by Section 248 of the Trade Act of 1974 to implement provisions relating to individual entitlements to trade adjustment assistance for certain workers. A review of the regulations is underway to determine whether it is necessary to clarify existing provisions, correct errors and omissions, and update those sections relating to program administration. A regulatory analysis is not required.

Status: The publication of a proposed regulation by April 30, 1980 is anticipated.

Contact: Bob Gillham, Room 7306—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6715.

20. *ETA—20 CFR Part 615—Extended Benefits.* It is intended to amend the entitlement restriction rules to include a provision governing a between terms denial of benefits to certain school employees. It is expected that the new regulations will no longer require the Federal Government to reimburse 50 percent of the cost of sharable compensation and extended benefits paid to former employees of a state and its political subdivisions. Other technical and clarifying amendments will also be considered. A regulatory analysis is not required.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: Edwin Kerley, see item 8.

21. *ETA*—20 CFR Part 653—Services For Veterans.

The Services for Veterans regulations will be revised to bring them into conformity with recent statutory amendments, eliminate unnecessary detail and make the regulation more easily understandable. A regulatory analysis is not required.

Status: The publication of a proposed regulation by May 1, 1980 is anticipated.

Contact: Fred Stallworth, Room 8118—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6221.

22. *ETA*—20 CFR 655.207—Adverse Effect Wage Rate Methodology.

This subpart contains regulations related to establishing Adverse Effect Wage Rates for the Temporary Employment of Aliens in Agriculture. This proposed regulation will establish a new methodology for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture. The proposal will not impact on sheep-herding or logging activities. This regulation may be of special interest to small businesses.

Status: A regulatory analysis is not required. The publication of a proposed regulation by November 1, 1980 is anticipated.

Contact: David O. Williams, Room 8000, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6289.

23. *Occupational Safety and Health Administration (OSHA)*—29 CFR Part 1910, Subpart L—Fire Protection.

These regulations contain requirements for fire suppression equipment and fire protection systems. The existing subpart is being revised to simplify present requirements related to fire suppression equipment and fire protection systems and to require training for persons who are members of certain fire brigades. This regulation

may be of special interest to small businesses. A regulatory analysis is not required.

Status: The publication of a final regulation by May 30, 1980 is anticipated.

Contact: Thomas Seymour, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7216.

24. *OSHA*—29 CFR Part 1910, Standards for Work in Confined Spaces.

This standard will establish requirements for protection of workers who must enter and work in confined spaces with hazardous environments. This regulation is being developed because of an increasing number of fatalities and serious injuries from this type of work and the receipt of a NIOSH criteria document for the standard. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: An advance notice of proposed rulemaking was published on October 19, 1979. The publication of a proposed regulation by October 31, 1980 is anticipated. Public meetings on the advance notice of proposed rulemaking are scheduled for May, 1980.

Contact: Dr. Jerry Purswell, Room N3605, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8061.

25. *OSHA*—29 CFR Part 1907, Laboratory Accreditation.

This regulation establishes standards to accredit testing laboratories which certify that equipment used by workers meets OSHA standards. The regulation is being reviewed to improve existing procedures in this area. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of an advance notice of proposed rulemaking by November 30, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

26. *OSHA*—29 CFR 1910.177—Multi-piece Wheel Rims.

The regulation is a new addition to 29 CFR Part 1910, subpart N to govern the handling of multi-piece wheel rims. The regulation is needed to afford additional protection to affected workers who may be subject to serious hazards when multi-piece wheel rims explode while being assembled and disassembled. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: A final regulation was published on January 29, 1980. This item is therefore, removed from the Agenda.

Contact: Dr. Jerry Purswell, see item 24.

27. *OSHA*—29 CFR 1910.186—Conveyors.

This regulation will prescribe standards to protect employees from safety hazards encountered around conveyors. A new standard is needed to help control such hazards as limbs being caught in conveyors, falling while going over conveyors and objects falling from conveyors onto workers. An economic study has been performed. This regulation may be of special interest to small businesses.

Status: The publication of a final regulation by Sumer 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

28. *OSHA*—29 CFR Part 1926, Subpart M—Perimeter Protection, Flat Roofs.

This proposed new standard would provide perimeter protection for employees working on flat roofs. A new regulation is required in response to recent court decisions and to the recommendations of a draft NIOSH study of the hazards in the roofing industry. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: A proposed regulation was published August 17, 1979 and the evaluation of public comments is now underway. The publication of a final regulation by June 30, 1980 is anticipated.

Contact: Allen E. Martin, Room N3457, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8161.

29. *OSHA*—29 CFR Part 1926—Subpart S—Tunnels.

These regulations prescribe safety and health standards to protect employees working in the construction of tunnels and shafts. The standard needs revision to bring coverage up to date with current technology and provide for improved monitoring of hazardous conditions. A regulatory analysis is not required.

Status: The publication of a proposed regulation by August 31, 1980 is anticipated.

Contact: Allen E. Martin, see item 28.

30. *OSHA*—29 CFR Part 1981a—Safety and Health Regulations for Marine Terminal Facilities.

These regulations will prescribe safety and health standards for employment in marine terminal facilities. New standards are now being developed as a result of a request from the industry, and in order to facilitate voluntary compliance and have more efficient enforcement in a high hazard industry. A regulatory analysis is not required.

Status: The publication of a proposed regulation by May 31, 1980 is anticipated.

Contact: Edward March, Room N3471, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202–523–7234.

31. *OSHA*—29 CFR Part 1910, Subpart d—Walking and Working Surfaces.

Subpart D contains safety requirements concerning falling and tripping hazards related to holes in floors, walls, platforms and ladders at the workplace. This subpart may be in need of revision to simplify language, bring requirements up to date with current technology and cover new types of work platforms. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by October 30, 1980 is anticipated.

Contact: Thomas Seymour, see item 23.

32. *OSHA*—29 CFR Part 1926, Subpart L, Ladders and Scaffolding.

This subpart contains standards to protect employees working on ladders and scaffolds. These regulations are being reviewed to coincide with the review of 29 CFR 1910, Subpart D, to simplify language, bring requirements up to date with current technology, and cover new types of work platforms. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by October 30, 1980 is anticipated.

Contact: Allan Martin, see item 28.

33. *OSHA*—29 CFR 1910.401—Commercial Diving Operations.

This regulation is being revised to reflect differences in hazards for scientific diving as compared to commercial diving. The rulemaking record for the current standard did not adequately treat these differences. For this reason the regulation will be reviewed at the request of the scientific diving community. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

34. *OSHA*—29 CFR Parts 1915, 1916 and 1917—Ship Repairing, Shipbuilding, Shipbreaking.

These regulations are being consolidated by administrative action into a single standard for all three activities in order to reduce overlapping provisions and produce a simplified

standard for three related activities. A regulatory analysis in not required.

Status: The publication of an administrative action by July 30, 1980 is anticipated.

Contact: Edward March, see item 30.

35. *OSHA*—29 CFR Part 1910, Subpart H—Hazardous Materials.

This subpart contains regulations for control of hazardous materials in the workplace which can cause fires and explosions and which may also produce acute health effects such as asphyxiation or chemical burns. The existing standard needs to be revised to encompass the continuing number of fires and explosions resulting in worker fatalities for which no standards exist. The need for a regulatory analysis is under study. This regulation may be of special interest to small business.

Status: An advance notice of proposed rulemaking on the hazardous materials in grain handling facilities was published on February 15, 1980. An advance notice of proposed rulemaking on other hazardous materials will be published by May 31, 1980.

Contact: Thomas Seymour, see item 23.

36. *OSHA*—29 CFR Part 1910, Subpart S—Electrical

This Subpart contains provisions related to the design and installation of electrical systems in public and private facilities. Subpart S requires revision to provide a significant simplification of the current regulations and to bring the existing regulations up to date with the current consensus standards and technology. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: A proposed regulation was published on September 26, 1979. A hearing is scheduled for May 6, 1980. The publication of a final regulation by July 31, 1980 is anticipated.

Contact: Sil Patti, Room N3510, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7207.

37. *OSHA*—29 CFR Part 1926, Subpart M—Floor and Wall Openings and Stairways.

This subpart contains standards to protect employees working around floor, roof, and wall openings and stairways. This subpart needs to be revised to coincide with the revision of 29 CFR Part 1910—Subpart D since similar material is treated. It is being revised to simplify language, bring requirements up-to-date with current technology and cover new types of work platforms. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by October 31, 1980 is anticipated.

Contact: Allan Martin, see item 28.

38. *OSHA*—29 CFR Part 1910—Lockout/Tagout Systems For Machines.

This standard will prescribe the requirements for locking out or otherwise insuring that employees are not injured while maintaining machines and equipment. A petition for a standard from the United Auto Workers and an increasing number of fatalities to workers from this hazard have highlighted the need for activity in this area. Recently completed analyses of data from OSHA fatality investigations as well as data supplied by others demonstrates a serious problem with worker exposure to electrical, mechanical and chemical hazards while maintaining or servicing equipment. These hazards produce electrocution, severe trauma from being caught in and between machine parts, chemical or thermal burns, and acute respiratory problems. The need for a regulatory analysis is under study.

Status: The publication of an advance notice of proposed rulemaking in May, 1980 is anticipated.

Contact: Dr. Jerry Purswell, see item 24.

39. *OSHA*—Occupational Exposure to Chromium.

OSHA is developing a standard for occupational exposure to chromium. The standard would include permissible exposure limits, and provisions for medical surveillance, exposure monitoring, methods of compliance, and employee training. The Agency is responding to a need to provide more effective protection of employees from the health hazards of chromium exposure. The potential hazards include skin ulceration, nasal septal perforation, and cancer. The need for a regulatory analysis is under study.

Status: The publication of a proposed regulation by November 30, 1980 is anticipated.

Contact: Bailus Walker, Room N3718, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7075.

40. *OSHA*—Identification, Classification, and Regulation of Toxic Substances Posing a Potential Carcinogenic Risk (Cancer Policy).

OSHA has published a standard for the regulation of potential carcinogens found in the occupational environment. The Agency is responding to a need to find a more expeditious means of evaluating data on potentially carcinogenic materials and for developing regulations to provide adequate employee protection from exposure to these substances. A regulatory analysis has been prepared.

Status: A final regulation was published on January 22, 1980. The entry is, therefore removed from the Agenda.

Contact: Bailus Walker, see item 29.

41. *OSHA*—29 CFR Part 1910, Subpart Z—Occupational Exposure to Pesticides.

OSHA is developing a generic standard to control occupational exposure to pesticides during the manufacturing and formulating processes. OSHA has determined that employees in the pesticide industry have an increased risk of illness due to their exposure to pesticides, and the agency has developed several alternative standards designed to reduce this risk. The standards include provisions relating to work practices, medical surveillance, employee training and respiratory protection. A regulatory analysis will be prepared. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Flo H. Ryer, Room N3663—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7175.

42. *OSHA*—29 CFR Part 1910—Occupational Exposure to Beryllium.

OSHA is developing a standard for occupational exposure to beryllium. The standard would include permissible exposure limits, and provisions for medical surveillance, exposure monitoring, methods of compliance, and employee training. The Agency is responding to a need to provide more effective protection of employees from the health hazards of beryllium exposure. The potential hazards include berylliosis (a disease of the lungs and other organs) and cancer. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a final regulation in the Spring of 1980 is anticipated.

Contact: Bailus Walker, see item 39.

43. *OSHA*—Access to Employee Exposure and Medical Records.

Employers which make or maintain exposure and medical records may be required to retain these records for a specified period of time ad make them available to employees, former employees, their designated representatives, and to OSHA and NIOSH. This proposed rule would implement OSHA's policy under the OSHAct that employees have the basic right to know information obtained by employers on the employees' exposure to workplace hazards and any

consequent health effects on the employees. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a final regulation in the Spring of 1980 is anticipated.

Contact: Flo Ryer, see item 41.

44. *OSHA*—29 CFR Part 1910—Occupational Exposure to Noise.

OSHA is reviewing the record on the proposed noise standard that was issued in October, 1974, in light of the public hearings held during 1975 and 1976. Specific requirements for hearing conservation programs, methods of compliance, and permissible exposure limits are being reviewed and options analyzed. Steps are being taken to prepare an evaluation of the economic impact of the standard and various alternatives. This regulation may be of special interest to small businesses.

Status: The Agency has made considerable progress in analyzing the voluminous public record, and expects to issue a final regulation by October 1, 1980.

Contact: Bailus Walker, see item 39.

45. *OSHA*—29 CFR Part 1910, Subpart Z—Standards Completion Project.

The purpose of the project is to establish a general stndard on environmental monitoring of worker exposure to toxic chemicals, medical surveillance of exposed employees, employee training and recordkeeping. In addition, supplementary, substance-specific guidelines would be prepared for employer and employee use. The project covers the current list of chemicals for which OSHA has only permissible exposure limits. The Occupational Safety and Health Act of 1970 describes the above provisions as important elements of a comprehensive and effective program of industrial hygiene. Conclusion of this project is important to assuring that the intent of the Act is fulfilled. A regulatory analysis will be prepared. This regulation may be of special interest to small businesses.

Status: Alternative regulatory options are under study.

Contact: Flo Ryer, see item 41.

46. *OSHA*—29 CFR 1910.94(a)—Occupational Exposure Standards for Asbestos.

OSHA is considering revisions to its current asbestos standard. Revision might include changes to the permissible exposure limit and provisions for medical surveillance, monitoring, etc. New research on the health hazards of asbestos and concern for the adequacy of our current standard prompted our review. Asbestos is a major cause of occupationally related cancer. A regulatory analysis will be prepared.

Status: Staff analysis of the need for a new proposal is continuing. A decision on further rulemaking will be made in the near future.

Contact: Bailus Walker, see item 39.

47. *OSHA*—29 CFR Part 1910—Occupational Standard for Abrasive Blasting Operations.

OSHA is reviewing and considering modifications to the current standards for abrasive blasting. Information available to the Agency suggests that the current standards need to be revised to make them more effective in protecting abrasive blasters, and workers in the vicinity of abrasive blasting from the hazards inherent in the process, which include silicosis and other lung disorders. A regulatory analysis will be prepared. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by July, 1980 is anticipated.

Contact: Fayez Hanna, Room N3718, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7148.

48. *OSHA*—29 CFR Part 1910, Subpart Z—Occupational Exposure to Cadmium.

OSHA is considering revisions to amend its current permissible exposure limit for cadmium and add provisions for medical surveillance, exposure monitoring, etc. Research on the health effects of cadmium indicates that the current standard may not be adequately protective. Exposure to cadmium may cause kidney, liver, adrenal and other systemic damage as well as several types of cancer. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation in Fall, 1980 is anticipated.

Contact: Bailus Walker, see item 39.

49. *OSHA*—29 CFR Part 1910, Subpart Z—Occupational Exposure to Nickel.

OSHA is considering revisions to amend its current permissible exposure limit for nickel and add provisions for medical surveillance, environmental monitoring, etc. The National Institute for Occupational Safety and Health has published a summary of the toxic effects of nickel and recommendations for controlling occupational exposure to this substance. The NIOSH report, called a Criteria Document, indicated that OSHA's current standard for nickel may not be sufficiently protective. Exposure to nickel may increase the risk of lung and nasal cancer and also causes nasal septum perforation and dermatitis. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: Agency review of available data is underway. No action during the coming six months is anticipated.

Contact: Bailus Walker, see item 39.

50. *OSHA*—29 CFR Part 1910—Occupational Exposure to MBOCA.

OSHA is developing a standard for occupational exposure to MBOCA (4,4 methylene bis (2-chloroaniline)) which may include a permissible exposure limit and provisions for medical surveillance, environmental monitoring, methods of compliance, and employee training. An earlier standard for MBOCA was vacated for a procedural reason through judicial action. MBOCA has been found to increase the risk of liver and bladder cancer.

The need for a regulatory analysis is under study.

Status: The publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Bailus Walker, see item 39.

51. *OSHA*—Chemical Hazard Identification.

OSHA is developing a proposal to require employers to inform employees of the identities of hazardous chemicals in the workplace, by means of labels, lists, material safety data sheets, hazard warnings, and records preservation. Awareness of the chemical hazards to which they are exposed provides employees with the knowledge necessary for the individual to actively participate in the reduction or elimination of exposure to these harmful agents. A regulatory analysis will be prepared. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by August, 1980 is anticipated.

Contact: Flo Ryer, see item 41.

52. *OSHA*—29 CFR Part 1960—Safety and Health Provisions for Federal Employees.

The regulations and guidelines of Part 1960 are applicable only to Federal employees and constitute a framework for the occupational safety and health programs of the various Federal agencies. Modification of criteria for program evaluation and safety and health awards have been under development for inclusion in 29 CFR Part 1960. Additional sections of Part 1960 are being modified to conform to requirements of Executive Order 12196. No regulatory analysis is required.

Status: This regulation is applicable to Federal employees only and as such is not subject to the notice and comment procedure of the Administrative Procedure Act. The regulation is, therefore, removed from the Agenda.

Contact: Annie W. Asensio, Room N3423, Main Labor Building, 200

Constitution Avenue, NW, Washington, D.C. 20210, 202–523–8677.

53. *OSHA*—29 CFR 1904.8—Reporting of Fatality or Multiple Hospitalization Accidents.

OSHA is proposing to shorten the time for reporting fatality or multiple hospitalization accidents. Employers would now be required to report a fatality or multiple hospitalization accident within 8 hours. Reduction of the reporting time and prompt investigation of the accident by OSHA will assure a timely gathering of more useful information and more effective identification of the hazards involved. A regulatory analysis is not required.

Status: Public comments are being reviewed. No further action has yet been scheduled.

Contact: Kathleen A. Grosso, Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210, 202–523–8137.

54. *OSHA*—29 CFR Part 1910—Occupational Exposures to Safety and Health Hazards in Grain Handling Facilities.

OSHA is considering the development of a standard to control occupational exposures to the safety and health hazards found in grain handling facilities. The safety hazards include fires and explosions which result when grain dust or processed grain (flour) is ignited. The health hazards include grain dust, pesticides and plant and animal matter associated with grain and dust. Exposures to these substances can result in various acute and chronic health effects including allergies, dermatitis, respiratory disease and cancer.

OSHA is seeking comments and information on the hazards associated with grain handling facilities. In addition to a request for written comments, informal public meetings were held in April 1980 to discuss this issue. The need of for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: A determination of the need for this regulation will be based on the evaluation of all information and comments received.

Contact: Flo Ryer (Health), see item 41, and Thomas Seymour (Safety), see item 23.

55. *OSHA*—29 CFR Part 1926—Lockout Tagout Systems.

There are a number of existing standards in 29 CFR Part 1926 concerning lockout and tagout. This regulation would be a separate section that would revise and clarify these rules, add new rules, and cross reference other applicable standards in 29 CFR Part 1926. These regulations are also being reviewed and coordinated to coincide with the action being considered for 29 CFR Part 1910 (See Agenda Item No. 38.).

There are three types of situations where lockout is necessary for hazard control. The first is locking out to prevent the movement of a piece of equipment. This most commonly involves electrically powered equipment, but does include hydraulic, pneumatic, steam and other power sources. Secondly, lockouts are used to prevent the generation of hazardous atmospheres. This include hazardous gases and extreme temperatures or pressures occurring in confined spaces. Third, lockouts are used to preclude exposure to electrical current. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: Publication of an advance notice of proposed rulemaking in May, 1980 is anticipated.

Contact: Allan Martin, see item 28.

56. *OSHA*—29 CFR Part 1926—Standards for Work in Confined Spaces.

Several existing paragraphs within Part 1926 address some of the hazards of confined or enclosed spaces which occur in construction. These existing requirements will be reviewed to coincide with proposed rulemaking planned for 29 CFR Part 1910 (See Agenda Item 24.) New paragraphs and cross references for construction will be placed within 29 CFR Part 1926.

This regulatory action is necessary because construction accident reports indicate that employees are being injured or killed because of oxygen deficient, toxic or flammable atmospheres found in confined spaces such as tanks, vats, vaults, pits and reactor vessels. These reports also indicate that rescue attempts into confined spaces are often unsuccessful and result in additional injuries and deaths. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: Publication of a notice of proposed rulemaking in November, 1980 is anticipated.

Contact: Allan Martin, see item 28.

57. *Office of the Assistant Secretary For Administration and Management (OASAM)*—41 CFR 29–4.9—Unsolicited Proposals.

This regulation governs unsolicited grant proposals received by the Department. New Federal procurement regulations require the Department to review these existing provisions. A regulatory analysis is not required.

Status: An evaluation of the need for this regulation has shown that it is not necessary. It is, therefore, removed from the Agenda.

Contact: Ted Goldberg, Room S1323—Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, 202–523–9147.

58. *OASAM*—49 CFR 29–1.6—Debarred, Suspended and Ineligible Bidders.

These regulations govern the exclusion of individuals and concerns from eligibility to receive Deparment of Labor contracts, on account of violations of applicable Federal laws and regulations. Current Departmental regulations on this subject need to be reviewed and updated. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by July 1, 1980 is anticipated.

Contact: Ted Goldberg, see item 57.

59. *OASAM*—41 CFR Part 29–70—Administrative Requirements Governing All Grants and Agreements by Which Department of Labor Agencies Award Funds.

This regulation will amend 41 CFR Part 29–70 to add a new § 29–70.213, "Suspension and termination of grants and agreements, debarment." This section implements Attachment L to OMB Circular No. A–110 and the part of Attachment L to OMB Circular No. A–102 which deals with sanctions under grants. Section 29–70.213 includes the Federal standards which apply if a grant must be suspended or terminated; or if a grantee is debarred from eligibility to receive a Department of Labor grant. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by October 1, 1980 is anticipated.

Contact: Ted Goldberg, see item 57.

60. *OASAM*—41 CFR Part 29–70—Administrative Requirements Governing All Grants and Agreements by Which the Department of Labor Agencies Award Funds.

This regulation will amend 29 CFR 70.103, "Cost Principles," and 29 CFR 70.216, "Procurement standards; required provisions for recipient contracts." The amendment is needed to incorporate requirements of amended OMB Circulars which govern Federal standards and cost principles applicable to Federal financial assistance. The Office of Management and Budget recently published revised cost principles for educational institutions as OMB Circular No. A–21; and revised Attachment O to OMB Circular No. A–102 which amended "Federal Standards Governing State and Local grantee

procurement." A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a final regulation by October 1, 1980 is anticipated.

Contact: Ted Goldberg, see item 57.

61. *OASAM*—41 CFR Part 29–15 Cost Principles for State Employment Security Administration (SESA) Grants.

These regulations establish general principles and procedures governing the allowability of SESA costs. They consist of descriptions of particular types which are allowable, allowable with prior Department of Labor approval and unallowable as charges to grants to States for Employment Security and Unemployment Insurance administration.

These regulations are needed to implement Federal Management Circular 74–4 and OMB Circular A–102 and to provide complete guidance to State agencies on the use of Reed Act Funds.

Legislative authority appears in the rulemaking provisions of the Wagner-Peyser Act (29 U.S.C. 49 C–3). A regulatory analysis is not required.

Status: The publication of a proposed rule by October 1, 1980 is anticipated.

Contact: Ted Goldberg, see item 57.

62. *Employment Standards Administration* (ESA)—41 CFR Parts 60–1, 60–2, and 60–30. Office of Federal Contact Compliance Programs.

The regulatory changes published for comment in the **Federal Register** of March 20, 1979, deal with three distinct subjects related to prohibition of employment discrimination and to affirmative action by federal contractors under E.O. 11246: Conciliation agreements, annual reports by contractors, and expedited enforcement hearings. A regulatory analysis was not required. This regulation may be of special interest to small businesses.

Status: A final rule was published on December 28, 1979. This entry is, therefore, removed from the Agenda.

Contact: Kenneth Patton, Room C3324—Main Labor Building, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 523–9426.

63. *ESA*—41 CFR Parts 60–1, 60–2, 60–20, 60–30, 60–50, 60–60, 60–250 and 60–741. Office of Federal Contract Compliance Programs Coverage, Requirements, Prohibited Practices, and Guidelines.

This group of regulations contains OFCCP's rules covering obligations of Federal contractors and general enforcement provisions under E.O. 11246 (41 CFR Part 60–1), affirmative action program requirements (41 CFR Part 60–2), sex discrimination guidelines under E.O. 11246 (41 CFR Part 60–20), administrative hearing rules (41 CFR Part 60–30), religion and national origin discrimination guidelines (41 CFR Part 60–50), nonconstruction contractor evaluation procedures (41 CFR Part 60–60); affirmative action requirements and enforcement provisions under Section 402 of the Vietnam Era Veteran Readjustment Assistance Act (41 CFR Parts 60–1, 60–30, 60–250); and affirmative action requirements and enforcement provisions under Section 503 of the Rehabilitation Act of 1973 (41 CFR Parts 60–1, 60–30 and 60–471).

This group of regulations is in need of a comprehensive reorganization, simplification, and clarification. Although minor amendments and modifications have been made to OFCCP's regulations in recent years, there have been no extensive changes since 1974. Expanded program activities since that time, new and evolving policy issues, and past litigation make substantial revisions necessary. Additionally, the need to improve and shorten regulations in light of regulatory reform makes review of these regulations especially timely and worthwhile.

Some of the proposed changes to the regulations were published in the **Federal Register** on December 28, 1979. They address such issues as the degree to which labor unions have an interest or a role in the compliance review process, the processing of complaints of discrimination, the handling of a growing volume of preaward compliance review requests, preliminary enforcement procedures, aggregation of contracts to establish the $50,000 floor for coverage under the written affirmative action program requirement, the extension of affirmative action program requirements to the non-construction workforce of construction contractors, modification of maternity leave guidelines, and provisions which address the issue of sexual harassment in the workforce.

The December 28, 1979, proposal was supplemented by publication on February 22, 1980, of a proposed rule clarifying that Federal deposit or share insurance would not be terminated by the Department of Labor and that financial institutions would not be debarred from Federal deposit or share insurance based on violations of E.O. 11246, Section 503 of the Rehabilitation Act, or Section 402 of the Vietnam Era Veterans Readjustment Assistance Act. With respect to Federal deposit or share insurance, the proposal provides for the following enforcement options: (1) Referral to the Department of Justice for injunctive relief; (2) referral to the appropriate Federal financial institution regulatory agency for action under the agency's procedures. Comments on both proposals were received until March 24, 1980.

On January 22, 1980, a proposal was published which would prohibit the payment or reimbursement by contractors of membership fees and other expenses for participation by their employees in a private club or organization which bars, restricts, or limits its membership on the basis of race, color, sex, religion, or national origin. The contractor, however, could refute such a violation should it establish that the membership of its employees in these clubs or organizations has no impact on the employees' opportunity for promotion, compensation, or other terms and conditions of employment. Public comments on this proposal were received until March 24, 1980. A regulatory analysis is not required. These regulations may be special interest to small businesses.

Status: A final rulemaking is anticipated for these items by July 31, 1980.

Contact: Kenneth Patton, see item 62.

Note.—Additional regulatory activities relating to 41 CFR Parts 60–2, 60–20, 60–250, and 60–741 are listed in items 64, 66, 67 and 68 of this Agenda.

63A. *ESA*—41 CFR Part 60–1—Payment of Membership Fees in Private Clubs and Organizations.

Status: This item has been combined with entry 63 and is, therefore, removed from the Agenda as a separate entry.

Contact: Kenneth Patton, see item 62.

64. *ESA*—41 CFR Part 60–2—Affirmative Action Requirements.

This regulation under Executive Order 11246 contains detailed information concerning the requirements of Affirmative Action Programs, including several types of analyses and goal setting procedures which must be part of such programs. Proposed changes will be published to achieve clarification and simplification. Further, the need to improve and shorten regulations in light of regulatory reform makes review of these regulations especially timely and worthwhile. A regulatory analysis is not required.

Status: The publication of a proposed regulation by August 15, 1980 is anticipated.

Contact: Kenneth G. Patton, see item 62.

65. *ESA*—41 CFR Part 60–4—Construction Contractors' Affirmative Action Requirements under Executive Order 11246, as amended.

Proposed nationwide minority employment goals under this regulation were published for public comment in the **Federal Register** on September 7, 1979. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a final rule by July 1, 1980, is anticipated.

Contact: Kenneth Patton, see item 62.

66. *ESA*—41 CFR Part 60–20—Exclusionary Employment Policies Involving Exposure to Reproductive Hazards.

On February 1, 1980, EEOC and OFCCP published jointly proposed guidelines under Title VII of the Civil Rights Act of 1964, as amended and E.O. 11246 involving exclusionary employment policies and practices related to exposure to alleged reproductive hazards. A correction was published in the **Federal Register** on March 14, 1980. A 120-day public comment period is applicable to this proposal. This proposal may be of significant interest to small businesses and organizations. The need for a regulatory analysis is under study.

Status: A final rulemaking is anticipated by November 1, 1980.

Contact: Kenneth Patton, see item 62.

67. *ESA*—41 CFR Part 60–20—Fringe Benefits.

A proposed change in a provision of the Sex Discrimination Guidelines contained in 41 CFR Part 60–20 concerns the treatment of fringe benefits. A proposal was published for public comment a August 25, 1978, indicating the unlawfulness of a differential in benefits based on differences between the cost to the employer of providing benefits to women as a group and the cost of providing benefits to men as a group, and of employees of one sex being required to make greater contributions from their wages than are employees of the opposite sex in order to receive equal benefits. The need for a regulatory analysis is under study.

Status: The publication of a final rule by November 1, 1980 is anticipated.

Contact: Kenneth Patton, see item 62.

68. *ESA*—41 CFR Part 60–741—Affirmative Action Obligations for Handicapped Workers. A proposal is under development to make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973, and to comport these regulations with the Department's regulations implementing Section 504 of the Rehabilitation Act. (See item 11.) Conforming changes will ensure that government contractors covered by Section 503 of this Act who are also covered by Section 504 will be subject to consistent legal requirements concerning pre-employment physical examinations and reasonable accommodations. A regulatory analysis is not required. This regulation may be of special interest to small businesses and organizations.

Status: A proposal is expected to be published for public comment by June 30, 1980.

Contact: Kenneth Patton, see item 62.

69. *ESA*—41 CFR Part 60–40—Examination and Copying of OFCCP Documents.

These provisions cover the implementation of the Freedom of Information Act with respect to records of the OFCCP. Revisions are being developed to accommodate recent court decisions and advice received from the U.S. Department of Justice. A regulatory analysis is not required.

Status: The publication of a proposed regulation by July 31, 1980 is anticipated.

Contact: Kenneth Patton, see item 62.

70. *ESA*—29 CFR Part 4—Labor Standards for Federal Service Contracts.

These provisions contain regulations and interpretations governing the administration of the Service Contract Act, which requires certain contractors and subcontractors performing work under service contracts with the United States Government to observe prevailing wage and fringe benefit standards for the various classes of employees engaged in the performance of the contract. Since 1969, there has not been a thorough substantive updating and clarification of this regulation. Changes clarifications and revision are proposed to reflect and codify in the regulations the policies, rulings, and interpretations developed in the course of the Department's experience in administering and enforcing the Act over the years. A regulatory analysis is not required. These regulations may be of special interest to small businesses.

Status: A proposal was published on December 28, 1979. Publication of a final regulation is anticipated by September 1, 1980.

Contact: Dorothy P. Come, Room S3502—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8333.

71. *ESA*—29 CFR Parts 1, 3 and 5—Labor Standards Provisions, Davis-Bacon and Related Acts.

These provisions contain regulations and interpretations governing the issuance of prevailing wage and fringe benefits determinations and the administration of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and responsibilities under the Copeland Anti-Kickback Act. Proposed revisions include modifications to wage determination procedures, changes to assure better coordination of enforcement by the contracting agencies, and changes to provide for more effective enforcement procedures. Also, changes, clarifications and revisions are proposed to reflect and codify in the regulations policies, rulings, and interpretations developed in the course of the Department's experience in administering and enforcing the Act over the years. A regulatory analysis is not required. These regulations may be of special interest to small businesses.

Status: The publication of a proposed Part 1 and Subpart A of Part 5 occurred on December 28, 1979. Publication of a final rule is anticipated by September 1, 1980. The publication of the remainder by August 15, 1980 is anticipated.

Contact: Dorothy P. Come, see item 70.

72. *ESA*—29 CFR Part 41—Interpretations of the Farm Labor Contractor Registration Act.

These regulations contain interpretations of the Farm Labor Contractor Registration Act, which requires farm labor contractors, their full-time or regular employees and users of migrant agricultural workers to observe certain rules regarding the recruiting, transporting, and housing of migrant workers. This Interpretative Bulletin has not been revised since the Act was significantly amended in 1974. Revisions are required to reflect the changes made in the statute and to provide clear interpretations regarding the administration of the law. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Solomon Sugarman, Room S3504—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7531.

73. *ESA*—29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age.

This regulation sets forth the periods and conditions for the employment of minors 14 and 15 years of age. This regulation is issued under Section 3(1) of the Fair Labor Standards Act. Revisions in the Regulations are needed in order to clarify its meaning and provide consistency in the application of its provisions. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 1, 1980 is anticipated.

Contact: Lucille C. Pinkett, Room S3002—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8412.

74. *ESA*—29 CFR Part 531—Wage Payments Under the Fair Labor Standards Act (FLSA).

This regulation defines the term "wage" under the FLSA and establishes criteria used in determining the "reasonable cost" and "fair value" of board, lodging and other facilities customarily furnished by an employer which may be counted toward an employee's wages in meeting the pay standards of the FLSA. The regulation must be updated to reflect changes in the tip credit and minimum wage provisions under the 1974 and 1977 amendments to the Act and to reflect interpretative rulings resulting from court decisions and policy decisions made by the Department in recent years. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by August 1, 1980 is anticipated.

Contact: Brooks Sipes, Room S3508—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7043.

75. *ESA*—29 CFR Part 778 Overtime Compensation.

This regulation implements and interprets the overtime and maximum hours provisions of the FLSA. Because of increases in the Federal minimum wage under the 1974 and 1977 amendments to the Act, arithmetic examples in this regulation are obsolete and need to be updated. In addition, a change is needed in order to clarify the computation of overtime pay in situations where employers pay for certain activities, such as eating lunch, which are not ordinarily regarded as hours worked. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by May 31, 1980 is anticipated.

Contact: Brooks Sipes, see item 74.

76. *ESA*—29 CFR Part 516—Records to be Kept By Employers (FLSA).

This regulation contains recordkeeping requirements applicable to all employers whose employees are covered by the FLSA. Certain sections of this regulation need to be deleted and a revision must be made to reflect the repeal of certain FLSA exemptions and modification of another exemption by the 1974 and 1977 amendments to the Act. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by May 31, 1980 is anticipated.

Contact: Brooks Sipes, see item 74.

77. *ESA*—29 CFR Part 529—Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages.

This regulation sets forth the conditions under which certificates may be issued authorizing special minimum wage rates for patients performing work for the hospitals or institutions in which they reside, under Section 14 of the FLSA. These regulations were initially issued in 1975. Our administrative experience with the regulations reveals a need for providing standards for situations not adequately covered in the current regulation. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 1, 1980 is anticipated.

Contact: Arthur H. Korn, Room C4316, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-8727.

78. *ESA*—29 CFR Part 780—Exemption Applicable to Agriculture, Processing of Agricultural Commodities, and Related Subjects under the Fair Labor Standards Act.

This regulation discusses exemptions under various sections of the FLSA for certain employers engaged in agriculture or the processing of agricultural commodities. Review is required to reflect changes in exemptions brought about by the 1974 and 1977 amendments to the FLSA. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 74.

79. *ESA*—29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops.

This regulation sets forth the conditions under which special certificates can be issued providing for employment of handicapped persons at special minimum wage rates in sheltered workshops, under the Fair Labor Standards Act. These regulations were last comprehensively revised in 1967. Revisions are needed to resolve problems which have arisen and to simplify certain procedures in order to improve the administration of the program. A regulatory analysis is not required. This regulation may be of special interest to small business organizations, or local governments.

Status: The publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Arthur Korn, see item 77.

80. *ESA*—29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts.

The regulation sets forth procedures to carry out the provisions of Section 5(j) of the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts. The regulation must be updated to reflect the imposition of labor standards requirements with respect to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part under grants made by the National Endowment for the Humanities brought about by the 1976 Amendments to the National Foundation on the Arts and the Humanities Act of 1965. A regulatory analysis is not required.

Status: The publication of a proposed regulation by May 1, 1980 and a final regulation by September 1, 1980 is anticipated.

Contact: Brooks Sipes, see item 74.

81. *ESA*—29 CFR 570.61—Occupations Involving Slaughtering, Meat Packing, or Processing, or Rendering (Child Labor Hazardous Order No. 10) under the FLSA.

This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering.

A review of this order is needed to clarify its scope and to update it in light of various technological changes which have occurred in the affected industries since it was adopted. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Lucille Pinkett, see item 73.

82. *ESA*—20 CFR Part 718—Standards For Determining Coal Miner's Total Disability or Death Due to Pneumoconiosis.

ESA has finalized regulations establishing standards to be applied in determining whether a coal miner is or was totally disabled due to pneumoconiosis or died from pneumoconiosis and specifying procedures and requirements to be followed in conducting medical examinations and in administering

various medical tests. Review and revision of Part 718 was required by the amendments made to the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977. A regulatory analysis is not required.

Status: A final regulation was published on February 29, 1980. This entry is therefore, removed from the Agenda.

Contact: James Yocum, Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, 202–523–6692.

83. *ESA*—20 CFR Part 722—Criteria for Determining Whether State Workers' Compensation Laws Provide Adequate Coverage For Pneumoconiosis and Listing of Approved Laws.

These regulations established procedures and standards to be applied by the Secretary of Labor in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis. Review and revision of Part 722 is necessary because of the amendments to Section 421 of the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977. A regulatory analysis is not required.

Status: The publication of a proposed regulation by November 1, 1980 is anticipated.

Contact: James Yocum, see item 82.

84. *ESA*—20 CFR Part 726—Black Lung Benefits: Requirements for Coal Mine Operators Insurance.

These rules govern the manner by which a coal mine operator shall fulfill its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of the Black Lung Benefits Reform Act of 1977 and the Black Lung Benefits Revenue Act of 1977. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by November 1, 1980 is anticipated.

Contact: James Yocum, see item 82.

85. *ESA*—20 CFR Part 728. Procedures for Processing Discrimination Complaints Under Section 428 of the Black Lung Benefits Act.

Regulations are needed to implement Section 428 of the Black Lung Benefits Act, which prohibits coal mine operators from discharging or otherwise discriminating against any miner in their employ because such miner is suffering from pneumoconiosis. These regulations will reflect procedures set out in a December 1979 Memorandum of Understanding between the Mine Safety and Health Administration and the Employment Standards Administration of the Department. A regulatory analysis is not required.

Status: Publication of a proposal is anticipated by November 1, 1980.

Contact: James Yocum, see item 82.

86. *ESA*—20 CFR Parts 702, and 703—Longshoremen's and Harbor Workers' Compensation.

Revisions and additions to the Longshore Act regulations are being considered. These revisions would establish standards to permit employer groups to qualify as self-insurers under 20 CFR Part 703, would reflect and codify the Department's policies and procedures for handling second injury relief cases, modify procedures for requiring employers to pay additional compensation for failure to pay compensation without an award, and make other changes. A regulatory analysis is not required. These regulations may be of special interest to small businesses.

Status: The publication of proposed regulation by November 1, 1980 is anticipated.

Contact: Neil Montone, Room C4515, Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, 202–523–8721.

87. *Mine Safety and Health Administration*—30 CFR Part 110—Safety and Health Standards for Construction Work At All Surface Mines.

This regulation would set forth minimum safety and health requirements for construction workers at surface mines. Although MSHA has existing regulations which are applicable to construction at surface coal and metal/nonmetal mines, many of the requirements contained in this rulemaking will be new to the mining industry. Section 101(a)(8) of the Federal Mine Safety and Health Act of 1977 requires that the Secretary, to the extent practicable, promulgate separate standards applicable to mine construction activity on the surface. The need for a regulatory analysis is under study. These regulations may be of special interest to small businesses.

Status: An advance notice of proposed rulemaking was published in August, 1979, and the publication of a proposed regulation by September 30, 1980 is anticipated.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

88. *MSHA*—30 CFR Part 75—Underground Coal Mine Safety Standards.

All safety standards applicable to underground coal mines are contained in 30 CFR Part 75. Prior to March 9, 1978, the effective date of the Federal Mine Safety and Health Act of 1977, there had been pre-proposal consultations with the coal industry with respect to changes in safety standards relating to suface coal mines. A regulatory analysis is not required. These regulations may be of special interest to small businesses.

Status: MSHA has determined not to take further action at this time. The item is therefore removed from the Agenda.

Contact: Frank White, see item 87.

89. *MSHA*—30 CFR Part 71—Respirable Dust Standard For Surface Coal Mines.

This is a health standard which sets forth the dust level and procedures for sampling respirable coal mine dust in surface coal mines. This proposed regulation would change the current sampling procedure and give miners a greater degree of participation in this program. The proposed sampling procedures and opportunity for miner participation are similar to the rules applicable to underground coal mines. A regulatory analysis is not required.

Status: A proposed regulation was published on April 8, 1980. Public hearings are scheduled for June 3 and 5, 1980.

Contact: Frank White, see item 87.

90. *MSHA*—30 CFR Part 57—Requirements To Provide Self-Contained (oxygen generating) Self Rescue Devices To Underground Metal and Non Metal Miners.

This regulation would require that all undeground metal and nonmetal miners be provided with self-contained (oxygen-generating) self-rescue devices. The current self-rescue devices available to underground metal and nonmetal miners are of a filter type, which do not generate oxygen, and hence the user must rely on the oxygen in the air. The new device, which does generate oxygen, will greatly increase a miner's chance of surviving a mine emergency in which irrespirable air is present. A regulatory analysis is not required.

Status: MSHA has decided to defer action on this regulation at this time for the following reason. On November 21, 1978, MSHA revised its self-rescue standards for underground coal mines to require the use, over a two year phase-in period, of self contained (oxygen-generating) self-rescue devices in underground coal mines. The coal mine regulations would, therefore, become fully effective on December 21, 1980. In the preamble to the final rule, MSHA informed the coal mining community

that, during the two year phase-in period, it would conduct field tests involving the devices to examine in detail how the regulations would affect miners. It was generally felt that the experience gained by MSHA, miners and operators over the two year phase-in period would facilitate total implementation of the program in underground coal mines. Because this regulation concerns the use of these same devices in underground metal and nonmetal mines, MSHA believes that it would be beneficial to both the metal and nonmetal mining community and MSHA to wait until the field tests are completed with respect to the coal regulations. This item is, therefore, removed from the Agenda.

Contact: Frank White, see item 87.

91. *MSHA*—30 CFR Parts 55, 56 and 57—Requirements For Construction and Maintenance of Impoundments and Tailings Piles at Metal and Nonmetal Mines.

This regulation would set forth minimum safety standards for waste piles and impounding structures at metal and nonmetal mines. Improved standards governing waste dams at coal mines were developed following the dam failure at Buffalo Creek in 1972, which caused death and injury to many miners. These proposed standards, which would set forth requirements for new dam construction and upgrading of existing facilities at metal and non-metal mines, will help reduce the likelihood of dam failures occurring. Because of recent dam failures which include the potential for loss of life and damage to the environment, MSHA decided to develop improved standards for new and existing waste piles and dams. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of an advance notice of proposed rulemaking by July 1, 1980 is anticipated.

Contact: Frank White, see item 87.

92. *MSHA*—30 CFR Part 77—Surface Coal Mine Safety Standards.

This regulation includes mandatory safety standards for surface coal mines and surface areas of underground mines. This regulation was proposed in January, of 1977. MSHA is in the process of reviewing all of the comments and preparing a new proposal in light of the MSH Act. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: Frank White, see item 87.

93. *MSHA*—30 CFR Part 70—Respirable Dust Standards For Underground Coal Mines.

Rulemaking had begun on this regulation at the time of the transfer of MESA from the Department of Interior to the Department of Labor. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The regulation was finalized on April 8, 1980 and should significantly enhance the effectiveness of MSHA's dust control efforts. The effective date of rule is November 1, 1980.

Contact: Frank White, see item 87.

94. *MSHA*—30 CFR Part 90—Transfer of Miners.

These regulations contain procedures for the transfer of surface and underground coal miners with evidence of pneumoconiosis to low dust work areas in order to prevent further development of the disease. To improve the health environment of coal miners and for consistent enforcement, MSHA is revising all of its respirable dust regulations. This regulation will give miners both greater health and economic protections and it is expected that the regulation will encourage more miners to exercise their transfer rights. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: A proposed regulation was published on April 8, 1980. Public hearings are scheduled for June 3, and 5, 1980.

Contact: Frank White, see item 84.

95. *MSHA*—30 CFR Part 45—Regulations to Identify Independent Contractors as Mine Operators.

This regulation sets forth criteria and procedures for identifying independent contractors as mine operators. Once identified as operators, these independent contractors would be subject to the requiements of the Act, standards, and regulations. The proposed regulation was designed to enable MSHA to implement an enforcement policy consistent with the amended definition of "operator". Section 3(d) of the Federal Mine Safety and Health Act of 1977 amended the definition of "operator" to include "any independent contractor performing construction or services at a mine." A regulatory analysis is not required. This regulation may be of special interest to small business.

Status: A notice of proposed rulemaking was published in August, 1979 and the publication of a final regulation by May 30, 1980 is anticipated.

Contact: Frank White, see item 87.

96. *MSHA*—30 CFR Part 49—Mine Rescue Teams for all Underground Mines.

This regulation sets forth proposed requirements for insuring a mine rescue capability at all underground mines. Section 115(e) of the Federal Mine Safety and Health Act requires the Secretary to propose regulations requiring that mine-rescue teams be available for rescue and recovery work at all underground mines.

A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: The publication of a final regulation by May 30, 1980 is anticipated.

Contact: Frank White, see item 87.

97. *MSHA*—30 CFR Part 48, Subpart C—Training Regulations for Construction Workers.

This regulation will set forth training and retraining requirements for construction workers on mine property. Section 115(d) of the MSH Act requires that the Secretary promulgate appropriate standards for safety and health training for mine construction workers. The need for a regulatory analysis is under study.

Status: During the course of the development of this regulation, MSHA has determined that it will be necessary to resolve certain issues with respect to the construction regulations before further action can be taken. This regulation is, therefore, removed from the Agenda.

Contact: Frank White, see item 87.

98. *MSHA*—30 CFR Part 23—Telephones and Signaling Devices.

This regulation would permit MSHA to approve telephones that are connected to the mine power system. Previously MSHA could approve only battery operated telephones. This amendment would conform the existing regulation to advances in technology. A regulatory analysis is not required.

Status: The publication of a proposed regulation by November 1, 1980 is anticipated.

Contact: Frank A. White, see item 87.

99. *MSHA*—Pattern of Violations.

Under the Federal Mine Safety and Health Act of 1977 MSHA can issue a "pattern of violations" notice to operators who have a pattern of violations which could have significantly and substantially contributed to the cause and effect of safety and health hazards in the mine. After receiving notice that a pattern of violations exists the operator may be subject to closure orders for subsequent, significant and substantial violations. These proposed regulations will set forth criteria for determining if a

"pattern of violations" exists. A regulatory analysis is not required.

Status: The publication of a proposed document by July 30, 1980 is anticipated.

Contact: Frank A. White, see item 84.

100. *MSHA*—30 CFR Parts 55, 56 and 57—Review of Metal and Nonmetal Standards.

MSHA has decided to undertake a thorough review of the metal and nonmetal health and safety standards in order to update and uprade existing standards and to consider eliminating, consolidating, clarifying, simplifying and reorganizing provisions where appropriate. MSHA indicated its commitment to this effort in the preamble to the final rule converting the former metal and nonmetal advisory standards to mandatory standards. MSHA informed the metal and nonmetal mining community that it would conduct a study of all the metal and nonmetal standards to determine their applicability and effectiveness. To allow early public participation in this rulemaking project, MSHA has prepared an advance notice of proposed rulemaking soliciting input from the metal and nonmetal mining community concerning problems encountered in the application of the existing standards and requesting commenters to assist MSHA in prioritizing the standards for purposes of review and possible revision. The need for a regulatory analysis is under study. These regulations may be of special interest to small businesses.

Status: An advance notice of proposed rulemaking was published on March 25, 1980. The evaluation of public comments is now underway.

Contact: Frank A. White, see item 87.

101. *MSHA*—30 CFR Part 100—Civil Penalties.

The civil penalty regulations were promulgated on May 30, 1978. At that time, MSHA made a commitment to review them after one year to determine if changes were needed. In August 1979, MSHA initiated this review and invited all segments of the mining industry to comment on both the substance and the application of the regulations. In response to those comments, MSHA has determined that there is a need to amend the regulations in order to restructure the civil penalty system. A regulatory analysis is not required. These regulations may be of special interest to small businesses.

Status: The publication of an advance notice of proposed rulemaking by June 30, 1980 is anticipated.

Contact: Frank A. White, see item 87.

102. *MSHA*—30 CFR Part 70—Miner Participation in Respirable Dust Sampling Procedures.

This regulation would amend the coal dust regulations to permit miners' representatives to participate in the dust sampling process in underground coal mines. This issue was first raised in a significant way during the public hearings on revisions to the procedures for sampling respirable dust in underground coal mines. Officials, safety committee members, and rank and file members of the United Mine Workers of America were critical of how the sampling program was actually being implemented in the nation's mines. The participation of miners' representatives in the sampling procedures is intended to promote better cooperation between the coal mine operators and the miners whose health may be affected in order to improve the effectiveness of the respirable dust control program. A regulatory analysis is not required.

Status: A proposed regulation was published on April 8, 1980. Public hearings are scheduled for June 3 and 5, 1980.

Contact: Frank A. White, see item 87.

103. *Labor Management Services Administration (LMSA)*—29 CFR Parts 402 and 403—Labor Organization Reports.

Amendments under consideration would have required labor organizations to mail or directly supply to every member copies of certain reports filed under the Labor Management Reporting and Discolsure Act (LMRDA). This proposal was set forth in a petition received from nine union members represented by the Institute for Public Interest Representation of the Georgetown University Law Center. A regulatory analysis is not required.

Status: This proposal has been considered in light of comments received from the public in response to a proposed rule published on February 9, 1979. A decision has been made not to amend the regulation and notice to this effect will be published by June 30, 1980. This item is therefore removed from the Agenda.

Contact: Herbert Raskin, Room N5109—Main Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-7373.

104. *LMSA*—29 CFR Part 452, Subpart J—Election Enforcement Provisions of the LMRDA.

A proposed regulatory statement to revise and update existing enforcement provisions of the interpretative bulletin on elections (29 CFR Part 452) has been prepared. A regulatory analysis is not required.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: Herbert Raskin, see item 103.

105. *LMSA*—29 CFR Part 204—Standards of Conduct Regulations.

These regulations contain rules and procedures governing the standards of conduct prescribed for Federal employee organizations. Certain changes are required by the recently enacted Civil Service Reform Act. A regulatory analysis is not required.

Status: A final regulation was published on March 7, 1980. The item is, therefore, removed from the Agenda.

Contact: Herbert Raskin, see item 103.

106. *LMSA*—29 CFR Part 403—Labor Organization Financial Reports.

An amendment was under consideration to allow labor organizations with up to $100,000 total annual receipts to file annual financial reports on Form LM-3 (Short Form) rather than the more detailed LM-2. The present cut-off amount at the time was $30,000 total annual receipts. A regulatory analysis was not required. This item may be of special interest to small organizations.

Status: Final regulations were published on February 1, 1980. The item is, therefore, removed from the Agenda.

Contact: Herbert Raskin, see item 103.

107. *LMSA*—29 CFR Part 212—Dispute Resolution Procedures for Determination of Employee Protections.

These guidelines will be issued to provide information about the Department of Labor's procedures for making final and binding determinations in the resolution of disputes over employee protections arising under Section 13(c) of the Urban Mass Transportation Act of 1964, as amended, and under Section 405(b) of the Rail Passenger Service Act of 1970, as amended. These guidelines are necessary so that employees and representatives of employees and employers in the mass passenger transportation industry will know how disputes which are submitted to the Department for adjudication are processed. A regulatory analysis is not required.

Status: A regulatory analysis is not required. The publication of a proposed regulation by October 31, 1980 is anticipated.

Contact: Bruce Leet, Room N5639, Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210, (202) 523-6495.

108. *LMSA*—29 CFR 92.1—92.9—Redwood National Park Employee Protection Program.

These regulations are being developed to define the criteria which employees must meet to receive benefits under the Redwood National Park Expansion Act. A regulatory analysis is not required.

Status: The publication of a final regulation by May 15, 1980 is anticipated.

Contact: Ron Glass, Room N5639—Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20210, 202–523–6495.

109. *LMSA*—29 CFR Part 225—Protective Arrangements Under Section 1642(c), Public Health Services Act.

President Carter signed the Health Planning and Resources Development Act of 1979 on October 4, 1979. Included in Title III of this legislation is a new HEW administered grant program designed to encourage and assist the discontinuance of unneeded hospital services.

Section 1642(c)(1) of the Act requires the certification of employee protective arrangements by the Secretary of Labor before the approval of grant applications by HEW. Section 1642(c)(2) states that "[t]he Secretary of Labor shall by regulation prescribe guidelines for arrangements for the protection of the interests of employees affected by the discontinuance of hospital services."

The Act requires the Secretary of Labor to certify that "fair and equitable arrangements have been made to protect the interests of employees affected by the discontinuance of services against a worsening of their positions with respect to their employment, including arrangements to preserve the rights of employees under collective bargaining agreements, continuation of collective bargaining rights consistent with the provisions of the National Labor Relations Act, reassignment of affected employees to other jobs, retraining programs, protecting pension, health benefits and fringe benefits of affected employees, and arranging adequate severance pay, if necessary." A regulatory analysis is not required.

Status: The publication of a proposed regulation by May 15, 1980 is anticipated.

Contact: Ron Glass, see item 108.

110. *LMSA/ERISA*—29 CFR 2530.203–3 Suspension of Benefits.

This regulation will describe the circumstances under which an employee pension benefit plan will be permitted to suspend the payment of benefits to a retiree under section 203(a)(3)(B) of The Employee Retirement Income Security Act (ERISA). Section 203(a)(3)(B) of ERISA directs the Secretary to prescribe such regulations as may be necessary to carry out the purposes of that provision, including regulations with respect to the meaning of the term "employed". A regulatory analysis is not required.

Status: A proposed regulation was published on December 19, 1978 and the publication of a final regulation by June 1, 1980 is anticipated.

Contact: Judith B. Kahn, Room N4461—Main Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20210, 202–523–8430.

111. *LMSA/ERISA*—29 CFR 2550.414c–1, 2 and 3—Transitional Relief for Certain Loans, Leases, and Dispositions of Property Prior to June 30, 1984, under Sections 414(c)(1), (2) and (3) of ERISA.

These regulations, if adopted, will clarify the scope of transitional relief provided in section 414(c)(1), (2) and (3) of ERISA, which suspends until June 30, 1984 the application of the prohibited transaction provisions of sections 406 and 407(a) of ERISA to certain loans, leases, joint uses and dispositions of property between employee benefit plans and parties in interest. In part, these regulations will define certain terms and clarify certain conditions contained in section 414(c)(1), (2) and (3). These regulations may relieve the Department's administrative burden by reducing the number of applications for exemptions from the prohibited transaction provisions of ERISA. A regulatory analysis is not required.

Status: A proposed regulation was published in April, 1979 and the publication of a final regulation by June 30, 1980 is anticipated.

Contact: William J. Flanagan, Room C–4508—Main Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20210, 202–523–7931.

112. *LMSA/ERISA*—29 CFR 2520. 105–1 through 2520.105–11 and 2530.209–1 through 2530.209–9—Individual Benefit Reporting and Recordkeeping.

These regulations will govern (1) reports that must be furnished to participants in pension plans and in some cases, to their beneficiaries regarding the benefits to which they are entitled, or may become entitled at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. These regulations, if adopted, would provide necessary guidance to employers maintaining pension plans and to the pension plan administrators for compliance with certain statutory reporting and recordkeeping requirements of ERISA. The need for a regulatory analysis is under study.

Status: A proposed regulation was published in February 1979 and the publication of a new proposed regulation by June 30, 1980 is anticipated.

Contact: Robert Doyle, Room N4472—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7901.

113. *LMSA/ERISA*—29 CFR 2520—Certain Exemptions For Plans Under Which Membership in a Health Maintenance Organization is Offered as a Benefit.

This regulation would provide exemptions from certain reporting and disclosure requirements, where application of those requirements might be duplicative in view of the Health Maintenance Organization Act of 1977. It will also provide that the grievance procedures which qualified HMOs are required to establish under the HMO Act with respect to benefits offered by the HMO will be deemed to satisfy the claims requirements of ERISA. The action taken is intended to harmonize the requirements of the two Acts and reduce unnecessary paperwork. A regulatory analysis is not required.

Status: A proposed regulation was published in June, 1979. Publication of a final regulation will depend upon coordination with the Department of Health and Human Services.

Contact: Robert Doyle, see item 112.

114. *LMSA/ERISA*—29 CFR 2520—Exemption From Reporting and Disclosure Requirements With Regard to Apprenticeship and Other Training Plans.

This regulation would amend an existing regulation, 29 CFR 2520.104–22, to provide an exemption from the reporting and disclosure requirements under Title I of ERISA for plans which provide solely apprenticeship training benefits, other training benefits or a combination of apprenticeship and other training benefits. The availability of the exemption for plans providing solely apprenticeship training would be conditioned on a plan administrator's filing a brief notice with the Department containing certain information about the plan, taking steps to see that the information contained in the notice is disclosed to certain employees of employers contributing to the plan, and making the notice available to those employees upon request. The Department believes that the relief offered by the proposed exemption is necessary to relieve certain apprenticeship and training plans of reporting and disclosure requirements that are particularly burdensome in light of the benefits obtained from such reporting and disclosure. A regulatory analysis is not required.

Status: A final regulation was published on March 11, 1980. The item is, therefore, removed from the Agenda.

Contact: Douglas Wham, Room C4508, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9141.

115. *LMSA/ERISA*–Revision of Forms 5500, 5500–C, and 5500–K (Annual Return/Report Forms) and Schedule A (Insurance Information) Filed under ERISA.

Revisions of these forms would affect the reporting of certain commission information relating to the acquisition of insurance coverage by employee benefit plans. Specifically, item 3 of Schedule A, attached to the annual return/report form, would be revised to provide information in a manner that would be more useful to the Department and to participants and less burdensome to plans and insurance companies. In conjunction with these revisions, additional questions would be added to item 15 of Forms 5500, 5500–C, and 5500–K. The Department proposed revisions to item 3 of Schedule A and to item 15 of the Forms 5500, 5500–C, and 5500–K in light of public objections to certain aspects of the current reporting requirement. A regulatory analysis is not required.

Status: Final forms were published on March 4, 1980. The item is therefore, removed from the Agenda.

Contact: Wayland Coe, Room N4902–Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8474.

116. *LMSA/ERISA*–29 CFR Part 2520–Limited Exemption and Alternative Method of Compliance For Filing of Insurance Company Financial Reports.

This regulation would require that insurance company financial reports be filed with the Department only upon request, in lieu of the present statutory requirement that such reports be filed with the plan's annual report. The proposed regulation is part of the Department's effort to reduce the administrative and cost burdens imposed by the reporting and disclosure requirements of ERISA. Experience to date demonstrates that the infrequent need for information contained in financial reports of insurance companies does not justify a requirement that the reports be filed on an annual basis. A regulatory analysis is not required.

Status: A final regulation was published on March 4, 1980. The item is, therefore, removed from the Agenda.

Contact: Wayland Coe, see item 115.

117. *LMSA/ERISA*–29 CFR Part 2520–Revision of Certain Annual Information Return/Reports: Compliance Oriented Returns.

These form changes will effectuate a transition from annual to triennial filing of the annual return/report for certain plans under ERISA. The triennial return/reports would be filed by administrators of pension or welfare plans with fewer than 100 participants at the beginning of the plan year. Plans will file a Form 5500–R Registration Statement during the other two years. On May 10, 1978, a series of actions to reorganize and reform the regulation of employee benefit plans was announced at the White House. As a part of the reform, the IRS, DOL, and PBGC have these form changes under consideration as a substitution for the current system of annual reporting. A regulatory analysis is not required. This form change may be of special interest to small businesses.

Status: Proposed changes were published in June, 1979 and the date of publication of a final form will be determined in coordination with other Federal agencies.

Contact: John Christensen, Room N4472—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8377.

118. *LMSA/ERISA*—29 CFR Part 2550—Maintenance of Indicia of Ownership of Plan Assets Outside Jurisdiction of District Courts of the United States.

Revision of this regulation will clarify the conditions under which banks may maintain the indicia of ownership of certain plan assets in foreign entities under 29 CFR 2550.404(b). Public comments received from banks have requested clarification of this regulation. A regulatory analysis is not required.

Status: The publication of a proposed regulation by July 1, 1980 is anticipated.

Contact: Gloria E. Pollack, Room C4508—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8297.

119. *LMSA/ERISA*—Alternative Method of Compliance with the Reporting and Disclosure Requirements of ERISA for Certain Simplified Employee Pensions.

This regulation, if adopted, will provide an alternative method of compliance with the reporting and disclosure requirements of ERISA for simplified employee pensions (SEPs) established by use of Internal Revenue Service Form 5305–SEP (Model SEPs). The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The regulation is intended to reduce the reporting and disclosure requirements for these Model SEPs. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: A final regulation was published on April 11, 1980. The item is, therefore, removed from the Agenda.

Contact: Timothy S. Smith, Room C4508—Main Labor Building, 200 Constitution Avenue, N.W., Washinton, D.C. 20210, 202–523–6855.

120. *LMSA/ERISA*—29 CFR Part 2510—Supplemental Pay.

A regulation to amend the existing regulation to clarify the circumstances under which an arrangement to make supplemental payments to employees will not be deemed an employee pension benefit plan under section 3(2) of ERISA.

Status: The development of this regulation is no longer under consideration by the Department. It is, therefore, removed from the Agenda.

Contact: Helene Benson, Room N4700—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8664.

121. *LMSA/ERISA*—29 CFR Part 2520—Revision of Annual Report Forms re: Master Trusts.

This forms revision would change the manner in which employee benefit plans' investments in master trusts are reported annually under ERISA. The contemplated revision would make reporting easier for plans with no loss of information available to either the Secretary of Labor or to plan participants. A regulatory analysis is not required.

Status: The publication of a proposed forms revision by July 1, 1980 is anticipated.

Contact: Miriam Freund, Room N4472, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7901.

122. *LMSA/ERISA*—29 CFR Part 2520—Alternative Method of Compliance With the Reporting and Disclosure Requirements of ERISA For Certain (Non-Model) Simplified Employee Pensions.

This regulation would provide an alternative method of compliance with the reporting and disclosure requirements of ERISA for certain simplified employee pensions (SEPs) other than Model SEPs. The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The regulation is intended to reduce the reporting and disclosure requirements for these Non-Model SEPs. A regulatory analysis is not required. This regulation may be of special interest to small businesses.

Status: An interim regulation was published on April 15, 1980.

Contact: Timothy Smith, see item 119.

123. *LMSA/ERISA*—29 CFR Part 2520—Alternative Method of Compliance With the Reporting and Disclosure Requirements of ERISA in Report to Short Plan Years.

This regulation would provide an alternative method of compliance with the reporting and disclosure

requirements of ERISA in respect to engaging independent qualified public accountants where short plan years are involved. The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The intent of the regulation is to reduce the administrative burden for employee benefit plans. A regulatory analysis is not required.

Status: The publication of a proposed regulation by June 30, 1980 is anticipated.

Contact: John Christensen, see item 117.

124. *LMSA/ERISA*—29 CFR Part 2550—Definition of Plan Assets and Establishment of Trust.

This regulation would clarify what will be regarded as assets of an employee benefit plan under ERISA and would provide certain exemptions from the requirements that plan assets be held in trust. Clarification of the term "plan asset" is needed since it is a basic concept used, for example, in determining what property must be held in trust, and to what transactions the fiduciary responsibility provisions of ERISA would apply. In addition clarification was requested by commentators on a previously proposed regulation. The need for a regulatory analysis is under study. This regulation may be of special interest to small businesses.

Status: The publication of a final or reproposed regulation by September 1, 1980 is anticipated.

Contact: Robert R. Bitticks, Room C4508, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8620.

125. *LMSA/ERISA*—29 CFR 2550.408(e)—Statutory Exemption for Acquisition or Sale of Qualifying Employer Securities and for Acquisition, Sale, or Lease of Qualifying Employer Real Property.

A proposed regulation designed to interpret and clarify the statutory exemption set forth in section 408(e) of ERISA was published in the **Federal Register** on August 28, 1979 (44 FR 50367). The regulation will provide necessary guidance to employee benefit plans regarding the application of the prohibited transaction provisions of ERISA to acquisitions or sales of "qualifying employer securities" and to acquisitions, sales or leases of "qualifying employer real property" by plans. A regulatory analysis is not required.

Status: The publication of a final regulation by June 30, 1980 is anticipated.

Contact: Jay Neuman, Room C4508, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9141.

126. *LMSA/ERISA*—29 CFR 2550.414(c)(5)—Transitional Relief for Certain Dispositions of Property Under Section 414(c)(5) of ERISA.

This proposed regulation would clarify the scope of the transitional relief provided in section 414(c)(5) of ERISA. The proposed regulation is designed to clarify the circumstances under which the prohibited transaction provisions contained in sections 406 and 407(a) of ERISA are inapplicable to certain sales, exchanges or other dispositions of property to a party in interest. A regulatory analysis is not required.

Status: The publication of a proposed regulation by August 1, 1980 is anticipated.

Contact: Gloria Pollack, see item 118.

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

Ray Marshall,

Secretary of Labor.

[FR Doc. 80–16804 Filed 6–2–80; 8:45 am]

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federal register

Tuesday
June 3, 1980

Part VII

Department of Health and Human Services

Office of the Secretary

Procurements by Grantees and Subgrantees

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 74

Administration of Grants; Procurements by Grantees and Subgrantees

AGENCY: Department of Health and Human Services (HHS).
ACTION: Final rule.

SUMMARY: This amends HHS' Department-wide grants administration regulation to implement a recent revision by the Office of Management and Budget (OMB) of the standards governing procurements made by governmental recipients of Federal grants and subgrants—Attachment O to OMB Circular A–102. In the process, this changes the way HHS implements both this set of standards and also OMB's as yet unrevised set of standards for procurements made by nongovernmental recipients—Attachment O to OMB Circular A–110.

This also implements for HHS a recent OMB policy amendment on the timing of reimbursement to recipients for amounts they withhold from contractors to assure satisfactory completion of work.

EFFECTIVE DATE: July 3, 1980.

FOR FURTHER INFORMATION CONTACT: Matthias Lasker, Department of Health and Human Services, Room 513D, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, 202–245–7565.

SUPPLEMENTARY INFORMATION:

A. Procurement Standards

Action by OMB

On August 1, 1979, OMB revised its standards governing procurements by States, local governments, and Indian tribal governments under Federal grants and subgrants, Attachment O to OMB Circular A–102. The revision was published on August 15, 1979, at 44 FR 47874 and carried an effective date of October 1, 1979.

OMB had previously circulated the proposed revision to interest groups representing governments, to Federal agencies, and to contractor organizations. OMB also published the proposed revision in the **Federal Register** (43 FR 57201, December 6, 1978) and on January 16, 1979, held a public hearing on it.

The revision continues the Federal policy of minimum Federal intervention in the procurement operations of recipients. The most significant changes, in our view, are:

1. Prohibits Federal agencies from substituting their judgment for the judgment of the grantee unless the matter is primarily a Federal concern. By implication, prohibits grantees that award subgrants from substituting their judgment for that of the subgrantee, unless the matter is primarily a concern of the grantee or the Federal Government. (Like other Attachment O prohibitions, this prohibition does not prevent State grantees from exercising whatever control they would have over procurements by subgrantees were no subgrants involved.)

2. Creates a program for certifying recipient procurement system as meeting the standards in the attachment. If a recipient's systems is certified, prohibits awarding parties from imposing certain prior approval requirements on the recipient's individual procurements.

3. Limits awarding parties' authority to review protests against the recipient's selection of a contractor. OMB has stated that this is properly the responsibility of the recipient.

4. Prohibits any employee, officer, or agent of the recipient from participating in contractor selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved.

5. Expands the rules intended to promote the use of small and minority business firms by requiring specific affirmative actions. Requires similar affirmative actions in support of women's business enterprises and encourages recipients to procure goods and services from labor surplus areas.

6. Describes the methods of procurement that are permitted under grants and subgrants.

7. Requires some form of cost or price analysis in connection with every procurement action, including contract modifications.

8. Requires that contracts comply with State Energy Conservation Plans.

HHS' Implmentation

Until now, HHS has implemented Attachment O to OMB Circular A–102 (governing procurements under grants and subgrants to governments) and Attachment O to OMB Circular A–110 (governing procurements under grants and subgrants to institutions of higher education, hospitals and private nonprofit organizations) by paraphrasing and combining the text of the two attachments. HHS is changing this method of implementation for both attachments. These amendments require compliance with the attachments and place their texts in separate new appendices to 45 CFR 74, without paraphrasing.

Some explanations of how the attachments apply to HHS grants and subgrants are needed. We are providing these in the body of this part and in footnotes to the appended attachments. Thus, explanations added by HHS are clearly distinguished from the attachments themselves.

This implementation approach furthers OMB's goal of standardizing as much as possible the requirements Federal departments and agencies impose on recipient procurements. The approach should greatly benefit recipients receiving awards from other Federal departments and agencies as well as from HHS.

Recipients are cautioned that, if other terms of an HHS grant also include provisions on procurements, those provisions also apply and take precedence over those in this part. (See 45 CFR 74.4.)

Following are the principal explanations these amendments provide:

1. The amendments explain that the attachments apply, with limited exceptions, to all procurements supported by HHS grants that are subject to this part, even if charged only to required cost sharing or matching. OMB has told us that this is its intent.

2. The amendments explain that the attachments do not apply to transactions between governments or agencies or instrumentalities of governments. Many of the provisions in the attachments are inappropriate to these transactions, and OMB has told us that it does not intend the attachment to appy to them.

3. The amendments explain how OMB text that refers to Federal agencies and to grantees is to be "translated" in the case of subgrants.

4. Attachment O of OMB Circular A–110 inadvertently omits a requirement for retention of records by contractors. These amendments make the same records retention rule apply to contracts under that attachment that applies to contracts under Attachment O of OMB Circular A–102. The amendments also explain how the retention period is affected by an audit or other action involving the records. Finally, the amendments explain under what circumstances the records access and retention requirements apply to subcontracts. These additions and clarifications are consistent with OMB intent.

Because access to and retention of contractor records are treated in the OMB circular attachments, the currrent

rules on those topics in Subpart D are removed.

B. Payment Policy

Action by OMB

On October 5, 1979, at 44 FR 57855, OMB amended its policies governing payments under grants (and subgrants) to States, local governments, and Indian tribal governments—Attachment J to OMB Circular A–102. The amendment provides that, when awarding parties pay recipients by the reimbursement method, they are not to reimburse recipients for amounts that are withheld from contractors to assure satisfactory completion of work. The awarding parties are to pay the Federal share of these amounts when the recipients make final payment. The purpose of the amendment is to save interest costs incurred by the Federal Government in order to obtain funds to pay for these amounts.

Under the reimbursement method, recipients may base their payment requests on accrued costs rather than cash disbursements, and that is why the amendment is needed to achieve OMB's purpose. When the letter of credit or advances by Treasury check methods are used, drawdowns or payments are already required to coincide with the recipient's cash needs. Hence, a similar amendment for these payment methods is not needed.

The amendment is effective January 1, 1980, but grantor agencies are authorized to delay implementation to January 1, 1981, for recipients that must amend their laws to comply.

OMB had published the proposed amendment for comment in the **Federal Register** on October 18, 1978.

HHS' Implementation

HHS is implementing the amendments by adding the new rule without substantive change to 45 CFR Part 74, Subpart K, "Grant and Subgrant Payment Requirements." The added text includes a clarification OMB provided in its October 5 **Federal Register** notice making the amendment. To avoid confusion, we have also added text reaffirming the Federal policy of basing non-prescheduled Treasury check advances on estimated cash outlays, even if the recipient uses an accrual accounting system.

OMB intends to make the same amendment to its circular on grants to nongovernmental organizations—OMB Circular A–110. Accordingly, with OMB's approval, we are applying the new rule to all grants and subgrants subject to 45 CFR Part 74, those to nongovernmental organizations as well as those to governments.

As authorized by OMB, HHS is deferring implementation for some recipients. (See "Timing" below.)

C. Other Information

Timing. These amendments apply to grant and subgrant funding periods beginning on or after the effective date of the amendments. However, the revision of 45 CFR 74.96(b) does not apply until January 1, 1981, if the recipient is a State, local government, or Federally recognized Indian Tribal government and has to amend its laws in order to comply with that revision.

At its option, the recipient of a grant or subgrant which is active when these amendments take effect may apply them to that grant or subgrant for the remainder of the current funding period.

Effective date. These amendments merely require HHS components and HHS grantees and subgrantees to comply with already existing Government-wide policies and provide a few necessary explanations of those policies. For this reason, notice of proposed rulemaking and delay in effective date are considered unnecessary. These amendments are therefore effective on June 3, 1980.

Note.—The Department of Health and Human Services has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Executive Order 12044.

Dated: May 27, 1980.

Patricia Roberts Harris,

Secretary of Health and Human Services.

Part 74 of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 74.20 is revised to read as follows:

§ 74.20 Applicability.

(a) This subpart applies to all financial and programmatic records, supporting documents, statistical records, and other records of recipients, which are:

(1) Required to be maintained by the terms of an HHS grant, or

(2) Otherwise reasonably considered as pertinent to an HHS grant.

(b) This subpart does not apply to the records of contractors and subcontractors under grants and subgrants. For a requirement to place a provision concerning those records in certain kinds of contracts, see Subpart P and Appendices G and H of this part.

§ 74.24 [Amended]

2. Section 74.24 is amended by deleting and reserving paragraph (c).

§ 74.25 [Amended]

3. Section 74.25 is amended by deleting "or their contractors and subcontractors" from the last sentence.

4. Section 74.96 is revised to read as follows:

§ 74.96 Requesting advances or reimbursements.

(a) If advances are made by Treasury check and the advances are not prescheduled, the grantee shall submit its requests for payment monthly. Less frequent requests are not permitted because they would result in advances covering excessive periods of time. The grantee shall not request advances in excess of the Federal share of reasonable estimates of its outlays for the month covered. The grantee shall make these estimates on a cash basis, even if it uses an accrual accounting system.

(b) If payments are made through reimbursement by Treasury check:

(1) The grantee may submit its requests for reimbursement monthly and may submit them more often if authorized. The grantee will be paid as promptly as possible, ordinarily within 30 days after receipt of a proper request for reimbursement.

(2) The grantee shall not request reimbursement for the Federal share of amounts withheld from contractors to ensure satisfactory completion of work until after it makes those payments. To meet this requirement, a grantee with an accural accounting system need not convert to cash basis accounting. It may bill in general on an accrued cost basis, handling these retained amounts as adjustments in the billing system.

(c) The forms for requesting advances or reimbursements are identified in Subpart I of this part.

5. Subpart P is revised to read as follows:

Subpart P—Procurements by Grantees and Subgrantees

Sec.

74.160 What procurements are subject to this subpart?
74.161 What rules govern the procurements?
74.162 Must requests for OMB authorizations go through HHS' Office of Grants and Procurement (OGP)?
74.163 How do the rules apply to subgrants?
74.164 What clarifications are needed for the rule on access to contractor records?

Subpart P—Procurements by Grantees and Subgrantees

§ 74.160 What procurements are subject to this subpart?

(a) This subpart applies to recipient procurements of supplies, equipment, and services (including construction).

(b) This subpart applies if any part of the cost of the property or service being procured by a recipient is treated as a direct cost under a grant or subgrant and is either borne by grant funds or counted toward satisfying a cost-sharing or matching requirement of the Federal grant. However, for research grants subject to an institutional cost-sharing agreement (see § 74.50(b)), this subpart applies only if some part of the cost is borne by grant funds.

(c) This subpart does not apply to the acquisition of property or services by one government from another government or by one agency or instrumentality of a government from another agency or instrumentality of the same or another government.[1]

§ 74.161 What rules govern the procurements?

For procurements by governmental recipients, awarding parties and recipients shall comply with Attachment O, "Procurement Standards," of OMB Circular A–102. For procurements by nongovernmental recipients, awarding parties and recipients shall comply with Attachment O, "Procurement Standards," of OMB Circular A–110. The versions of the attachments that apply are those in effect on October 1, 1979. The texts of those versions are in Appendices G and H of this part.

§ 74.162 Must request for OMB authorizations go through HHS' Office of Grants and Procurement (OGP)?

Requests for the Office of Federal Procurement Policy approval or authorizations referred to in paragraphs 1.b, 1.c, and 14.j of the OMB Circular A–102 attachment must be submitted, through appropriate HHS granting agency channels, to OGP. If OGP concurs in the request, OGP sends it to the Office of Federal Procurement Policy of OMB.

§ 74.163 How do the rules apply to subgrants?

(a) The Attachments O of the OMB circulars apply to procurements under subgrants as well as grants, although written, for the most part, in terms of grants. Except as explained in paragraphs (b) and (c) of this section, in the case of a subgrant, text that applies to a Federal agency is to be construed as applying to the grantee awarding the subgrant and text that applies to a grantee is to be construed as applying to the recipient of the subgrant.

(b) In section 4 and paragraphs 14.d through 14.i of Attachment O of OMB Circular A–102 and in paragraphs 4.e through 4.j of Attachment O of OMB Circular A–110, the references to Federal agencies apply to Federal agencies even in the case of a subgrant.

(c) In paragraph 2.a of Attachment O of OMB Circular A–102, the reference to a Federal concern is to be construed, in the case of a subgrant, as referring to a concern of either the Federal Government or the grantee awarding the subgrant.

§ 74.164 What clarifications are needed for the rule on access to contractor records?

The Attachments O require recipients to include in specified kinds of contracts a provision for access to the contractor's records by the recipient and the Federal Government. The following applies to the provision:

(a) The provision must require the contractor to place the same provision in any subcontract which would have to have the provision were it awarded directly by the recipient.

(b) The provision must require retention of records for three years after final payment is made under the contract or subcontract and all pending matters are closed. The provision must also requires that, if an audit, litigation, or other action involving the records is started before the end of the three-year period, the records must be retained until all issues arising out of the action are resolved or until the end of the three-year period, whichever is later.

(c) In contracts and subcontracts under a subgrant, the provision must require that access to the records be provided to the grantee as well as the subgrantee and the Federal Government.

Appendices G and H [Added]

6. New appendices G and H are added, reading as follows:

Appendix G—Attachment O, "Procurement Standards," of OMB Circular A–102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments"

1. *Applicability.*

a. This Attachment establishes standards and guidelines for the procurement of supplies, equipment, construction, and services for Federal assistance programs. These standards are furnished to ensure that such materials and services are obtained efficiently and economically and in compliance with the provisions of applicable Federal law and Executive orders.

b. No additional procurement requirements or subordinate regulations shall be imposed upon grantees by Executive agencies unless specifically required by Federal law or Executive orders or authorized by the Administrator for Federal Procurement Policy. This prohibition is not applicable to payment conditions issued in accordance with Treasury Circular 1075, individual grantee requirements pursuant to section 10 of the basic circular [1] or the provisions of this or other OMB circulars.

c. Provisions of current subordinate requirements not conforming to this attachment shall be rescinded by grantor agencies unless approved by the Office of Federal Procurement Policy (OFPP).

2. *Grantee/Grantor Responsibility.*

a. These standards do not relieve the grantee of any contractual responsibilities under its contracts. The grantee is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements entered into in support of a grant. These include but are not limited to: source evaluation, protests, disputes, and claims. Executive agencies shall not substitute their judgment for that of the grantee unless the matter is primarily a Federal concern. Violations of law are to be referred to the local, State, or Federal authority having proper jurisdiction.

b. Grantees shall use their own procurement procedures which reflect applicable State and local laws and regulations, provided that procurements for Federal Assistance Programs conform to the standards set forth in this attachment and applicable Federal law.

3. *Grantee Procurement Improvement.*

Executive agencies awarding Federal grants or other assistance which require or allow for procurement by the recipients are encouraged to assist recipients in improving their procurement capabilities by providing them with technical assistance, training, publications, and other aid.

4. *Procurement System Reviews.*

a. Executive agencies are encouraged to perform reviews of their grantees' procurement systems if a continuing relationship with the grantee is anticipated or a substantial amount of the Federal assistance is to be used for procurement and review of individual contracts is anticipated. The purpose of the review shall be to determine: (1) whether a grantee's procurement system meets the standards prescribed by this Attachment or other criteria acceptable to the OFPP, such as provisions of the model procurement code for State and local government and (2) whether the grantee's procurement system should be certified by the reviewing agency. Such a review will also give an agency an opportunity to give technical assistance to a grantee to remedy its procurement system if it does not fully comply. In addition, such a review may provide a basis for deciding whether the grantee's contracts and related procurement documents should be subject to the grantor's prior approval, as provided by Section 6.

[1] Instrumentalities of a government include government institutions of higher education and government hospitals. However, those institutions and hospitals are not considered governmental organizations for the other purposes of this subpart. (See paragraph (c) of § 74.4, "Applicability of this part.")

[1] For HHS grants and subgrants, the requirements referred to are those issued under 45 CFR 74.7, "Special grant or subgrant conditions."

b. In conducting procurement system reviews, grantor agencies will evaluate a grantee's procurement system in terms of whether it complies with the standards prescribed by this Attachment and represents a fair, efficient and effective procurement system. To the maximum extent feasible, reviewers will rely upon State or local evaluations and analyses performed by agencies or organizations independent of the grantee contracting activity.

c. When a Federal grantor agency completes a procurement review, it shall furnish a report to the grantee, with a copy to OFPP.

d. All agencies should normally rely upon the resultant findings or certification for a period of 24 months before another review is performed.

e. Reviews shall be conducted in accordance with standards and guidelines approved or issued by OFPP.

f. The reviews authorized by Section 6 are waived if a grantee's procurement system is certified.

5. *Protest Procedures.*

Grantor agencies may develop an administrative procedure to handle complaints or protests regarding grantee contractor selection actions. The procedure shall be limited as follows:

a. No protest shall be accepted by the grantor agency until all administrative remedies at the grantee level have been exhausted.

b. Review is limited to:

(i) Violations of Federal law or regulations. Violations of State or local law shall be under the jurisdiction of State or local authorities.

(ii) Violations of grantee's protest procedures or failure to review a complaint or protest.

6. *Grantor Review of Proposed Contracts.*

Federal grantor pre-award review and approval of the grantee's proposed contracts and related procurement documents, such as requests for proposals and invitations for bids, is permitted only under the following circumstances:

a. The procurement is expected to exceed $10,000 and is to be awarded without competition or only one bid or offer is received in response to solicitation.

b. The procurement expected to exceed $10,000 specifies a "brand name" product; or

c. The grantee's procurement procedures or operation fails to comply with one or more significant aspects of this Attachment. The grantor agency shall notify the grantee in writing, with a copy of such notification to the OFPP.

7. *Code of Conduct.*

Grantees shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. No employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

a. the employee, officer or agent;

b. any member of his immediate family;

c. his or her partner; or

d. an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by State or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

8. *Procurement Procedures.*

The grantee shall establish procurement procedures which provide that proposed procurement action shall be reviewed by grantee officials to avoid the purchase of unnecessary or duplicative items. Consideration should be given to consolidation or breaking out to obtain a more economical purchase. Where appropriate, an analysis shall be made of lease versus purchase alternatives, and any other appropriate analysis to determine which approach would be the most economical. To foster greater economy and efficiency grantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

9. *Contracting With Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms.*

a. It is national policy to award a fair share of contracts to small and minority business firms. Accordingly, affirmative steps must be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction and services. Affirmative steps shall include the following:

(1) Including qualified small and minority businesses on solicitation lists.

(2) Assuring that small and minority businesses are solicited whenever they are potential sources.

(3) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.

(4) Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business.

(5) Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce and the Community Services Administration as required.[2]

[2] Additional advice and assistance regarding the use of small or minority businesses may be obtained from the following HHS components:

1. The Office of Facilities Engineering and its regional offices (for assistance in identifying minority-owned firms interested in performing construction, alteration, or renovation work).

(6) If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps in 1 through 5 above.

b. Grantees shall take similar appropriate affirmative action in support of women's business enterprises.

c. Grantees are encouraged to procure goods and services from labor surplus areas.

d. Grantor agencies may impose additional regulations and requirements in the foregoing areas only to the extent specifically mandated by statute or presidential direction.

10. *Selection Procedures.*

a. All procurement transactions, regardless of whether by sealed bids or by negotiation and without regard to dollar value, shall be conducted in a manner that provides maximum open and free competition consistent with this attachment. Procurement procedures shall not restrict or eliminate competition. Examples of what is considered to be restrictive of competition include, but are not limited to: (1) placing unreasonable requirements on firms in order for them to qualify to do business, (2) noncompetitive practices between firms, (3) organizational conflicts of interest, and (4) unnecessary experience and bonding requirements.

b. The grantee shall have written selection procedures which shall provide, as a minimum, the following procedural requirements:

(1) Solicitations of offers, whether by competitive sealed bids or competitive negotiation, shall:

(a) incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

(b) clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(2) Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

11. *Method of Procurement.*

Procurement under grants shall be made by one of the following methods, as described herein: (a) small purchase procedures; (b) competitive sealed bids (formal advertising);

2. The Office of Grants and Procurement.

(c) competitive negotiation; (d) noncompetitive negotiation.

a. Small purchase procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than $10,000. Grantees shall comply with State or local small purchase dollar limits under $10,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.

b. In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(1) In order for formal advertising to be feasible, appropriate conditions must be present, including, as a minimum, the following:

(a) A complete, adequate and realistic specification or purchase description is available.

(b) Two or more responsible suppliers are willing and able to compete effectively for the grantee's business.

(c) The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.

(2) If formal advertising is used for a procurement under a grant, the following requirements shall apply:

(a) A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.

(b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.

(c) All bids shall be opened publicly at the time and place stated in the invitation for bids.

(d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the Grantee indicates that such discounts are generally taken.

(e) Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

c. In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

(1) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.

(2) The request for proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.

(3) The grantee shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(4) Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.

(5) Grantees may utilize competitive negotiation procedures for procurement of Architectural/Engineering professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

d. Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

(1) the item is available only from a single source;

(2) public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation;

(3) the Federal grantor agency authorizes noncompetitive negotiation; or

(4) after solicitation of a number of sources, competition is determined inadequate.

e. Additional innovative procurement methods may be used by Grantees with the approval of the Grantor Agency. A copy of such approval shall be sent to OFPP.

12. *Contract Pricing.*

The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used. Grantees shall perform some form of cost or price analysis in connection with every procurement action including contract modifications. Costs or prices based on estimated costs for contracts under grants shall be allowed only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

13. *Grantee Procurement Records.*

Grantees shall maintain records sufficient to detail the significant history of a procurement. These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the cost or price.

14. *Contract Provisions.*

In addition to provisions defining a sound and complete procurement contract, any recipient of Federal grant funds shall include the following contract provisions or conditions in all procurement contracts and subcontracts as required by the provision, Federal Law or the Grantor Agency.

a. Contracts other than small purchases shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

b. All contracts in excess of $10,000 shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. All contracts awarded in excess of $10,000 by grantees and their contractors or subgrantees shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

d. All contracts and subgrants for *construction* or repair shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 USC 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the grantor agency.

e. When required by the Federal grant program legislation, all *construction* contracts in excess of $2,000 awarded by grantees and subgrantees shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a–7) as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The grantee shall report all suspected or reported violations to the grantor agency.

f. Where applicable, all contracts awarded by grantees and subgrantees in excess of $2,000 for *construction* contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for

compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327–330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

g. The contract shall include notice of grantor agency requirements and regulations pertaining to reporting and patent rights under any contract involving research, developmental, experimental or demonstration work with respect to any discovery or invention which arises or is developed in the course of or under such contract, and of grantor agency requirements and regulations pertaining to copyrights and rights in data.[3]

h. All negotiated contracts (except those awarded by small purchases procedures) awarded by grantees shall include a provision to the effect that the grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions.

Grantees shall require contractors to maintain all required records for three years after grantees make final payments and all other pending matters are closed.[4]

i. Contracts, subcontracts, and subgrants of amounts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15), which prohibit the use under non-exempt Federal contracts, grants or loans of facilities included on the EPA List of Violating Facilities. The provision shall require reporting of violations to the grantor agency and to the U.S.E.P.A. Assistant Administrator for Enforcement (EN–329).

j. Contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–165).

Grantor Agencies are permitted to require changes, remedies, changed conditions, access and record retention and suspension of work clauses approved by the Office of Federal Procurement Policy.

15. *Contract Administration.*

Grantees shall maintain a contract administration system insuring that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Appendix H—Attachment O, "Procurement Standards," of OMB Circular A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"

1. This attachment provides standards for use by recipients in establishing procedures for the procurement of supplies, equipment construction and other services with Federal funds.[1] These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. No additional procurement standards or requirements shall be imposed by the Federal sponsoring agencies upon recipients unless specifically required by Federal statute or executive orders.

2. The standards contained in this attachment do not relieve the recipient of the contractual responsibilities arising under its contracts. The recipient is the responsible authority, without recourse to the Federal sponsoring agency regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

3. Recipients may use their own procurement policies and procedures. However, all recipients shall adhere to the standards set forth in paragraphs 3 and 4.

a. The recipient shall maintain a code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using Federal funds. No employee, officer or agent shall participate in the selection, award or administration of a contract in which Federal funds are used, where, to his knowledge, he or his immediate family, partners, or organization in which he or his immediate family or partner has a financial interest or with whom he is negotiating or has any arrangement concerning prospective employment. The recipients' officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors. Such standards shall provide for disciplinary actions to be applied for violations of such standards by the recipients' officers, employees or agents.

b. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals should be excluded from competing for such procurements.[2] Awards shall be made to the bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the recipient, price and other factors considered. Solicitations shall clearly set forth all requirements that the bidder/offeror must fulfill in order for his bid/offer to be evaluated by the recipient. Any and all bids/offers may be rejected when it is in the recipient's interest to do so.

c. All recipients shall establish procurement procedures that provide for, at a minimum, the following procedural requirements.

(1) Proposed procurement actions shall follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase, alternatives to determine which would be the most economical, practical procurement.

(2) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such a description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(3) Positive efforts shall be made by the recipients to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to

[3] HHS Department-wide provisions on inventions and patents arising out of activities assisted by a grant are in 45 CFR Parts 6 and 8. Department-wide provisions on copyrights under grants and subgrants are in 45 CFR Part 74, Subpart O. Other provisions on these topics or on rights to data may be in other terms of a grant. If any contract may give rise to works, inventions, patents, or data subject to any of these provisions, the recipient shall place a requirement in the contract for contractor and subcontractor compliance with the provisions. The recipient need not place requirements of this kind in all contracts.

[4] For clarification of paragraph 14.h as it applies to HHS grants and subgrants, see 45 CFR 74.164.

[1] For the applicability of this attachment under HHS grants and subgrants, see 45 CFR 74.160 and 74.161.

[2] HHS granting agencies have been authorized by OMB to waive this requirement for a particular procurement upon request of the recipient making the procurement.

compete for contracts utilizing Federal funds.[3]

(4) The type of procuring instruments used, e.g., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the recipient but must be appropriate for the particular procurement and for promoting the best interest of the program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(5) Contracts shall be made only with responsible contractors who possess the potentional ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

(6) All proposed sole source contracts or where only one bid or proposal is received in which the aggregate expenditure is expected to exceed $5,000 shall be subject to prior approval at the discretion of the Federal sponsoring agency.

(7) Some form of price or cost analysis should be made in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

(8) Procurement records and files for purchases in excess of $10,000 shall include the following:

(a) Basis for contractor selection;

(b) Justification for lack of competition when competitive bids or offers are not obtained;

(c) Basis for award cost or price.

(9) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions and specifications of the contract, and to ensure adequate and timely followup of all purchases.

4. The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

a. Contracts in excess of $10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances in which contractors violate or breach contract terms, and provide for such remedial actions as may be appropriate.

b. All contracts in excess of $10,000 shall contain suitable provisions for termination by the recipient including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

c. In all contracts for construction or facility improvement awarded for more than $100,000, recipients shall observe the bonding requirements provided in Attachment B to this circular.[4]

d. All contracts awarded by recipients and their contractors or subgrantees having a value of more than $10,000, shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR, Part 60).

e. All contracts and subgrants in excess of $2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

f. When required by the Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than $2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal sponsoring agency.

g. When applicable, all contracts awarded by recipients in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

h. Contracts or agreements, the principal purpose of which is to create, develop or improve products, processes or methods; or for exploration into fields that directly concern public health, safety or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions and materials generated under the contract or agreement are subject to the regulations issued by the Federal sponsoring agency and the recipient. The contractor shall be advised as to the source of additional information regarding these matters.[5]

i. All negotiated contracts (except those of $10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, the Federal sponsoring agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.[6]

j. Contracts and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended. Violations shall be reported to the Federal sponsoring agency and the Regional Office of the Environmental Protection Agency.

* * * * *

[FR Doc. 80-16820 Filed 6-2-80; 8:45 am]

BILLING CODE 4110-12-M

[3] Advice and assistance regarding the use of small or minority businesses may be obtained from the following organizations:

1. The Small Business Administration and its field offices.

2. The Office of Minority Business Enterprise, Department of Commerce.

3. The Community Services Administration.

4. The Office of Facilities engineering, HHS, and its regional offices (for assistance in identifying minority-owned firms interested in performing construction, alteration, or renovation work).

5. The Office of Grants and Procurement, HHS.

[4] For HHS grants and subgrants, the requirements referred to are those in 45 CFR 74.16.

[5] HHS Department-wide provisions on inventions arising out of activities assisted by a grant are in 45 CFR Parts 6 and 8. Department-wide provisions on copyrights arising under grants and subgrants are in 45 CFR Part 74, Subpart O. Other provisions on these topics and on rights to data may be in other terms of a grant. If any contract may give rise to works, inventions, patents or data subject to these provisions, the recipient shall place a requirement in the contract for contractor and subcontractor compliance with the provisions.

[6] For clarification of this requirement as it applies to HHS grants and subgrants, see 45 CFR 74.164.

federal register

Tuesday
June 3, 1980

Part VIII

Federal Trade Commission

Labeling and Advertising of Home Insulation; Trade Regulation Rule

FEDERAL TRADE COMMISSION

16 CFR Part 460

Labeling and Advertising of Home Insulation; Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Invitation for public comment on proposed stay of final rule.

SUMMARY: The Federal Trade Commission proposes to stay temporarily the effective date of Section 460.6 of its trade regulation rule on labeling and advertising of home insulation (16 CFR Part 460), which requires that insulation R-values be determined by "representative thickness" testing. The Commission also proposes to stay §§ 460.10, 460.18, 460.19 and Appendix B of the rule—which prescribe requirements for insulation advertising—as they apply to television advertisements, pending the initiation and completion of further rulemaking proceedings concerning affirmative disclosure requirements for television advertisements.

DATES: Written comments regarding the Commission's proposal to stay § 460.6, and the requirements for television advertisements set forth in §§ 460.10, 460.18, 160,19 and Appendix B, will be accepted until July 3, 1980.

ADDRESS: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580. All comments should be captioned: "Comment on Proposed Partial Stay of Home Insulation Rule."

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, 202–724–1514, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

Background. On August 31, 1979, the Commission promulgated a trade regulation rule on the labeling and advertising of home insulation (44 FR 50218). The Commission announced in that notice that the effective date of the rule would be November 30, 1979.

On November 7, 1979, the Commission announced its determination to delay the effective date until December 31, 1979 (44 FR 64402). Thereafter, on December 17, 1979, the Commission announced that the rule would not become effective before at least March 16, 1980 (44 FR 73017). That announcement was occasioned by Congressional action on November 16, 1979, which barred any trade regulation rules promulgated by the Commission after August 30, 1979, from becoming effective until March 16, 1980, unless an authorization for the Commission was enacted before that date. Through a series of additional continuing resolutions passed by the Congress since November 16, 1979, the restrictions on implementation of Commission trade regulation rules were extended through May 31, 1980.

The Commission's prior announcements postponing the effective date of the rule were also occasioned by the following series of events. On August 31, 1979, several members of the mineral wool insulation industry filed a petition for review of the rule in the United States Court of Appeals for the Tenth Circuit. *Johns-Manville Corporation v. Federal Trade Commission*, No. 79–1955 (10th Cir., filed Aug. 31, 1979). On September 28, 1979, these manufacturers also filed a petition with the Commission for a stay of the prepresentative thickness testing and television advertising disclosure provisions of the rule pending appeal. Following these filings, the Commission's staff became engaged in consultations with various parties, including industry representatives and the National Bureau of Standards (NBS), in an attempt to achieve a fair and workable resolution of the representative thickness testing issue. The stay of the rule which was announced by the Commission on November 7, 1979 was designed to provide the staff with an opportunity to complete the on-going consultations on representative thickness testing.

Following these consultations, NBS proposed an enforcement bulletin in which it recommended that manufacturers of mineral wool batts and blankets be allowed to test thin product samples until thick calibration samples, designed for representative thickness testing, are available from NBS. NBS made this recommendation after it consulted with interested industry members and reviewed available literature—including recent results of testing under the Department of Commerce's National Voluntary Laboratory Accreditation Program (NVLAP)—concerning the effects of thin-sample testing and the present feasibility of representative thickness testing of mineral wool batts and blankets. The NBS enforcement bulletin, related correspondence between NBS and the Commission, and other material relevant to representative thickness testing developed after the rulemaking record of this proceeding closed on September 22, 1978, have been placed on the record of this proposed stay proceeding and may be reviewed by the public. This other material includes, *inter alia*, technical information provided by the mineral wool manufacturers and other interested parties, relevant portions of the transcript of the Congressional hearings in which questions were raised concerning representative thickness testing, and correspondence between the Commission and members of the industry, the public, and the Congress relating to the issue of representative thickness testing.

Following this process of consultation on the representative thickness testing issue, the Commission and the mineral wool manufacturers agreed to ask the Tenth Circuit to remand the rule to the Commission. On January 4, 1980, the Court approved the joint stipulation of the mineral wool petitioners and the Commission, and remanded the rule to the Commission for further proceedings.

Under the Court's order remanding the rule, the Commission must reconsider issues relating to §§ 460.6, 460.10, 460.18, 460.19 and Appendix B of the rule. The Commission must provide all interested parties with notice and an opportunity for hearings, submissions, and presentations, including cross-examination and rebuttal, in accordance with §§ 1.7–1.20 of the Commission's Rules of Practice, concerning: (1) whether representative thickness testing of mineral wool batts and blankets is feasible at this time, absent standard calibration materials for such testing; (2) whether present thin-sample testing of mineral wool batts and blankets produces an unfair or deceptive overstatement of their claimed R-values; (3) the disclosure requirements of the rule as they apply to television advertising; and (4) such other matters as the Commission deems appropriate.

Representative Thickness Testing. With respect to the issue of representative thickness testing, the Court's order provides that the Commission can dispense with hearings, submissions, and presentations, including cross-examination and rebuttal, if it decides to allow testing of mineral wool batts and blankets pursuant to the enforcement bulletin issued by NBS, or according to similar procedures agreeable to petitioners. The NBS enforcement bulletin would allow testing of samples at 150 percent of the present one-inch NBS primary standards, or, for materials of 1.5 inch thickness or less, at the full thickness, until NBS has made available thick standard calibration samples designed

for representative thickness testing. The National Bureau of Standards has recently reaffirmed to the Commission its commitment to make these thick standard calibration samples available by January of 1981.

The Commission has carefully considered NBS's findings and recommendations concerning the effects of thin-sample testing and the present feasibility of representative thickness testing. The Commission also has weighed the prospects for attempting to resolve the representative thickness testing issue through further rulemaking. Under the terms of the Court's remand order, the Commission may not implement the representative thickness testing requirement before NBS calibration materials are available without first conducting further rulemaking under the Commission's trade regulation rulemaking requirements [16 CFR 1.7–1.20] to consider both the effects of thin-sample testing and the feasibility of representative thickness testing in the absence of thick standard calibration materials. Despite the evidentiary basis for representative thickness testing found in the rulemaking record and relied upon by the Commission in promulgating a representative thickness testing requirement last August, it has become increasingly clear that the question of representative thickness testing raises extraordinarily complex, and controversial, technical and scientific issues. It also is clear that the insulation industry, the thermal testing community, and relevant governmental agencies are still conducting research in this area and cannot themselves yet agree on the essentially technical questions of the effects of thin-sample testing and the present feasibility of representative thickness testing. In these circumstances, the Commission is uncertain whether further rulemaking proceedings could satisfactorily resolve these issues. In addition, such rulemaking would be time-consuming and might not be completed before the time that standard calibration materials are available from NBS for representative thickness testing. In that event, further rulemaking would provide little, if any, benefit to the consuming public.

For these reasons, the Commission has tentatively decided not to propose further rulemaking on the representative thickness testing controversy at this time. Instead, the Commission is proposing that § 460.6 of the rule, which requires representative thickness testing, be stayed temporarily until standard calibration materials are available from NBS.

Although the remand order of the Court covers the testing requirements of the rule only as they apply to mineral wool batts and blankets, the Commission believes that, in the interests of fairness and uniformity, all products should be subject to the same standard. Therefore, the Commission proposes to stay § 460.6 on an industrywide basis (this action would be subject to the approval of the Court and technical modification of the remand order). During the period of the stay, testing of samples could be performed either at representative thickness or at the thickness(es) allowed under the test procedures referenced in § 460.5 of the rule. The Commission would rescind the stay when thick calibration samples designed for representative thickness testing became commercially available to the industry.

The Commission has determined that § 460.6 is severable under § 460.24 of the rule. Further, the Commission believes that it has the inherent discretion to issue a temporary stay of § 460.6 of the rule. However, the Commission also believes that it would benefit from the views of interested parties on whether a temporary stay of § 460.6 is in the public interest, before making a final decision on this proposed stay.

Television Advertising Disclosures. Sections 460.18 and 460.19 of the rule require, among other things, that insulation advertisers make certain affirmative disclosures in any advertisement or other promotional material which contains claims relating to R-value, price, thickness, product comparison, or energy savings. Section 460.10 of the rule requires that the prescribed affirmative disclosures be made clearly and conspicuously, and Appendix B defines the meaning of clear and conspicuous disclosure in the context of television advertisements.

The Tenth Circuit's order remanding the rule to the Commission requires the Commission to reopen the rulemaking record concerning the television advertising disclosure requirements. The Court's order states that the Commission must provide an opportunity for full hearings and presentations, including cross-examination and rebuttal, in the reopening of the rulemaking record. Therefore, in light of the remand order, the Commission proposes to conduct further rulemaking proceedings on the television advertising disclosure requirements of §§ 460.10, 460.18, 460.19 and Appendix B of the rule.

The Commission has determined that these requirements are severable under § 460.24 of the rule. Further, the Commission believes that it has the inherent discretion to issue a temporary stay of the television advertising requirements of §§ 460.10, 460.18, 460.19 and Appendix B of the rule, pending completion of the rulemaking proceedings. However, the Commission also believes that it would benefit from the views of interested parties before making a final decision on this proposed stay.

Public Comments on Proposed Stays. The Commission invites written public comments on its proposals to stay § 460.6, pending the availability of thick standard calibration samples, and to stay the television advertising disclosure requirements in §§ 460.10, 460.18, 460.19 and Appendix B of the rule, pending completion of further rulemaking proceedings. Upon review of the comments received, the Commission will determine whether to make the proposed stays effective. If the Commission decides to stay § 460.6 and the television advertising disclosure requirements in §§ 460.10, 460.18, 460.19 and Appendix B of the rule, it will make effective all other portions of the rule, following reasonable advance notice, if Congressional restrictions on implementation of pending Commission rules are not in effect at that time. In that event, the effective date will be published in the **Federal Register** with sufficient advance notice to all industry members who have compliance obligations under the rule.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80–16965 Filed 6–2–80; 8:45 am]

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federal register

Tuesday
June 3, 1980

Part IX

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations; Travel-Related Services

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Travel-Related Services

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of the amendment is to add new § 535.432, interpreting the prohibition in § 535.209(a). The need for the amendment is to make it clear that all travel-related transactions by any person subject to the jurisdiction of the United States in connection with travel to or within Iran by U.S. citizens or U.S. permanent resident aliens are prohibited. The effect of the amendment is that this clarification will be available in published form to all interested members of the public, such as airlines, travel agents, ticket agents and similar persons.

EFFECTIVE DATE: May 30, 1980.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Acting Director, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, (202) 376-0395.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable.

31 CFR Part 535 is amended by the addition of § 535.432 as follows:

§ 535.432 Provision of travel-related services.

Transactions prohibited by § 535.209(a) include all transactions by airlines, shipping lines, travel agents, ticket agents and similar persons subject to the jurisdiction of the United States in connection with arranging travel to or within Iran by U.S. citizens or U.S. permanent resident aliens, unless such travel is authorized or licensed under the provisions of this part. Such prohibited transactions include, but are not limited to, arranging through transportation to Iran; selling passages aboard a foreign carrier providing service to Iran, whether or not originating in the United States; chartering an aircraft or vessel; or arranging accommodations, ground transportation or travel activities within Iran.

Dated: May 30, 1980.

Dennis M. O'Connell,

Acting Director.

Approved:

Richard J. Davis,

Assistant Secretary.

(Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E. O. No. 12170, 44 FR 65729; E. O. No. 12205, 45 FR 24099; E. O. No. 12111, 45 FR 26685)

[FR Doc. 80-17049 Filed 6-2-80; 12:21 pm]

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1041 37218

50 CFR

230 37451

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing June 2, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 2253 / Pub. L. 96–254 To amend the Railroad Revitalization and Regulatory Reform Act of 1976 to authorize additional appropriations for the Northeast Corridor improvement project and to require the Secretary of Transportation to begin development of energy efficient rail passenger corridors, to provide for the protection of the employees of the Rock Island Railroad, and for other purposes. (May 30, 1980; 94 Stat. 399) Price $1.50.

H.R. 6615 / Pub. L. 96–255 To amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal years 1981 and 1982, and for other purposes. (May 30, 1980; 94 Stat. 420) Price $1.00.

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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(Revised as of January 1, 1980)

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[A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

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